

**VANDEBURGH COUNTY
DRAINAGE BOARD
JANUARY 17, 2006**

The Vanderburgh County Drainage Board met in session this 17th day of January, 2006 at 4:49 p.m. in room 301 of the Civic Center Complex.

Call to Order

Commissioner Musgrave: Okay, are you ready with the tape? Oh, good, we're rolling. I will convene the Vanderburgh County Drainage Board agenda for Tuesday, January 17, 2006.

Election of Drainage Board Officers for 2006

Commissioner Musgrave: Before we approve the minutes of the previous meeting, I would like to call for election of officers. Is there a motion for President? Make a motion to make him President, instead of me, please.

Commissioner Shetler: I move that...okay, Commissioner Nix to be President then.

Commissioner Musgrave: I'll second that motion. All those in favor?

All Commissioners: Aye.

Commissioner Musgrave: Commissioner Nix, you are now President, and you may take the agenda from here.

President Nix: Thank you.

Approval of the December 20, 2006 Drainage Board Minutes

President Nix: Good afternoon. I would like to call to order the Vanderburgh County Drainage Board meeting, Tuesday, January 17, 2006. I will entertain a motion to approve the minutes of the previous meeting.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Waterline In Drainage Easement: Northfield Shopping Center: Lot 6

President Nix: Next on the agenda, Mr. Jeffers is stepping to the podium.

Bill Jeffers: Well, now they're going to do the Drainage Board before rezonings. We're not prepared. We thought you did the rezonings first.

President Nix: Would you like for us to—

Bill Jeffers: And we're not hooked up.

President Nix: Would you like for us to recess?

Bill Jeffers: Don't you normally do rezonings at 4:00, before the Drainage Board meeting?

Commissioner Musgrave: Those have, they are all set at 3:30 now.

President Nix: We can recess—

Bill Jeffers: Okay.

President Nix: —and then pick up, and that's fine.

Bill Jeffers: Yeah, I need somebody to hook up the computer for us.

President Nix: We are recessed.

Commissioner Musgrave: Oh, you're hooked up already. I guess, you didn't get the e-mail establishing the order of our meetings tonight?

Bill Jeffers: No, I did not.

President Nix: We are recessed. You're fine.

(The meeting was recessed at 4:50 p.m.)

(The meeting was reconvened at 5:00 p.m.)

President Nix: Mr. Jeffers, are you ready? Sorry for that inconvenience.

Bill Jeffers: Oh, I was looking at this from the Auditor's website. I'm sorry.

President Nix: That's alright.

Bill Jeffers: Good, we don't have to worry about them, do we?

President Nix: We will reconvene the Drainage Board meeting.

Madelyn Grayson: Did we approve the minutes?

Bill Jeffers: Pardon me?

Madelyn Grayson: Did we approve—

President Nix: Yes.

Madelyn Grayson: We did?

President Nix: Yes, we did approve the minutes.

Bill Jeffers: I never fixed it. I spoke too soon. We'll have our projector up and running in just a moment. I'm sorry about the earlier confusion. Next time we have Drainage Board, I'll be ready after the Commissioners, and before the rezoning. Have you all approved your minutes from the previous meeting?

President Nix: Yes, we have.

Commissioner Musgrave: Yes, we did.

Bill Jeffers: And the new President is Bill Nix. How did you get out of that, Cheryl? It's such an exciting job. Is it on?

(Comments were made away from the microphone as the Surveyor's staff attempted to hook up laptop for drainage plans.)

Bill Jeffers: Okay, while we're waiting for the first photograph to come up, this is simply a request by Hamlin Group, Incorporated to install an eight inch water main extension through a drainage easement that is platted in lot six, Northfield Shopping Center. There's already a re-routed creek in that drainage easement that was a part of the original drainage plan for Northfield Shopping Center. It's a substantially wide drainage easement, there's plenty of room for a waterline to go through. On the east bank of that ditch, but since it's not a public utility easement, they come to the Drainage Board requesting that the Drainage Board allow them to install the waterline in a drainage easement. I don't believe there's any other utilities in there, and if it's suitable for dual purpose use, we have no objection. I put on your desk, and handed to your Recording Secretary a list of conditions regarding returning the drainage easement to it's previous, equal or better existing, pre-existing condition, and to establish erosion control measures to remain in place until the grass is re-established, and for the property owner to inspect the finished project periodically to make sure the grass cover stays established. I didn't read the exact conditions in, but I would ask that those be made a part of your record. The only person who is not available to sign those is the owner of lot six, who is currently hospitalized. When he comes out of the hospital he's agreed to sign these.

Commissioner Musgrave: I'll move approval.

Commissioner Shetler: Second.

President Nix: A motion has been made, and a second. All in favor?

All Commissioners: Aye.

Madelyn Grayson: Mr. Jeffers, does the Drainage Board sign as the project operator/contractor?

Bill Jeffers: No, that would be BMB, Incorporated is installing the waterline. I'm asking them to sign it, since during the construction period the conditions require them to take certain steps.

Madelyn Grayson: Okay, so the Commissioners don't need to sign this document?

Bill Jeffers: I was signing for the County Drainage Board.

Madelyn Grayson: Okay.

Bill Jeffers: If the County Drainage Board wants to sign, they may.

President Nix: Mr. Jeffers, they're responsible then to put it all back?

Bill Jeffers: Yes, sir.

President Nix: And make sure all (Inaudible. Microphone cutting out.)?

Bill Jeffers: Right, and I'm just saying that the owner of lot six is thrown in to the mix to inspect it from time to time. Of course, Mike Wathen and I will be out there to take a look at it as well. We seem to be having trouble with our presentation today.

Brenda Jeffers: I'm not able to access the W drive.

Bill Jeffers: Okay.

Comments on Eastside Drain Outlet Through Wesselman Woods

Bill Jeffers: The only other item I had today is, as you know the County Commissioners spent a million dollars putting a new drainage structure under Stockwell Road at Wesselman Park area. The old channel cuts through the northeast corner of Wesselman Wood Nature Preserve, and we have to keep that old channel open because it takes both channels to discharge the entire 100 year run off. There's currently a minor log jam there, plus some erosion is occurring on the bank within Wesselman's Woods. A young man name Bruce, no, Blair Borries works for Americorp, and also works for Canoe Evansville and Wesselman's Woods, has put together a grant application. He's looking for \$5,000. He thinks he'll be able to get that from Alcoa I believe is where he's trying to get that, but I think the project may cost somewhat in excess of the \$5,000 he plans to get from Alcoa, and I would just like to notify you at this time that it's a critical enough project that I may come to you with an emergency contract to make up the difference. We're just looking at some sort of erosion control project and log jam removal. I wanted to notify you in advance that we may be coming back in a week or so with an emergency contract. That concludes my presentation. I'm sorry we didn't have, we can't access the W drive apparently, but if you would like to view the pictures we have of those two projects, we can show them to you individual members in the office.

Commissioner Musgrave: If you could just print them out and send them down to me, I would like to take a look at them.

Bill Jeffers: Sure.

Commissioner Musgrave: Okay.

Bill Jeffers: Sorry for the earlier confusion.

President Nix: That was on us, I think.

Commissioner Musgrave: Yes, I think so too.

Bill Jeffers: No, I think everything will work real well on a weekly basis, if we just keep everything moving.

President Nix: Any other business?

Bill Jeffers: No, sir.

President Nix: I'll entertain a motion to adjourn.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: We are adjourned.

(The meeting was adjourned at 5:05 p.m.)

Those in Attendance:

Bill Nix

Bill Jeffers

Brenda Jeffers

Cheryl Musgrave

Ted C. Ziemer, Jr.

Others Unidentified

Tom Shetler, Jr.

Madelyn Grayson

Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl Musgrave, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
DRAINAGE BOARD
JANUARY 24, 2006**

The Vanderburgh County Drainage Board met in session this 24th day of January, 2006 at 4:05 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: Good afternoon. I would like to call to order the Vanderburgh County Drainage Board, Tuesday, January 24, 2006 at 4:05. Mr. Jeffers?

Approval of January 17, 2006 Drainage Board Meeting Minutes

Bill Jeffers: Yes, Bill Jeffers, Vanderburgh County Surveyor, serving as your technical advisor to the County Drainage Board. I believe you have minutes?

Madelyn Grayson: Yes, the minutes from January 17th are available for approval.

President Nix: I'll entertain a motion.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Speculative Building: 4111 N. St. Joe Avenue: Final Plan

Bill Jeffers: The only drainage plan we have to approve today is the final drainage plan for a speculative building at 4111 North St. Joe Avenue. It's approximately one half mile south of the County Garage. It's on a commercial lot. It's over an acre. It has the erosion and pollution control plan submitted. The drainage plan has been, I have reviewed the drainage plan to ensure that it conforms to your drainage code requirements. Matthew Wallace is the engineer from Morley and Associates here in the audience, if there should be any questions. The recommendation is for approval of the final drainage plan for a speculative building located at 4111 North St. Joe Avenue.

Commissioner Musgrave: I make a motion for approval.

Commissioner Shetler: I'll second.

President Nix: All in favor?

All Commissioners: Aye.

Ditch Maintenance Claims

Bill Jeffers: The only other business I have to bring before you at this time is a file folder full of claims that pretty much winds up 2005 maintenance on regulated drains, plus some dormant brush spraying that we've done, that we do over the winter. Those claims are accompanied by the necessary paperwork. They are all signed. Every ditch has been inspected by our inspectors. The work is approved, and the recommendation is to pay those claims.

Commissioner Musgrave: Motion for approval.

Commissioner Shetler: I'll second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Anything else, Mr. Jeffers?

Bill Jeffers: No, sir.

President Nix: I'll entertain a motion to adjourn.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: Thank you.

(The meeting was adjourned at 4:07 p.m.)

Those in attendance:

Bill Nix

Bill Jeffers

Others Unidentified

Cheryl Musgrave

Kathryn Schymik

Members of Media

Tom Shetler, Jr.

Madelyn Grayson

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl A.W. Musgrave, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
DRAINAGE BOARD
FEBRUARY 7, 2006**

The Vanderburgh County Drainage Board met in session this 7th day of February, 2006 at 4:09 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: I would like to call to order the drainage board, the Vanderburgh County Drainage Board meeting for Tuesday, February 7, 2006.

Approval of January 24, 2006 Drainage Board Meeting Minutes

President Nix: I'll entertain a motion to approve the minutes of the previous meeting.

Commissioner Musgrave: Are the minutes available to approve?

Madelyn Grayson: Yes, they are.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Popeye's Chicken: S. Half Lot 1: Burwell Minor Sub

President Nix: Mr. Jeffers? Good afternoon.

Bill Jeffers: Good afternoon. The first item on your agenda is a drainage plan for Popeye's Chicken. On the agenda I had the south half of lot two, but it's actually the south half of lot 1, Burwell Minor Sub. It's, they'll locate their restaurant in this cross hatched area that they're leasing from the owners of the entire subdivision. That's a Thornton's station here, Virginia Street, Burkhardt, Wal-Mart's over here, and IHOP's here, and Backyard Burger will be below, right in this lot here. So, that's your location. The plan was presented by Easley Engineering. I've reviewed it, and recommend approval.

Commissioner Shetler: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

Midwest Automation: Lot 16: Airport Industrial Park

Commissioner Shetler: Did you buy a new bulb?

Bill Jeffers: \$299.

Commissioner Shetler: That's not bad. It was going to be like \$800.

Bill Jeffers: It would have been \$900 if it had been a different brand. The brand, our projector is a Dell, was \$298. I think the Sony was \$998 for the lamp. We got the right one, apparently. Your next plan is Midwest Automation, lot 16, Airport Industrial Park. This is Kansas Road down here, Hedden Road runs up diagonally, and, oh, wait, that's Highway 57, I'm sorry.

Brenda Jeffers: I had them labeled. I don't know what happened.

Bill Jeffers: This is Highway 57, and then Hedden Road runs parallel to that through the industrial park. This down here is Kansas. That's presented by Hinderliter Construction, Chris Weil is the engineer. He's here in the audience if there are any questions. It's a simple drainage plan. I've reviewed it and recommend approval.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Revised Plan: Hargett Brothers Enterprises: 4901 St. Joe

Bill Jeffers: You have Hargett Brothers up there, don't you? Okay. I'm sorry, this is Midwest Automation, I guess.

President Nix: I was going to say, that was—

Bill Jeffers: Okay, and your last plan is Hargett Brothers. This also is from Chris Weil, the engineer here in the audience. It, this shows the old plant, which burnt down, they're rebuilding up in this area. You've already approved the plan, it had an open ditch that ran from the parking lot back here, they're creating a detention basin in this area before it discharges into Locust Creek. It had an open channel running from the parking lot back to the detention basin. It's simply a modification to pipe the drainage through here, but it required quite a bit of elevation modification to accomplish that, so, I'm running it back through the board with a recommendation to approve.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Discussion of Resumption of Schnaus Petition Hearing

Bill Jeffers: There's no other drainage plans, and the only other item of business I'm asking for is guidance when you would like to resume the Schnaus petition hearing.

Commissioner Shetler: First, I would say ASAP. You know, given the proper legal notices that you have to give neighbors, but I think, I'm ready to roll.

Bill Jeffers: Madelyn and I could mail those out promptly. They go to five individuals, and we could have it at, let's see, I will not be here the 21st, I'll be here the 14th and the 28th.

Commissioner Musgrave: You pick, the 14th or the 28th, whichever you—

Commissioner Shetler: Does the 14th give you enough time?

Bill Jeffers: The 14th would be better. The 28th you get an annual report and all the specifications to bid.

Commissioner Musgrave: The 14th?

President Nix: Is that a motion?

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: Thank you.

Commissioner Musgrave: Motion to adjourn.

President Nix: Motion to adjourn.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:14 p.m.)

Those in Attendance:

Bill Nix

Ted C. Ziemer, Jr.

Brenda Jeffers

Cheryl Musgrave

Bill Jeffers

Others Unidentified

Tom Shetler

Madelyn Grayson

Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl A.W. Musgrave, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
DRAINAGE BOARD
FEBRUARY 14, 2006**

The Vanderburgh County Drainage Board met in session this 14th day of February, 2006 at 3:55 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: We're ready to start. I would like to call to order the Vanderburgh County Drainage Board meeting, Tuesday, February 14, 2006. It's 3:55.

Approval of the February 7, 2006 Drainage Board Meeting Minutes

President Nix: I will entertain a motion to approve the minutes of the previous meeting.

Commissioner Shetler: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

**Mystic Creek PUD: N. Green River Road, South of Timbers Apts.
Across from Sugar Mill Creek**

President Nix: Mr. Jeffers?

Bill Jeffers: The first order of business is Mystic Creek PUD, which is located on Green River Road, south of the Timbers apartments, across the street from the new Schnucks development, and also across the street from a large church right here. Sugar Mill Creek Apartments is down in this area. It's a planned unit development. The developer is Jack Tubbs, who's here in the audience. Andy Easley Engineering is the design engineer. This is a preliminary drainage plan, it's on your table up there for your viewing, if you wish. It will come back in it's final form I would say in a month or so, after John Stoll has had time to review the street plans. It will have much greater detail at that time. The area being developed into a residential PUD condo development is back here in the rear portion. The commercial area is up front. If you have any questions of Mr. Tubbs, the developer, he's here for you. The County Surveyor has recommended, excuse me, has reviewed the plan and recommends approval of the preliminary plan for Mystic Creek PUD.

President Nix: Any questions? I will entertain a motion.

Commissioner Musgrave: I move approval.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: Mrs. Musgrave, you had asked for a signature block on the title sheet, and Justin Shofstall is preparing that on a transparency for you to sign. So, your signatures will become a part of the permanent record. I am asking the subsequent developers to bring that same thing to you.

Commissioner Musgrave: Will that be available today? Or at a later time?

Bill Jeffers: Mr. Tubbs said that Justin is on his way. He may have been held up by traffic or something along the way.

Commissioner Musgrave: Alright.

Bill Jeffers: But, it should be here today, yes.

Commissioner Musgrave: Okay, thank you.

Resume Hearing of Stephen R. Schnaus Petition
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President Nix: The next item on the agenda is, is that all you had, Mr. Jeffers?

Bill Jeffers: Yes, sir.

President Nix: Okay, the next item is resume hearing on the Stephen R. Schnaus petition. Mr. Jeffers?

Bill Jeffers: To briefly bring you up to date, Mr. Stephen R. Schnaus of 4109 Gayne Street on Evansville's west side brought a drainage problem to the County Surveyor's attention in the summer of 2005. We suggested, since it was private property and involved a mutual drain that serves five parcels of property, Mr. Schnaus and his neighbors, we suggested that Mr. Schnaus contact his neighbors and request that they remove the obstructions that he alleged existed in that drain. Mr. Schnaus then did contact his neighbors, and one of the neighbors removed, cleaned the ditch out, and two of the neighbors did not clean the ditch out. So, Mr. Schnaus filed a petition with the Drainage Board in accordance with state statute, requested the Drainage Board to order the removal of the obstructions that he alleged at 4123 Gayne Street, 4129 Gayne Street, and 4121 Gayne Street. In response to his petition, the County Surveyor conducted an investigation and confirms the existence of materials and conditions in the drain exactly as alleged by Mr. Schnaus, and thereby confirming the obstruction. That report is in your hands. I have a hard copy of it if you need an additional copy. In response to that report, the County Drainage Board held a hearing on December 20, 2005, at which time you gave the opportunity to everyone in the neighborhood affected by this situation to speak. You heard their comments, and as a result of their comments you recessed the hearing and had a field meeting with the neighbors and viewed the conditions yourself, and took additional comments from the neighbors at that time. Subsequent to that field meeting, it was decided to resume the meeting today, the hearing. Madelyn Grayson notified the affected property owners of all five of the properties. She can speak to whether or not they certified their receipt of those notifications.

Madelyn Grayson: All five were mailed, by certified mail, on February 8th. I only received one green card back as of today.

Bill Jeffers: We do have one person in the audience—

Ted C. Ziemer, Jr.: Excuse me, the addresses you used for those were according to the Assessor records?

Madelyn Grayson: They were supplied by the Surveyor. I think, he did get them from the Assessor's office. These were the same addresses that we used for the initial hearing on December 20th.

Bill Jeffers: Those addresses are in the Surveyor's report. They were obtained from the Assessor's records.

Ted C. Ziemer, Jr.: Then I'm just going to say that I'm not concerned about not having the green cards back. They were notified.

Bill Jeffers: Okay, so that brings us to the point that the board may, at this time, decide to render your findings, whether the obstruction is intentional or unintentional. If you wish to ask me what my feelings are, you may. I would say that since the obstruction viewed and reported in my report, basically is sediment, trees, brush, debris, so forth collected there by the washing down of sediment from above, and the collection in the pipes, and then the growth of the brush and the trees is all natural or the result of natural actions. I would say that all of that material is unintentional. It meets the definition in the statute of unintentional. The pipes themselves, yes, they were placed intentionally by two individuals, the property owners, at the locations where they exist, however, they were placed, by all evidence, indicates that they were placed prior to 1996, at which time this statute became effective. So, you may wish to ask your attorney whether you would want to rule or find that a condition that pre-existed the statute could be, would meet the definition of intentional.

Ted C. Ziemer, Jr.: I understand that they were placed there prior to the enactment of the statute. What about removing them after the enactment of the statute? Would that be intentional, in your mind? For example, would they be aware that they were not to do that, and then it would become intentional if they didn't remove them? In other words, it was not intentional, in my opinion, if they did it prior to the enactment of the statute. I understand they are still there today.

Bill Jeffers: Yes, sir.

Ted C. Ziemer, Jr.: In your opinion, or what's your thought, they had knowledge of it after the enactment of the statute in 1996 and have done nothing about it since that time. Would that be considered intentional? Or do you believe that they don't know that the statute existed?

Bill Jeffers: I doubt they knew that the statute existed. It's their opinion that the pipes, the persons who own the pipes, it's their opinion that they do not represent an obstruction anyway. It's my opinion that they are undersized and they are filled with sediment. So, I guess, I'm leaning towards the obstructions, in their entirety, being unintentional.

Ted C. Ziemer, Jr.: And I think, based on the facts that we have, and the fact that the statute was not enacted until 1996, after the pipes were placed there, that you could correctly find that it was not intentional.

Bill Jeffers: Then if you do find that the obstructions exist, according to this statute the way I read it, if you determine that the obstructions do exist as is alleged in the

petition that they exist, and you find that their existence is unintentional, but that their removal will promote better drainage of the petitioners property, without unduly damaging the property of the respondents, then the statute states that you must find for the petitioner and order their removal.

Commissioner Musgrave: Must, shall, may?

Bill Jeffers: If the Drainage Board finds for the petitioner, under section 14, which says, well I'll paraphrase—

Ted C. Ziemer, Jr.: It says shall.

Commissioner Musgrave: Okay.

Bill Jeffers: The Drainage Board shall enter an order under section 19 of this chapter. Shall.

Commissioner Musgrave: During my ten years as Assessor, the word “shall” in a statute meant that you had no choice but to do what the statute says. Is that your interpretation of this as well?

Ted C. Ziemer, Jr.: Absolutely.

Commissioner Musgrave: Okay.

President Nix: Mr. Jeffers, do you have anything else?

Bill Jeffers: If you enter an order to remove the obstruction, because it exists in a drain, and this ditch does meet the definition of a drain, as opposed to a natural surface watercourse. Because it does serve two or more properties owned by two or more individuals, and it was placed with the consent of all individuals across who's property it lies. If you enter an order to remove the obstruction from this drain, as an unintentional obstruction, the Drainage Board shall enter an order authorizing either one of the four following: the petitioner to remove the obstruction, the respondent to remove the obstruction, or directing the County Surveyor to remove the obstruction, or directing that the obstruction be removed through the joint efforts of at least two of the persons referred to above.

Ted C. Ziemer, Jr.: Mr. Jeffers? Before we get to the issue of whether the Drainage Board shall find for the petitioner, two conditions need to be met; one, that the removal will promote better drainage of the petitioners land, and that not cause unreasonable damage to the land of the respondents. I think the Commissioners need your recommendation regarding that.

Bill Jeffers: My opinion is that the removal of the obstructions will promote better drainage of the petitioners land. My opinion is that it will damage the respondents in that their driveway pipes, from the alley to the rear of their garages will be removed.

Ted C. Ziemer, Jr.: Is that unreasonable damage? That's what the statute says.

Bill Jeffers: I would say if those driveway pipes are replaced with larger pipes of better structure, that the unreasonable damage would not exist. If the ditches were

left open there may be some unreasonable damage in denying the right of access or entry on to their property from the alley.

Ted C. Ziemer, Jr.: I don't know about the Commissioners, but I am not certain I understand what you're saying. Again, you've already said that you believe it will promote better drainage. That's one finding.

Bill Jeffers: Yes, sir.

Ted C. Ziemer, Jr.: The second finding is that it will not cause unreasonable damage to the land of the respondents, and it either will or it won't. That's the finding the Commissioners have to make, and I think they look to you for direction on that.

Bill Jeffers: If the respondents tell you that they must access those garages from the alley, I would suggest that a pipe be replaced in place of the pipes that are removed. If they tell you that they don't any longer use the access to the rear of their garages from the alley, then to leave the ditch open would not unnecessarily or unreasonably damage their property.

President Nix: So, basically, what you're saying is that cleaning the pipe out is not necessarily the answer? It's actually enlarging the pipe?

Bill Jeffers: I believe two things. I believe the pipes are undersized, and even after they were cleaned out they would remain undersized, and there is evidence of damage to the pipes, deterioration of the pipes. There is some evidence suggesting they are deteriorated.

Commissioner Musgrave: Who is financially responsible for replacing, removing these pipes and the cleaning of the ditches? Which I believe you say we can order the petitioner, the respondent, the Surveyor, or a joint effort of any or all of the above. Who is financially responsible for that?

Bill Jeffers: The landowners shall jointly and severally be responsible for the cost of the obstruction removal. Because it's unintentional, each of the properties served by the drain are equally responsible for the cost of this project, should it go forward, to the percent, I mean, the percentage of their responsibility is calculated on the footage of the drain over their property. So, I'm saying there's five properties, somewhere in my report I had the footages, but, basically, some of them were 50 feet, some of them are 100 feet, and the total length of the drain is 400 feet. So, it's very easy to calculate a percentage that each property owner would be responsible for.

Ted C. Ziemer, Jr.: I think in your presentation you indicated that would be 25 percent for each of three landowners, and twelve and a half percent for the other two, is that correct?

Bill Jeffers: That's correct, because some of them are 50 feet wide, some of them are 100 feet wide.

Commissioner Shetler: I want to go back to that adverse effect that we were talking about on the property. It seems to me that if the statute might really be implying that after the improvements are made, if there is an effect that is negative, an adverse effect to it, then there would be, that wouldn't be proper to enforce them to do it. But, on the other hand, if it is enhanced, if there is an improvement made to that property

owner, then after those improvements are made, then, therefore, in other words, by putting a new pipe on there that is larger and more substantial, that would actually enhance the property, not be an adverse effect, even through the construction or whatever. You would have to replace somewhat like for like. In other words there's a pipe there now, so it wouldn't be a matter of just leaving it open so that that would adversely affect the owner, he would have to replace like for like. I mean, I would think that you were kind of keeping the same definitions there. So, I'm thinking that we're not dealing with something that would really take away, but would add to enhancement.

Ted C. Ziemer, Jr.: I think, Commissioner Shetler, that's a correct observation. You know, if, for example, we were going to make it that they had no access to their property after the obstruction was removed for some reason, that would certainly be unreasonable damage to their property. I don't think anything like that exists in this case.

President Nix: That would be the case if the pipe is removed and the drainage ditch is in place and there's no pipe put back in, because there's, how many garages are there?

Bill Jeffers: Two.

President Nix: There's two garages, so, in other words, if the pipe is removed, and the ditch is left in tact without the pipe, these people wouldn't be able to get in and out of their garages.

Bill Jeffers: That's why I was questioning it, because I agree with everything that's been said, Mr. Shetler, Mr. Nix, and Mr. Ziemer has said. I was trying to avoid, I was trying to present a scenario, possibly, of avoiding putting the pipe back in, because removing the pipe and cleaning the ditch might cost \$2,000. Putting a new pipe in place might cost a couple of thousand more, and we're dividing this up amongst people who aren't benefitting from the pipe. So, I'm trying to determine whether Mr. Darden and Mr. McCaslin, I believe it is, whether they actually use the pipe. Whether they actually entered those garages any longer from the back.

President Musgrave: But, does the statute speak to damage to the land? Adversely affecting the land itself? Or adversely affecting someone's entry on to the land?

Bill Jeffers: Well, whenever I look at that, I always consider personal, or private property rights. If you deny someone access to their property, you are lessening their use of the property, and I think that's a damage.

President Musgrave: You know, after thinking about it, I don't know if the doors faced to the ditch, or do they face to the front, or to the house? I don't remember.

Bill Jeffers: Right.

Commissioner Shetler: I was shivering.

Bill Jeffers: You know, maybe this is like nitpicking or something.

President Nix: Right.

Bill Jeffers: In other words, if you direct me to engage a contractor to remove the obstruction, the pipes are coming out. If we find out that new pipes need to go back in, it will probably double the cost of the project. I mean, that's the brass tacks right there. I don't want to burden all the, all four of the property owners with any more expense than I have to.

President Nix: And I agree.

Bill Jeffers: So, if there's no reason to put a pipe in the ditch, there's not going to be one put in there.

President Nix: Okay.

Commissioner Shetler: Let me put a little disclaimer on here for you. You're not saying for any means that you think it's going to be a \$2,000 project or a \$4,000 project. In fact, this is a project that could perhaps be even done by hand by the people out there, as opposed to really having to have a contractor or anyone, wouldn't you think?

Bill Jeffers: Possible, but not likely.

Commissioner Shetler: Okay.

Bill Jeffers: I've been through this before where, you know, it's just, where people said I'll have my son-in-law come out and help me dig the ditch out and it never happened, and we had to hire a contractor. None of these have been done by hand yet. It's possible.

President Nix: Anything else, Mr. Jeffers?

Bill Jeffers: No, sir.

President Nix: Thank you very much. Is there anyone in the audience that wishes to speak to this issue? Please step forward. Sir, in the, I would like to remind you that this is being televised, and also I would like to set a five dollar...five dollar, a five minute time limit on any remonstrators. State your name and your address please.

Bruce Darden: Bruce Darden, 4121 Gayne.

President Nix: Okay.

Bruce Darden: You guys were out there, I don't know, a couple of weeks ago. Wayne could drive in to his garage from out there, but not my garage.

President Nix: Okay.

Bruce Darden: I've got seven foot of ditch there, and it's not stopped up, you looked at it. But, if you want me to dig it up, I will. But, when do you rule on this?

President Nix: Well, we may or may not today. That's up to the board.

Bruce Darden: Well, I've done contacted Rick Stevaly, the attorney. So, I'm going to have him involved in this too. Wayne's got his own lawyer. But, my ditch, water on his property runs down to my property. So, that ditch is not the problem. If I dig

it out, I'm just going to have more water back there. But, I'll take the pipe out. There's seven foot of pipe there.

President Nix: Okay.

Bruce Darden: But, then I can't use my gate to go out back there to cut the grass there. Then I would be getting on somebody's property. So, that's what I got to say about it.

President Nix: Anything else at all?

Bruce Darden: That's it.

President Nix: Thank you. Is there anyone else here that wishes to speak to this issue? Mr. Jeffers, would you like to respond to that?

Bill Jeffers: Again, I don't want to deprive anyone from enjoying the full use of their property or access thereto. So, there may have to be some pipe put back in the ditch. In as far as the remonstrator, or, excuse me, the respondents being represented by attorneys or disagreeing with your findings and your decisions, the statute also allows for judicial review and remedies, whereby the respondents may pursue it in Circuit or Superior Court, with their attorneys present.

President Nix: Okay. Thank you, Mr. Jeffers.

Bill Jeffers: Yes, sir.

President Nix: Appreciate your work on this too.

Commissioner Shetler: You know, I will say, Commissioner Nix, we were out there that very frigid afternoon, the weather had turned cold that afternoon, but, and walked through that neighborhood, and there's real serious drainage problems, a lot of which have been caused over a number of years by different property owners that have filled things in and covered things up and the like and created really a serious problem there for the neighborhood. Although, what our specific job is today, is to decide whether or not there is, in fact, a drainage problem at that particular residence, and if there is something that's impeding the flow of drainage and stuff. My own opinion is that after looking at it particularly and seeing everything that Mr. Jeffers has done in a technical way, you know, everything that he's provided us has been very correct and right on board, as usual, and I would, do we need to make a motion to....I would make a motion that we approve the petition?

Ted C. Ziemer, Jr.: No, yeah, that you find for the petitioner.

Commissioner Shetler: Find for the petitioner? So moved.

Commissioner Musgrave: I'll second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: The ayes have it.

Commissioner Musgrave: Are you ready for a motion to adjourn?

President Nix: I'll entertain a motion to adjourn.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:20 p.m.)

Those in Attendance:

Bill Nix

Ted C. Ziemer, Jr.

Bruce Darden

Cheryl Musgrave

Bill Jeffers

Others Unidentified

Tom Shetler

Madelyn Grayson

Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl Musgrave, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
DRAINAGE BOARD
MARCH 7, 2006**

The Vanderburgh County Drainage Board met in session this 7th day of March, 2006 at 4:29 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: Good afternoon. I would like to call to order the Vanderburgh County Drainage Board, Tuesday, March 7, 2006 at 4:29.

Approval of the February 14, 2006 Drainage Board Minutes

President Nix: I will entertain a motion to approve the minutes of the previous meeting.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Mr. Jeffers?

Mystic Bridge PUD (Condos): Final Plan

Bill Jeffers: Your first drainage plan is Mystic Creek PUD. The plan is on your desk. The person preparing the plan is Justin Shofstall for Andy Easley Engineering. He's here in the audience to answer your questions, if you should have any. During your Commissioners meeting you approved the street plans at the recommendation of the County Engineer. The County Surveyor has reviewed the final drainage plan and recommends approval of it as well. If you approve the drainage plan, there is a signature block on the same Mylar that's still on your desk with the highway plans for your signature, over here by Commissioner Shetler.

President Nix: Questions?

Commissioner Musgrave: This meets--

Bill Jeffers: Yes, it meets the requirements of the drainage code and has the County Surveyor's recommendation.

President Nix: Questions anyone? I'll entertain a motion.

Commissioner Shetler: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

Cayman Ridge, Section Two: Revised Final Plan

Commissioner Nix: This is the Mylar for the next one?

Bill Jeffers: Yes.

President Nix: Just put those together.

Bill Jeffers: The next item is Cayman Ridge, section two. It's a very simple, revised final drainage plan that is required by the developer so he can change the layout of an intersection of two streets. It's as simple as that. The developer, Bob Hatfield, is in the audience to answer any questions, should you have any. He's accompanied by his engineer, Jim Morley, Jr. The County Surveyor has reviewed the plans, found them to comply with the drainage ordinance, and recommends approval.

President Nix: Questions?

Commissioner Musgrave: Move approval.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

The Reserve Townhome Condominiums: Final Plan

Bill Jeffers: The next item is the Reserve Townhome Condominiums. It's located on Virginia Street behind Sam's Wholesale Club. There's apartments behind the wholesale club, and then there's an empty field and the condominiums will be developed east of the apartments. Directly across the street from the lot that was mowed by the County Highway department for which you received repayment, to give you an idea of where it's at. This is a final plan. The County Surveyor has reviewed it and found it complies with the drainage ordinance and recommends approval with the condition that because the drainage facilities will be connected to Virginia Street, existing infrastructure in Virginia Street, that the County Engineer will subsequently approve the connection. In other words, the County Engineer trumps the County Surveyor when you start connecting to existing infrastructure in a street.

President Nix: Okay.

Bill Jeffers: So, those plans will come back to you, you know, and John Stoll will say, yes, I approve the connection to Virginia Street, there's a 54 inch trunk line out there. When he approves those, your approval will become effective.

Commissioner Musgrave: Mr. Jeffers, I've heard some chatter about an apartment complex behind Sam's, and a need to get the right-of-way from Columbia. Is that this apartment complex?

Bill Jeffers: The one immediately behind Sam's, I think they're still negotiating some right-of-way for Columbia. On this project that's designed by Jim Farney from Bernardin Lochmueller and Associates, the right-of-way is dedicated on the plat–

Commissioner Musgrave: Okay.

Bill Jeffers: –or on the drawing. They're working out some green space requirements. The green space that will separate the condominium project's buildings from Columbia, and the green space out on Virginia Street are the final two items that are being worked out.

Commissioner Musgrave: Alright, so there is no dispute regarding right-of-way and Columbia Street–

Bill Jeffers: For this project.

Commissioner Musgrave: –for this project?

Bill Jeffers: Not to my knowledge.

Commissioner Musgrave: Move approval.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

Parkview Care Center: Final Plan

Bill Jeffers: The next item is Parkview Care Center. It's located on St. Joe Avenue, immediately north of Diamond Avenue and across the street from the new Rural King, which took the old deserted K-Mart property. That's to give you an idea of where it's at. It's on your photographs that I've turned in with the agenda. This is an expansion of an existing adult care facility. The design engineer, Jon Kipling, is in the audience should you have any questions. It was prepared under, by Morley and Associates, by Jon Kipling. The County Surveyor has reviewed the plan and recommends approval of the final plan for Parkview Care Center.

President Nix: Questions from the board?

Commissioner Musgrave: Motion to approve.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: That Mylar is on your desk for your signatures.

President Nix: Okay.

Shoe Carnival Distribution Center: Final Plan

Bill Jeffers: The next drainage plan is Shoe Carnival distribution center on Highway 57 across from the Vanderburgh Industrial Park. While this is a final plan, the County Surveyor still has some concerns about a 48 inch pipe that passes under Highway 57, and I'm still talking with the design engineer about some head loss, possibilities of head loss that might back water up in to Vanderburgh Industrial Park. They are looking at an alternate layout, or upsizing the pipe. Other than that, the entire plan meets the requirements of a drainage plan under our code. I'm recommending approval of the plan so that they can get a foundation release and start working in this weather. We've got some real good construction weather right now. Their foundation work will not affect the drainage plan.

President Nix: On this additional work, will you come back before this board—

Bill Jeffers: Yes, I will.

President Nix: —for final approval?

Bill Jeffers: What I need to do, the reason there's a hold up here, I usually consult with Mike Wathen about a few issues that affect Vanderburgh Industrial Park, because he has a real keen insight on this particular waterway and the water that previously was backed up by a beaver dam and so forth. I don't want to do anything that backs water up into Vanderburgh Industrial Park.

President Nix: Please don't.

Bill Jeffers: I found Mike Wathen's advice to be really on, you know, and when he comes back, he's off this week, when he comes back I'll be able to finish up that review with the consulting engineer.

President Nix: Okay, and you will, once again, come back in front of the board for final approval?

Bill Jeffers: I will let you know it's all final final. Right now I'm just trying to get a foundation release so they can get to work.

President Nix: Okay.

Commissioner Musgrave: Motion to approve, contingent on plans being brought back to us at a later date.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: There is no Mylar to sign on that one until it's final.

Surveyor's Annual Report on Regulated Drains

Bill Jeffers: The next item is to receive the Surveyor's annual report on regulated drains. There's five copies there for your bedtime reading. Basically, it gives the condition of the regulated drains, some other information about FEMA's floodplain maps, some long term water quality improvement projects I would like to pursue, and a lot of other information that you can read at your leisure. In the back you will find a notice to bidders that I'm going to ask you sign here in a moment, along with an appendix of requests for proposals from engineering consultants that I would like you to consider here in a moment for work to upgrade our legal drains on the east side of Evansville. So, just receive that report and that brings us to the specifications—

Specifications for 2006 Maintenance of Drains

Bill Jeffers: – this year that are prepared to send out to all the prospective bidders to tell them what work we want to do on the ditches this year. This is standard stuff, general specifications and special provisions.

President Nix: Do we need a motion to accept this annual report?

Ted C. Ziemer, Jr.: Yeah, I would.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: Yes, that annual report is required by statute on an annual basis. Those specifications I would like you to receive them, and if, for some reason, you don't want to keep them in your files, please return them and we'll use them along with the other ones we've produced to send out to the bidders. We won't be sending those out for another week or so.

Commissioner Musgrave: This is the same thing that you do every year? There's nothing different?

Bill Jeffers: They are updated every year, but, basically, it's the same process. The general specifications are identical to the previous years. Special provisions are upgraded each year to address special conditions that we find to exist in the ditches year to year.

Commissioner Musgrave: Okay.

Bill Jeffers: But, they're basically the same. Then there's bid forms in there that are prescribed by the State Board for receiving bids.

**Authorize Request for Proposals for Engineering Services &
Permission to Advertise Notice to Bidders**

President Nix: Mr. Jeffers?

Bill Jeffers: Yes, sir?

President Nix: You had mentioned something about RFP's for engineering, do you see this as being three engineering firms, five, two, one? What's your feel on that?

Bill Jeffers: Okay, on the requests for proposals, I've never done that before, and to my knowledge Vanderburgh County Surveyor has never done that before. So, we propose to use the list of consultants from the County Engineer's office. People known to do this type of work. We ask that you approve our sending out to all of those on that list, there may be 15 of them, or so, and see who responds.

President Nix: Okay.

Bill Jeffers: Then, we'll have a review process where we narrow it down to those who we feel could best address...we have a list of criteria that we're going to use, that's in your report, on how we're going to determine who is most likely to give us the best service—

President Nix: Thank you.

Bill Jeffers: —for the dollar.

President Nix: Thank you.

Bill Jeffers: First, I need you to authorize the notice to bidders, which I believe you have a clean copy up there with the Auditor, and sign that so that we may advertise twice over the next few weeks and receive those bids and open them here on April 4th.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed?

Bill Jeffers: There's another document on your desk at this time, in front of the Auditor, to authorize the request for proposals for engineering services. As I said, we will mail those out to everyone who's on the County Engineer's list. I would ask that you approve that and sign that document.

Commissioner Shetler: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed?

Bill Jeffers: The only thing I would add, is if you see there's someone not on the list in John Stoll's office that you would like me to also send those out to, let me know in the next few days and they'll go out to those persons too.

President Nix: Has Mr. Stoll had a chance to review that list?

Bill Jeffers: It's his list.

President Nix: Oh, thank you. Okay.

Bill Jeffers: We received, we asked him to send his list over.

President Nix: I thought maybe you had just gotten some—

Bill Jeffers: Yes, sir. If you find that there's someone else you would like to send out the request, we'll be glad to send them too.

Ditch Maintenance Claims

Bill Jeffers: That takes care of everything, other than the claims that I have from the Union Township Ditch Association for work in 2005 on two ditches. Attached is paperwork showing that they were inspected and approved by the County Surveyor.

Commissioner Musgrave: Do you need a motion to approve the claims?

President Nix: I would think that we would.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed. Mr. Jeffers, is that all?

Bill Jeffers: That's all I have unless you have anything.

President Nix: Thank you.

Public Comment

President Nix: I would like to ask anyone from the public, if they have any public comment at this time to please step forward. If not, I will entertain a motion to adjourn.

Commissioner Shetler: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:43 p.m.)

Those in Attendance:

Bill Nix	Cheryl Musgrave	Tom Shetler, Jr.
Bill Jeffers	Ted C. Ziemer, Jr.	Madelyn Grayson
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl Musgrave, Vice President

Tom Shetler, Jr. , Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
DRAINAGE BOARD
MARCH 21, 2006**

The Vanderburgh County Drainage Board met in session this 21st day of March, 2006 at 4:34 p.m. in room 301 of the Civic Center Complex with Vice President Cheryl Musgrave presiding.

Call to Order

Commissioner Musgrave: We will move now to Drainage Board. With the President of the Drainage Board being absent, I think I still am the Vice President. Do you have an extra agenda, Surveyor Jeffers?

Approval of the March 7, 2006 Drainage Board Meeting Minutes

Commissioner Musgrave: Do we have minutes of the previous meeting, sir?

Bill Jeffers: Yes, Madelyn indicated that we have several.

Commissioner Musgrave: If you will read off the dates of those minutes.

Unidentified: March 7th.

Commissioner Musgrave: March 7th?

Unidentified: February 21st.

Commissioner Musgrave: February 21st? That's it? Alright let's have a motion for the approval of those minutes.

Commissioner Shetler: So moved.

Commissioner Musgrave: I will second. All those in favor? Aye.

Commissioner Shetler: Aye.

Discussion of Obstruction of Harper Ditch by Railroad

Commissioner Musgrave: We will now consider the obstruction of Harper Ditch by railroad. Is that CSX?

Bill Jeffers: That would be Norfolk Southern Railway.

Commissioner Musgrave: Norfolk Southern, please strike CSX.

Bill Jeffers: On our power point display, the obstruction consists of several hundred tons of rip rap that was placed last week over an unstable rail bed, and the water came up last week, of course, as you know, and it saturated the rail bed even further. When the water drew down, this rip rap, which basically just represents more weight and more moment, moved down into the ditch, and this is the obstruction. That's the old toe of the ditch right there. So, everything below that is an obstruction. Yesterday, when I took these pictures, the water was just, you know, it was backed up there, it was just trickling through here. You can just see a trickle. Then it rained last night. If we could move forward on the pictures. That's still

yesterday, showing you the water backed up and the unstable railway embankment. Next picture, please. That's some more of the obstruction. I was a little excited. I was just clicking off pictures here. Keep going. Just different angles. This is all yesterday. You can, okay, this morning I went out, that was yesterday around 4:00. This morning I went out there at 9:00, around 9:00, and this is Norfolk Southern with a gentleman sitting in the dump truck waiting for the work crew to show up at 9:00. Next picture. You can see that the rainfall just last night, what did we have, a quarter inch? Has already turned into a torrent. This is why I was so excited, because I was afraid that all this water will back up under Eastland Mall, and Shoe Carnival and all the other properties up there. Now, I'm just showing you some more unstable embankment that the railway is trying to address by simply dumping rip rap over the side of the embankment. All that does is add more weight and more movement to, this has already sluffed off here, that's obstructing 20 percent of our ditch already, and they're just adding more to it. These are just some different angles. This all needs to be addressed. Down here, what they've done in the past was just take surplus rail, that's just rail they've ripped up somewhere, and they've driven it down in there like piling. The next picture might be a close up of that. They're just using that for piling to try to stabilize this. This has already started to slip again, where they first did it. They're just working this way. That shows you what...they did that several years ago. That's already slipping. All this rock is ending up down in our drain. I don't know if I have anymore pictures. That might be the last one. Just a close-up of those old rails driven in there for piling. You, as Commissioners, spent, I believe, you can verify it with the County Engineer, he's out in the hallway, I believe you spent a million dollars for the Stockwell Road crossing. About half of that was due to the railroad's insistence upon certain time lines and sizings and all that. It's very frustrating to work with them. This picture here shows you the location in the year 2000. It's right across from the Rudolph batch plant. So, all that erosion has occurred since the year 2000. See, you don't see any of that problem there back then. It's all happened since the year 2000. This right here is not a very good aerial photograph of it, but that's an old gabion wall, this is Stockwell Road, this is the entrance to Rudolph's batch plant, that's the location of our problem, this is Rudolph's batch plant, this is Harper Ditch. You just recently spent a million dollars to take this ditch, which used to go down through, wander through Wesselman's Woods this way, through a series of undersized culverts, you spent a million dollars to cut through this way and take it straight through a new channel. That's to lower the flood plain elevation on five miles of the east side that FEMA has said we should raise our flood plain by two to two and a half feet. So, that was money well spent, but it was approximately \$500,000 more than we had to spend. So, I'm a little frustrated with Norfolk Southern today. I will say that sometime after 9:30 they showed up with a gradall and removed some of the rip rap from this area right here. They moved it back up on the rail bed, and they placed more ballast rock up here to cover up that big scar that you saw on some of the previous pictures. But, all the obstruction down at the bottom of the ditch remained at 9:30 this morning, and on the way back in from viewing it, Mr. Jimmy Ellis, Division Engineer, called me on my cell phone and said they were finished. I said, "Well, Mr. Ellis, it's not anywhere near finished." He sent, he called me back this afternoon around 2:00 and said he was sending a crane out on a rail car to lift the rest of that rip rap out of there, and that they would pursue a true engineering solution to this erosion problem. That's a little bit more encouraging than what I heard since yesterday. I apologize for being a little bit frantic, or alarmed with all my e-mails that I sent to you, but if this creek backs up, it immediately will flood the entire parking lot of Eastland Mall, and also endangers a lot of retail floor space. So, I was a little excited, because I thought it was going to rain harder than it did.

Commissioner Musgrave: Do you have more photos? Or should we turn the lights back on?

Bill Jeffers: You can turn the lights back on.

Commissioner Musgrave: Thank you.

Bill Jeffers: I hate to keep you in the dark. I've sent several, well, I sent two registered letters, as required by state law, to their legal department, and to their Division Engineer, notifying him of the obstruction. I believe you have a copy of this, this is a notice, the official notice to remove the obstruction, I sent you that by e-mail, and then there's some color pictures, which I will give to your Recording Secretary for her file, just to give you an idea of what we've shown on the screen up here. We also did some research downstairs in the Recorder's office and found the deed, which I forwarded to you in a PDF file, and was pleased to find that this is simply a right-of-way for the construction and maintenance of the railway, they don't appear to own it fee simple. So, all these things they've been telling us over the years, and restricting us from building new bridges and pipes and maintaining this properly, I began to wonder, I would like to discuss that with our attorney when he returns next week, just what rights they have to have billed us certain monies for the construction of that pipe.

Commissioner Musgrave: Are you going to ask him if we can claim it back?

Bill Jeffers: I would like to do that.

Commissioner Musgrave: Alright.

Bill Jeffers: I also forwarded to you a part of the law that indicates we may be due 50 percent of the cost of the construction work that we did for that crossing. I don't know if we'll be able to, that's a matter of interpretation for the lawyer.

Commissioner Musgrave: Um—

Bill Jeffers: But, whenever a legal drain crosses a railroad right-of-way, for the purpose of enlarging the waterway opening, because it's been declared insufficient, which it has been, then, apparently, there's a possibility that the railway shall pay 50 percent of the cost.

Commissioner Musgrave: Have you spoken with the Building Commission staff, Mr. Steve Fuchs? He gave a presentation recently where he discussed the need for multiple such drains to be cut underneath the east side of Green River Road's Norfolk Southern tracks. He was going to seek grants for that. So, if indeed Norfolk Southern has to pay for half of this, and I realize that research is outstanding, I would certainly like to throw those drains into the mix.

Bill Jeffers: Also, in this deed, which wouldn't cover the east side of Green River Road, although there may be a very similar deed for the property on the east side, this covers the property from anything within section 23, which is from Green River Road to Vogel, excuse me, to Vann Avenue. It includes all of Wesselman's Woods. The right-of-way that was granted in 1871 declares that Southwestern Railway Company, which is, which Norfolk Southern is the heir and assign to;

“Shall construct, maintain culverts, sluices, outlets sufficient to carry off the water that may fall or stand upon said premises and shall not obstruct the natural flow of water thereon.”

It specifically says that that is within the 100 feet and width, including the old bed of the Wabash and Eerie Canal, which we currently use. So, just making the presentation that there is information here that I would like to go over with your legal department to see where we stand, because there, as you also know, I'm asking for RFP's from consulting engineers to study this entire stretch of ditch from Burkhardt Road down to Stockwell Road, and I did end up on a good note with Mr. Jimmy, excuse me a moment, Ellis, I think it is, the engineer from Norfolk Southern, Division Engineer, on a good note that I agreed we would share all information that we get from our consulting engineer with regard to a proper way to stabilize the ditch banks. He agreed to take that into consideration in his future endeavors to shore up the railway. Do you have any questions on that? Or any direction for me?

Commissioner Musgrave: I would appreciate your visit with the County Attorney and others to pursue this matter.

Commissioner Shetler: I'm kind of looking at there's two issues here, and I think the first issue is dealing with the erosion that's currently at hand. I'm wondering if maybe the, our legal department ought to assist in helping write a pretty forceful letter what the research that you've done, that's been exceptional, as usual, I think along with that in hand and a letter from a threatening attorney here could probably get our way around a little bit, because as I had indicated to you earlier today, Bill, I think, on an e-mail, that fighting the railroads is worse than city hall, often. So, it appears that you've already made a dent into that, or a crack into that seam anyway, and that maybe we could get this first issue put to bed. I applaud you for, on the second issue, I applaud you for your efforts, and, hopefully, we have found an area there where we might be able to recoup some monies that are necessary to get that thing done, and done correctly in the future. So, I applaud you on your efforts that you've done on the second phase of that. Thank you.

Bill Jeffers: I appreciate your comments that fighting the railway is harder than fighting city hall. I've found that to be true, but the railway, Goliath has to remember that I am a little part of city hall. So, what does Avis, or somebody says, “We try harder.” I will fight harder.

Commissioner Musgrave: Alright, thank you very much for that.

Bill Jeffers: Okay.

Transfer of Pigeon Creek Funds Via Claim to Gibson County

Bill Jeffers: The only other item of business that I have for you, Gibson County Drainage Board has sent a request that we transfer funds that we have held for years from assessment we've collected in Vanderburgh County for property that Vanderburgh County taxpayers own that drains into Gibson County through their legal drain known as Upper Pigeon Creek. I don't want to go into any great detail, but I've withheld that money for many years, because the previous County Surveyor made very disparaging remarks about our drainage program and our Drainage Board, and, I guess, I just forgot to forward this money to him, because I didn't agree with some of his policies. You can read about it in the record. We now have

\$9,064.52, and the new County Surveyor, Michael W. Stevenson, is a very progressive young man who has turned the program around in Gibson County, and has a good use to put that to. He has included a claim from the Gibson County Drainage Board in that amount, and the County Surveyor recommends that we transfer those funds, which we have held and earned interest on to Mr. Stevenson and his board.

Commissioner Musgrave: And they're entitled to this money?

Bill Jeffers: They are fully entitled to this money.

Commissioner Musgrave: Including interest?

Bill Jeffers: At this point, it's my contention they're entitled to \$9,064.52.

Commissioner Musgrave: Alright.

Bill Jeffers: We may have a little handling fee left in the account, but as it accumulates, we'll transfer that as well.

Commissioner Musgrave: Alright. Is there a motion?

Commissioner Shetler: So moved.

Commissioner Musgrave: I'll second. All those in favor? Aye.

Commissioner Shetler: Aye.

Commissioner Musgrave: Does that conclude the business?

Bill Jeffers: That concludes my business.

Commissioner Musgrave: Thank you, sir.

Bill Jeffers: Thank you.

Commissioner Musgrave: Is there a motion to adjourn?

Commissioner Shetler: So moved.

Commissioner Musgrave: I'll second. All those in favor? Aye.

Commissioner Shetler: Aye.

Commissioner Musgrave: Thank you for coming.

(The meeting was adjourned at 4:50 p.m.)

Those in Attendance:

Cheryl Musgrave
Kathryn Schymik
Members of Media

Tom Shetler, Jr.
Madelyn Grayson

Bill Jeffers
Others Unidentified

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Cheryl A.W. Musgrave, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
DRAINAGE BOARD
APRIL 4, 2006**

The Vanderburgh County Drainage Board met in session this 4th day of April, 2006 at 5:25 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: Good afternoon. We would like to welcome everyone to the Vanderburgh County Drainage Board, Tuesday, April 4, 2006 meeting.

Approval of the March 21, 2006 Drainage Board Meeting Minutes

President Nix: I will entertain a motion to approve minutes of the previous meeting.

Commissioner Shetler: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

Permission to Open Bids for Annual Ditch Maintenance

President Nix: Drainage plans, Mr. Jeffers?

Bill Jeffers: Yes, Commissioner Nix, the first one is Centerra Ridge.

Ted C. Ziemer, Jr.: Pardon me, excuse me. Could we have approval to open the bids, and then we'll proceed to do so.

President Nix: We'll go right ahead there, that's fine. I'll entertain a motion to open bids.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Centerra Ridge, Residential Sub: Preliminary Plan

Bill Jeffers: Centerra Ridge is located on Telephone Road, east of Old Boonville Highway, south of your new Lynch Road expansion, or extension out to 62. As you can see, it's a multi-lot residential subdivision. This is a preliminary plan. I have not brought a Mylar, which I will bring with the final plan. Subsequently, I've reviewed the preliminary drainage plan for Centerra Ridge. It meets the requirements of the drainage ordinance. The engineer who designed it is present in the audience in

case you need any information. The County Surveyor recommends approval of the preliminary plan.

President Nix: Comments or questions?

Commissioner Shetler: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

Wynnfield Section One, Ditch Revisions

Bill Jeffers: The next plan you have on your desk already is Wynnfield Section One. It's a simple ditch revision. It's not really a full drainage plan. It's just that some on-going activities in Wynnfield have necessitated some revisions to that ditch to alter the easement, the flow line, the grade, some other incidentals. I thought it was significant enough, because it will change the plat, it will change the easements on the plat, to bring it to you and get your board approval, so that the developer of Wynnfield and his consulting engineer feel comfortable in moving ahead with a full blown set of plans. I have reviewed it, and we're only talking about the ditch that runs along the west line here of Section One being regraded and reconfigured so that this area here, which will be Section Two, will properly discharge its water and the water will be conveyed off in this direction, and then back down to the detention basin.

President Nix: When was the initial plan submitted for that? Do you know, Bill?

Bill Jeffers: I believe it was 2001.

President Nix: Okay.

Bill Jeffers: All this has been built out, subsequently, and there's just some yard grades back here that necessitated some redesign of this swale. My only issue is that the entire channel remain within the easement, so that it's not fenced and it can be maintained. That's what the revisions are about.

President Nix: The design criteria in 2001 and now are exactly the same?

Bill Jeffers: They are exactly the same code requirements.

President Nix: Okay.

Bill Jeffers: And nothing's changed other than reconfiguring the swale to meet existing conditions. This will allow them to move forward.

Commissioner Musgrave: Motion to approve.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

Cross Pointe Section 6 & 4, Relax Right-of-Entry

Commissioner Musgrave: Cross Pointe?

Bill Jeffers: Yes, this is a large plan. Okay, what we're doing on this next one, it's Cross Pointe Section 6, which is an as yet undeveloped area of open lots, and Cross Pointe Section 4. The area that we're examining lies along, begins here at Virginia Street and runs along Nurrenbern Ditch north to the northeast corner of Section 6. This, here's the Lloyd Expressway, this is the old Builder's Square here that's been converted into Romain Buick's new display area, this is, on this side of the ditch you have Town and Country Ford. What we've done with Nurrenbern Ditch is, originally when this was Hartman Trust, and, I think, I'm not sure, I think maybe whoever Regency bought this from, this was all open soybean fields, and at that time we needed 75 foot right-of-entry along this Nurrenbern Ditch to spread the dirt spoil that we acquire every time we dredge the ditch. To spread it out in these fields so that it remains flat and it didn't inhibit water from the open fields draining into the ditch. As all this developed, we relaxed that right-of-entry down here, first along Builder's Square to 40 feet, then through this section of Cross Pointe, Section 4, I believe, we relaxed that to 40 feet. Now, the request is to relax that right-of-entry from 75 feet to 40 feet. That coincides with the Vectren high pressure gas transmission line that runs in that same 40 feet. So, we're reducing our, we're recommending to reduce that right-of-entry from 75 feet down to 40 feet to match the Vectren gas transmission easement, and to allow Regency to more fully develop these new lots, commercial lots, and more fully use the valuable square footage. It more closely matches their marketing plan for this area. It does not affect any of your streets. It does not affect any infrastructure of the new TIF zone, it only affects our ability to enter in here with maintenance equipment, and occasionally dredge that ditch out every 20 years or so, and to spray and mow it on an annual basis.

Commissioner Musgrave: Okay.

Bill Jeffers: It's just a continuation of the same plan we've used from the Lloyd Expressway north to Virginia. We're continuing that, and as we develop up towards Morgan Avenue, we'll be coming back with the same request.

President Nix: I'm curious, has Mr. Stoll had a chance to look at this? Just from a—

Bill Jeffers: I believe he's looked at it when we were in subdivision review committee, when we were reviewing Section 6 for preliminary design. I believe he's already seen that. He's fully aware of what we've done down in this area here. Like I say, it does not affect any county street rights-of-way or infrastructure. My recommendation is to allow the relaxation of the right-of-entry for Nurrenbern Ditch, a regulated drain in Vanderburgh County from 75 feet down to 40 feet and matching the Vectren gas line easement. If you would, if you do pass on that, that you would sign that document and allow the developer to record it.

Commissioner Musgrave: Motion to accept the recommendation of the Surveyor.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Madelyn Grayson: Bill, is that document prepared already?

Bill Jeffers: The document is in front of Commissioner Nix–

Madelyn Grayson: Okay, because I don't have a copy of that.

Bill Jeffers: –without the signatures at this time. There was one sole copy was submitted to our office by Morley and Associates. That's the original document.

Madelyn Grayson: Do you want me to put that in the signature file?

Bill Jeffers: Then Mr. Fluty and myself will have to sign it as well. That takes care of our drainage plans.

Update on RFP's for Work on Various Regulated Drains

Bill Jeffers: While they're still opening those bids, I would like to tell you that the County Surveyor, at your direction sent out some RFP's to study, evaluate and develop working plans for Eastside Urban South Half, Harper Ditch, Aiken Ditch, Eagle Slough, Kolb Ditch, Sonntag-Stevens Ditch, Keil Ditch, and Pond Flat Main, all regulated drains in Vanderburgh County. All in need of some structural improvements, embankment stabilization, and water quality improvements, due to urban pressures on all but Pond Flat Main, which is an agricultural ditch. The following consultants have responded to those RFP's on those eight ditches. Now, in two cases, East Side Urban and Harper, we contemplated and told the 21 firms we invited that East Side Urban and Harper would be combined into one project, because of their connectivity. We also said that Sonntag-Stevens and Keil would be combined into one project. So, out of those eight ditches, there's a maximum of six projects available to the responders. Others may be combined if we find a need, but at this time there's up to six. As I said, we invited 21 firms to respond. United Consulting Engineers thanks the board for the invitations, but at this time is not in a position to submit proposals pertaining to these RFP's. Strand Associates, Incorporated, essentially the same response, they thank the board but are unable at this time to respond. Clark Dietz Engineers responded to Pond Flat Main Ditch, Sonntag-Stevens and Keil, and Kolb Ditch. Commonwealth Engineers responded to East Side Urban South Half, Harper Ditch and Eagle Slough. American Consulting Engineers responded to Eastside Urban Ditch and Harper Ditch, and Pond Flat Main, and Aiken Ditch. Wessler and Associates responded to Aiken Ditch, Eagle Slough, East Side Urban, Harper, Kolb, Pond Flat Main, Sonntag-Stevens and Keil. Bernardin Lochmueller and Associates, Incorporated responded to Aiken Ditch, Eagle Slough, Pond Flat Main, Sonntag-Stevens and Keil. Corradino Group responded to Aiken Ditch, Eagle Slough, East Side Urban, Harper, Kolb, Pond Flat Main, Sonntag-Stevens, and Keil Ditch. Morley and Associates responded to Aiken, Eagle Slough, East Side Urban, Harper Ditch, Kolb, Pond Flat Main, Sonntag-Stevens and Keil. I got no response that I know of from any other invitee, as of 12:00 noon, the deadline that was assigned. Since this is the first time that the County Surveyor has engaged in such an extensive group of studies and

evaluations, I'm following the lead of the County Engineer and his normal methods, and with the approval of your County Attorney would take them under advisement and seek your direction as to whether you want a short list for each project, or whether you would like to make your selection from the responses that have been made. My personal feeling is that some of these consultants may wish to have more specific information that's available from other data sources, maps and may wish to have some sort of interview process.

President Nix: And that would be through a short list? A process of elimination, if you will?

Bill Jeffers: If you wish, yes.

Commissioner Musgrave: Would you like to conduct this on your own? Would you want a Commissioner to work with you? How would you prefer?

Bill Jeffers: I would be happy to have a Commissioner work with me, if you wish.

Commissioner Musgrave: It's up to you. You need to tell me if you really want a Commissioner's help.

Bill Jeffers: At this time Charley Alvey, the administrative Chief Deputy, is available to help me. He's well versed in this process. He's written these and dealt with County Commissioners and road supervisors and so forth. I have John Stoll as a compatriot, but at some point in time I just need your direction as to how you would want to make the ultimate selection.

President Nix: Okay. Seeing that we're probably just a few minutes from getting this, is there—

Ted C. Ziemer, Jr.: A few hours.

President Nix: A few hours? We're running our video bill up tonight. Mr. Jeffers, do you have any other business?

Bill Jeffers: I do, if I could find my scratch pad here. I think I can wing it at this point. Oh, here we go.

President Nix: You're pretty good at that.

Madelyn Grayson: He's the king of stretching it.

Bill Jeffers: You know I remember a story that Bruce Villines from Channel 14 once told me, back when we used to pal around on the back porch. He was a cameraman or some sort of fella there at Channel 14, a camera man, and they used to have to give the, you know, whatever it is, five, four, three, two, one, and they say that, who is that sportscaster, Mike Blake, was the champ, they would give him like five, four, three, two, one, and then all of a sudden a minute and a half. He could wing it for a minute and a half about any sports event you would ever want to hear. They say he was the master at it. They never could catch him on that.

Update on Schnaus Petition

Bill Jeffers: The Schnaus petition, a brief update, I went out there yesterday, they are about half done. Mr. McCandless removed the pipe and some of the debris from the ditch. I would say it needs quite a bit of dressing up, but progress has been made. Mr. Darden is off work with a disability and asked that I extend it for a few more weeks until he gets his back in shape. He has about seven feet of pipe to remove, and he's not capable of doing it in his physical condition at this time. At the time he asked the weather was pretty awful anyway, so, I thought we would be nice and let it ride for a week or two. While I was out there, a few neighbors approached me, I thought I would give you a heads up, there is a petition circulating Wolcott and Vaness neighborhood to ask the Commissioners to consider pursuing some drainage improvements. So, that should be on it's way to your attention at some point in time.

Update on Knight Township Fire Department Drainage Issues

Bill Jeffers: Then, I also went out yesterday to the Knight Township Fire Department, the new location by Angel Mounds, and we're working with the Highway Department and the design engineer to examine those roadside ditches, which are in sore need of cleaning out so that that flat area that the Fire Department will be built on can drain down towards Fuquay.

Commissioner Musgrave: Good.

Bill Jeffers: I just didn't want to put that financial burden on to the Township Fire Department by telling their consultant that he had to use his own survey crew, since it's all in the right-of-way for Pollack Avenue. We're not operating outside the right-of-way, and we will be providing information to the Highway Department to clean the ditches, you know, give them a grade to follow to clean those ditches. They've already mowed back the brush, and it's starting to look better out there.

President Nix: Thank you.

Bill Jeffers: That's about as far as I can wing it, folks.

Discussion of Ditch at First Avenue and Diamond Avenue

Commissioner Shetler: Well, Bill, I've got one for 'ya.

Bill Jeffers: Sure.

Commissioner Shetler: This is, actually, I was at a stoplight yesterday at Diamond and First Avenue, and I looked over at the piece of property on the northwest corner there, it's been rented out a few different times for muffler shop and etcetera. I think now it's some kind of—

Bill Jeffers: Auction house.

Commissioner Shetler: —second hand, yeah, auction house deal. Behind that building is a tremendous amount of trash and left over things that don't get sold that's fallen down into that ditch there. I guess, that's probably state—

Bill Jeffers: Yes.

Commissioner Shetler: –by the way, is there anything that the city or that we can do? Because that stuff, you know, getting down into the ditches and stuff that would obstruct the flow somewhere along the line.

Bill Jeffers: Is that fella that was here about Front Door Pride left?

Commissioner Shetler: Yeah, he's gone.

Bill Jeffers: Oh, well, I would think–

Commissioner Shetler: And Ed Ziemer is gone too, because I was hoping that Ed would stay around and we could–

Bill Jeffers: If it's outside the fence, the chain link fence along Hill's Department, the old Hill's Department store, if it's outside the fence in that ditch, we need to contact the Indiana Department of Transportation, sub-district, up there at Boyle's Lane, and ask them to come quickly and look at the potential for an obstructed roadside ditch and have them clean it out.

Commissioner Shetler: Yeah, because there were some pretty good size–

Commissioner Musgrave: Do you want to take a look?

Bill Jeffers: I would be happy to.

Commissioner Musgrave: I'm going to be meeting with them, somebody from INDOT, I think it's tomorrow afternoon. So, I could convey that information to them at that time.

Bill Jeffers: As long as the city administration doesn't mind us interfering on their behalf, I would be happy to.

Commissioner Shetler: It's, you know–

Commissioner Musgrave: Well, the Mayor will also be at this meeting.

Bill Jeffers: Okay.

Commissioner Musgrave: Okay?

Bill Jeffers: Let's all join hands and get the trash out of the ditch.

Commissioner Musgrave: That works for me.

Commissioner Shetler: Well, you know, there is a thing working, and, you know, the Mayor has been very cooperative with–

Bill Jeffers: Sure.

Commissioner Shetler: –and we've worked real well back and forth. I, but, to me the Front Door Pride also extends to littering, and this is, you know, beyond littering, it's literally, you know, fairly good size pieces of things, and boxes that didn't sell with

stuff that's fallen down into this ditch. The most concern to me is the, you know, the nuisance that it's making as far as the looks, but, in addition to that, I think it's also a potential hazard as far as slowing down the stream of water some time too.

Bill Jeffers: Sure.

Discussion of the Origin of Names for Regulated Drains

Commissioner Musgrave: Well, why we have some time to fill while we wait for the opening of all these bids, which is why we're kind of chattering here, my son had a question the other day, he wondered how you go about getting a ditch named after you? How did all those ditches get their names anyway?

Bill Jeffers: Well, it appears to me that from looking at the old books from the 1800's, as you flip through those books, it's just like roads, a group of petitioners came to the County Commissioners, either as the Commissioners or the Drainage Board, and declared that a ditch would be of utility to their properties, to better drain their properties, and asked the Commissioners to appoint viewers, which were usually from that neighborhood to go out and view the condition of the ditch and make a recommendation as to whether that ditch should be converted into a regulated drain and maintained under that system. Generally, the ditch ended up with the name of either one of those viewers, or the property owner who most of the property, you know, it passed through the majority of that person's property.

President Nix: So, we could have like a Musgrave Ditch, or a Shetler Ditch?

Bill Jeffers: Go for it. Now, under the previous Commission, we did mention that there's a lot of unnamed tributaries—

Commissioner Musgrave: Unnamed tributaries? Let's auction off the right to have a ditch named after you. This could give us some revenue.

Bill Jeffers: Now, if you, I mean, I'm not trying to be trite or fecicious, but as far as Front Door Pride goes, if somebody had a creek or a ditch—

Ted C. Ziemer, Jr.: Could I bid not to have a ditch named after me?

Bill Jeffers: We have run into problems with that. We had one called Rusher Ditch that we combined with some other drains, and so we called it for a while Rexing Ditch, and then the Rexing family says we don't want a ditch named after us. A road, but not a ditch. So, we changed it to Rushing Creek. So, we have to be careful, I mean, but there are people out there who had expressed an interest in having a creek, which is currently on the map as an unnamed tributary of Bayou Creek, it's kind of a stepchild creek, have it named after their grandpa, because he fished there or he had a little horse farm there, or something like that. We have had that interest expressed.

President Nix: You know, they do it with ballparks, why not do it with the creeks, huh?

Bill Jeffers: I think it's a good public relations move for the Drainage Board, and I think it instills some pride in people, maybe they wouldn't let refrigerators and junk cars pile up in a ditch named after their grandpa.

Linda Freeman: And used toilets.

Bill Jeffers: Too much information.

Commissioner Shetler: If we used the word brook, maybe that would be a little bit more appealing. Musgrave Brook.

Bill Jeffers: Well, as Commissioner Musgrave said, if someone were to bid on it, let them name it.

President Nix: I think we would have to be careful with that.

Bill Jeffers: It's possible. You have the right of censorship.

Madelyn Grayson: There is one other piece of—

Bill Jeffers: I don't think anything is going to be named Marlboro or Winston Salem Creek under the current (Inaudible), do you?

Permission to Advertise Mowing Bid

Madelyn Grayson: Bill, there is one other piece of business. I don't know if this is too early, but we did not receive a bid from Terry Johnson this year, so—

Bill Jeffers: We sent out, we mailed out proposals to everyone who expressed an interest, plus advertising it in the newspaper, and we did not receive any bid on mowing ditches, and that's essential, especially in the urban areas for us to mow at least twice a year, and sometimes three times a year through the residential portions of the urban drains. I would ask at this time that the board authorize the County Surveyor to advertise one more time for bids for mowing, specifically for mowing.

President Nix: I will entertain a motion to that effect.

Commissioner Shetler: Second.

Commissioner Musgrave: And just because I wasn't—

Bill Jeffers: For discussion, I'm sorry you missed it, we did not receive any response to our bid, none—

Linda Freeman: None.

Bill Jeffers: —no response from mowing. All we got was spraying.

Commissioner Musgrave: Did you send it to the minority business women list?

Madelyn Grayson: This was advertised in the newspaper.

Commissioner Musgrave: Advertised in the newspaper?

Linda Freeman: Advertised in the newspaper.

Bill Jeffers: And sent to everyone who's ever—

Linda Freeman: (Inaudible. Mic not on.)

Madelyn Grayson: Make sure your microphone is on, please. So, we can pick up all of your important comments.

Linda Freeman: We did send out to whoever requested some of the names, I remember it was like Moore Landscaping, had like Wink Construction come in and pick up a bid packet, but we received no mowing bids whatsoever.

Commissioner Musgrave: Well, I think we don't have a choice unless you're intending to mow them personally.

Linda Freeman: No.

Bill Jeffers: I did that with my crew around, along Burkhardt Road we had a complaint, and we went out and mowed for about a half a day, and I don't relish the thought. That was only 300 feet. I don't want to do eight miles of ditch.

President Nix: Mr. Jeffers, without further ado, we're ready to read these now.

Bill Jeffers: Wonderful.

Commissioner Musgrave: I will make the motion though, on the mowing, to re-advertise it.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Madelyn Grayson: The only thing, we need to establish a date those would be opened. The earliest they could be opened would be April 25th, if we advertised this Friday and the following Friday. Is that okay?

Bill Jeffers: So, would you authorize us to fill in the blank of April 25th and affix your signatures?

Commissioner Musgrave: Yes, sir. That, I will make that motion just to clear up the record and make sure it's clear.

Commissioner Shetler: I'll second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: Thank you.

Reading of 2006 Ditch Maintenance Bids

President Nix: Mr. Ziemer, if you have the list?

Ted C. Ziemer, Jr.: Sure, delighted. So, Big Creek Drainage Association, for Barr's Creek, \$2.308 per lineal foot, \$4,270 total bid. Big Creek for Buente Upper Big Creek, \$1.249 per lineal foot, total bid \$6,649.06. Big Creek for Maidlow Ditch, annual maintenance, .407 per lineal foot, \$7,613.94. Big Creek, Pond Flat Main Ditch, annual maintenance, .17 per lineal foot, total \$6,284.84. Big Creek for Rexing Creek Ditch, .2047 per lineal foot, this is for annual maintenance, total bid, \$3,500. Eldon Maasberg for Kneer Ditch, annual maintenance, .15 per lineal foot, \$410.40. Eldon Maasberg for Maasberg Ditch, annual maintenance, .10 per square foot, \$220.60. Eldon Maasberg for Wallenmeyer Ditch, annual maintenance, .15 per lineal foot, \$1,253.25. Eldon Maasberg for Baehl Ditch, annual maintenance, .15 per lineal foot, total, \$1,033.50. John Maurer for Baehl Ditch, annual maintenance, .125 per lineal foot, total bid, \$861.25. John Maurer for Hoefling Ditch, annual maintenance, .10 per lineal foot, total, \$557.10. Rexing Enterprises for Singer Ditch, annual maintenance, .15 per lineal foot, total bid, 367.50. RR Rexing Farms for Pond Flat Lateral A Ditch, annual maintenance, .14 per lineal foot, \$743.54. RR Rexing Farms, Inc. for Pond Flat Lateral B Ditch, annual maintenance, .14 per lineal foot, \$391.58. RR Rexing Farms for Pond Flat Lateral D Ditch, annual maintenance, .14 per lineal foot, \$641.06. Shideler Spray Service, this is going to be Shideler Spray Service for all of them that I name now until I name another contractor.

President Nix: Thank you.

Ted C. Ziemer, Jr.: This is for Pond, excuse me, this is for Aiken Ditch, broadleaf and brush herbicide, .08, \$792.88; for Aiken Ditch, dormant herbicide, .08, \$320; for Barnett Ditch, dormant herbicide, .115, \$260.13; for Cypress Dale-Maddox Ditch, dormant herbicide, .109, \$436; for Eagle Slough, broadleaf and brush herbicide, .159, \$407, no, excuse me, \$4,776.36; for Eagle Slough, dormant herbicide, .18, \$5,407.20; for East Urban North Half, broadleaf, .073, \$1,542.27; for East Side Urban South Half, bottom sterilization, .059, \$1,319.36; for East Urban South Half, broadleaf, .079, \$2,297.71; for Eastside Urban South Half, dormant herbicide, .069, \$2,006.86; for Edmond Ditch, dormant herbicide, .109, \$443.96; for Harper Ditch, bottom sterilization, .059, \$174.05; for Harper Ditch, broadleaf, .069, \$203.55; for Henry Ditch, dormant herbicide, .109, \$346.51; for Keil Ditch, broadleaf, .073, \$219.87; for Keil Ditch, dormant herbicide, .073, \$219.87; for Kolb Ditch, bottom sterilization, .059, \$407.39; for Kolb Ditch, broadleaf, .070 per lineal foot, \$313.25 total; for Sonntag-Stevens, bottom sterilization, .059, \$264.02; Sonntag-Stevens, broadleaf, .078, \$538.89; Sonntag-Stevens, dormant herbicide, .073, \$504.06. Next contractor, and this will be the same throughout the end of the presentation, Union Township Ditch Association, for Barnett Ditch, annual maintenance, .03, \$182.88; for Cypress Dale-Maddox Ditch, annual maintenance, .03, \$516.03; for Edmond Ditch, annual maintenance, .03, \$339.66; for Helfrich-Happe Ditch, annual maintenance, .03, \$380.94; and for Kamp Ditch, .03, \$334.80. We did not receive any bids for mowing.

Table below has corrected figures as calculated by County Surveyor after taking bids under advisement:

Contractor	Ditch Name	Lin Ft	Price Per LF	Total Bid
Big Creek Drainage Association	BAR'S CREEK	1,600	\$2.2000	\$3,520.00
BCD	BAR'S CREEK	250	\$3.0000	\$750.00
Big Creek Drainage Association	BUENTE UPPER BIG CREEK	5,320	\$1.2490	\$6,644.68
Big Creek Drainage Association	MAIDLOW	18,671	\$0.1400	\$2,613.94
BCD	MAIDLOW	250	\$2.0000	\$500.00
BCD	MAIDLOW	500	\$5.0000	\$2,500.00
BCD	MAIDLOW	500	\$4.0000	\$2,000.00
Big Creek Drainage Association	POND FLAT MAIN	36,852	\$0.1700	\$6,264.84
Big Creek Drainage Association	REXING CREEK	17,096		\$3,500.00
Eldon Maasberg	BAEHL	6,890	\$0.1500	\$1,033.50
Eldon Maasberg	KNEER	2,736	\$0.1500	\$410.40
Eldon Maasberg	MAASBERG	2,206	\$0.1000	\$220.60
Eldon Maasberg	WALLENMEYER	8,355	\$0.1500	\$1,253.25
John Maurer	BAEHL	6,890	\$0.1250	\$861.25
John Maurer	HOEFLING	5,571	\$0.1000	\$557.10
Rexing Enterprises	SINGER	2,450	\$0.1500	\$367.50
RR Rexing Farms, Inc.	POND FLAT LAT. A	5,311	\$0.1400	\$743.54
RR Rexing Farms, Inc.	POND FLAT LAT. B	2,797	\$0.1400	\$391.58
RR Rexing Farms, Inc.	POND FLAT LAT. D	4,579	\$0.1400	\$641.06
Shideler Spray Service	AIKEN	9,911	\$0.0800	\$792.88
Shideler Spray Service	AIKEN	4,000	\$0.0800	\$320.00
Shideler Spray Service	BARNETT	2,262	\$0.1150	\$260.13
Shideler Spray Service	CYPRESS DALE MADDOX	6,686	\$0.1090	\$728.77
Shideler Spray Service	EAGLE SLOUGH	30,040	\$0.1590	\$4,776.36
Shideler Spray Service	EAGLE SLOUGH	30,040	\$0.1800	\$5,407.20
Shideler Spray Service	EASTSIDE URBAN- N ½	21,127	\$0.0730	\$1,542.27
Shideler Spray Service	EASTSIDE URBAN- S ½	22,362	\$0.0590	\$1,319.35
Shideler Spray Service	EASTSIDE URBAN- S ½	29,085	\$0.0790	\$2,297.71
Shideler Spray Service	EASTSIDE URBAN- S ½	29,085	\$0.0690	\$2,006.86
Shideler Spray Service	EDMOND	4,073	\$0.1090	\$443.95
Shideler Spray Service	HARPER	2,950	\$0.0590	\$174.05
Shideler Spray Service	HARPER	2,950	\$0.0690	\$203.55
Shideler Spray Service	HENRY	3,179	\$0.1090	\$346.51
Shideler Spray Service	KEIL	3,012	\$0.0730	\$219.87
Shideler Spray Service	KEIL	3,012	\$0.0730	\$219.87
Shideler Spray Service	KOLB	4,475	\$0.0590	\$264.02
Shideler Spray Service	KOLB	4,475	\$0.0700	\$313.25
Shideler Spray Service	SONNTAG STEVENS	6,905	\$0.0590	\$407.39
Shideler Spray Service	SONNTAG STEVENS	6,905	\$0.0780	\$538.59
Shideler Spray Service	SONNTAG STEVENS	6,905	\$0.0730	\$504.06
Union Township Ditch Association	BARNETT	6,096	\$0.0300	\$182.88
Union Township Ditch Association	CYPRESS DALE MADDOX	17,201	\$0.0300	\$516.03
Union Township Ditch Association	EDMOND	11,322	\$0.0300	\$339.66
Union Township Ditch Association	HELFRICH-HAPPE	12,698	\$0.0300	\$380.94
Union Township Ditch Association	KAMP	11,160	\$0.0300	\$334.80
	AIKEN	2,350		\$0.00
	EASTSIDE URBAN- S ½	1,450		\$0.00
	HARPER	2,950		\$0.00
	KOLB	2,125		\$0.00
	KOLB	2,350		\$0.00
	SONNTAG STEVENS	3,080		\$0.00
	SONNTAG STEVENS	10,705		\$0.00

President Nix: Thank you, Mr. Ziemer.

Commissioner Musgrave: Motion to take under advisement.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Commissioner Musgrave: Can I make a motion to adjourn?

President Nix: Yes.

Commissioner Musgrave: So moved.

Bill Jeffers: Thank you. Oh, wait, what?

Linda Freeman: They do not want to, we'll take these under advisement for a week-

Bill Jeffers: We'll be back next week with recommendations.

Commissioner Musgrave: Okay, motion to adjourn.

President Nix: Thank you.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 5:59 p.m.)

Those in Attendance:

Bill Nix	Cheryl Musgrave	Tom Shetler, Jr.
Ted C. Ziemer, Jr.	Bill Jeffers	Madelyn Grayson
Linda Freeman	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl Musgrave, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
DRAINAGE BOARD
APRIL 11, 2006**

The Vanderburgh County Drainage Board met in session this 11th day of April, 2006 at 3:57 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: I would like to call to order the Vanderburgh County Drainage Board meeting for April 11, 2006.

Approval of the April 4, 2006 Drainage Board Meeting

President Nix: Approval of minutes of the previous meeting.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Award Contracts for 2006 Annual and Special Maintenance

President Nix: Mr. Jeffers?

Bill Jeffers: Okay, we're ready to let you know who we think are the successful bidders for our annual maintenance. I would like to say, I think, Linda has already handed out a spreadsheet for you. What is on that spreadsheet are the bids we received. There were no alternate bids submitted. Everything was submitted by a single bidder in each category. If you'll look on your spreadsheet, the first seven items, Barr Creek, Barr Creek, Buente Upper Big Creek, and Maidlow four times, were all submitted by Big Creek Drainage Association for extra work indicated in the County Surveyor's annual report to the Drainage Board as being needed for 2006. They were the only bidders to submit on that extra work. It basically entails some silt dipping and embankment repairs for the linear feet shown, the price per linear feet shown, the total bid shown. In notes, in the notes portion, there were some slight mathematical errors that we discovered and corrected. Those notes indicate some of the errors that were corrected. Our recommendation is for the board to waive any minor discrepancies in those bids, and award the total bids as shown in the column for total bids on those seven projects.

President Nix: Questions?

Bill Jeffers: (Inaudible) for extra work.

Commissioner Shetler: On that one, on the error on the footage, did you call him, by chance, and talk to the bidder to see if that, if he understood that error he had made?

Bill Jeffers: Ms. Freeman did all of the negotiating with them, made all the corrections and notified all the bidders of the corrections. They are all aware of them.

Commissioner Shetler: Okay, thank you.

Commissioner Musgrave: Is there a motion?

Commissioner Shetler: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: Okay, the rest of the spreadsheet, from Pond Flat Main all the way down to where you see Union Township Ditch Association bid on Kamp Ditch for annual maintenance, all of that is for regular annual maintenance, including broadleaf and brush herbicide approval, I mean, applications, dormant herbicide applications, everything that we normally do. Again, in each line we only received one bid, and those bids are reflected, we do have some notes there also of some mathematical, very minor, some of them are one penny, due to rounding off, mathematical corrections that Ms. Freeman made. Again, the County Surveyor's recommendation is to waive any minor defects and award the bids as shown on the spreadsheet.

President Nix: Questions?

Commissioner Musgrave: When it says competing bid, this bidder was high bidder, that is under Eldon Maasberg, high bid.

Linda Freeman: I'm sorry Bill had an old spreadsheet.

Bill Jeffers: I had an old spreadsheet. Apparently there was—

Linda Freeman: Eldon, Johnny Maurer on Baehl.

Bill Jeffers: Are we recommending a high bidder?

Linda Freeman: No. (Inaudible).

Bill Jeffers: Okay, we're recommending the lowest bid in the case of the competing bid, which is, okay, there's a, the competition is between Eldon Maasberg for Baehl Ditch annual maintenance, and John Maurer for the same ditch, Baehl Ditch, and we're recommending John Maurer, the low bidder.

Commissioner Musgrave: Okay.

Bill Jeffers: Both of those bidders have worked on that ditch in the past. Both of them are satisfactory contractors, but we are recommending John Maurer as the low bidder. Eldon Maasberg not to get the contract for Baehl Ditch.

Commissioner Musgrave: Okay, so, you will turn in a copy marked with the appropriate way, so that we can make a motion to accept your recommendations, which all of which are the low bidder, or the only bidder?

Bill Jeffers: Right, either the only bidder or the low bidder is what we're recommending, and we will, in the next week or so draw up contracts and have each of the successful bidders that you award to sign a contract. We will bring those contracts to you and you will approve them. The contract to, in this case the low bidder.

Commissioner Musgrave: In which case, I made my motion to accept the bids as recommended by the Surveyor.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: Sorry about that. I had an older copy from earlier in the week. Okay, that takes care of the annual bids. Those are your successful bidders. We will bring you contracts signed by each of them in the next few weeks.

Sticks & Stones Landscape Sales: Final Plan
--

Bill Jeffers: Our next item is Sticks and Stones Landscape Sales. It's a, I think we're having trouble.

Brenda Jeffers: No, we're fine. I just have to turn the projector on.

Commissioner Shetler: Saving the bulb. Kind of expensive and hard to find, remember, Bill?

Bill Jeffers: Yeah, well, we got lucky, the Sony would have been 990 something dollars, we just burnt out a \$200 bulb. Dell, that's not in way of an endorsement, but it's something to think about when you buy a projector. I think we can go ahead with Sticks and Stones while we're waiting for it to warm up. Basically, what we have here is plan by a landscape company called Sticks and Stones out on Morgan Avenue. It's just past I-164 on the way to Chandler, just inside the Vanderburgh County limits. The plan was approved, I believe, in 2004 by the Drainage Board, but being over 18 months old, it has lapsed with Area Plan Commission. They require re-approval after 18 months. So, as a formality, I'm asking that the board re-approve this plan. It's the very same plan that was approved in 2004, with the County Surveyor's recommendation.

Commissioner Musgrave: Move approval.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: Justin has a Mylar for you to sign at this time.

Northwood Church: Final Plan

Bill Jeffers: The second plan is Northwood Church. It's a new church to be built north of Kansas Road on Green River, the entrance is on Green River Road. It sits up on top of a hill above Cayman Ridge, no, excuse me, Crown Point, Crown Ridge. It sits above Crown Ridge Subdivision. It's a very simple plan. It was prepared by Landmark Design. It meets with the county drainage code, and the County Surveyor recommends approval of this church drainage plan. Dave True is in the audience, but does not have a Mylar for you to sign. I suppose we can bring you a Mylar at a later date. Right now it's just a home that was either purchased or donated to the church with a little lake behind it.

President Nix: Questions?

Commissioner Musgrave: Move approval.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Wynnfield Section Two: Final Plan

Bill Jeffers: I have one drainage plan that was not on the agenda when I turned it in Thursday at noon, but I have reviewed it since that time. If you would allow me, I'll have it brought forward. It's a plan that's been in the works for quite some time. You've seen it before. We don't have an aerial photograph of it, but you'll recognize it when you see it. It's Wynnfield Section Two drainage plan. We've been working out some details with Scott Raley and his engineer, Lee McClellan. Lee has the plans here, along with the Mylar. I had sent the plans back for some red line corrections, which Lee has made. Do you want to see the rolled plans, Mr. Nix? They're rather substantial. This is the same—

President Nix: We looked at this probably, what, two months ago or so?

Bill Jeffers: A week or two ago, on the new ditch.

President Nix: Yes.

Bill Jeffers: Now, he's brought the rest of the plans up to date, and the County Surveyor recommends approval of this so that Mr. Raley can record his plat and go forward with the sale of the lots. Here's the sheet to sign, if you wish. I appreciate you taking it while it's not on the agenda. The County Surveyor recommends approval of the final drainage plan for Wynnfield Subdivision, Section Two.

Commissioner Musgrave: Move approval.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Progress Report on Consulting Engineer Proposal Reviews

Bill Jeffers: The final item of business that I have is to report on our progress with the consulting engineers who submitted proposals last week. We took them down to our office and examined them. Charley Alvey here on our staff used an Indiana Department of Transportation's scoring mechanism to rank the responding consultants. We're showing you the top three ranked consultants for each project, so that if we enter into negotiations with the top ranked one and those negotiations fail to come to fruition, we can go to the second ranked, etcetera. Charley has also prepared a very nice letter to those who did not rank. You know, I think we had seven responders. Those that did not rank on this sheet, we thanked them for their submittal, and encouraged them to submit in the future. All of the submittals were very professional, and satisfactory, it's just that some ranked higher than others. Charley's also prepared letters for those that did rank, where we're inviting them to enter into negotiations. I'm asking for your guidance on this. If you want to participate in anyway, we encourage that. If not, we'll go forward with negotiating the best price we can get for you.

Commissioner Shetler: Is one an ace or is it a one? I mean, is it high or is it low?

Bill Jeffers: Oh, one is highest rank.

Commissioner Shetler: Okay.

Bill Jeffers: Three is—

Commissioner Shetler: Three is the low.

Commissioner Musgrave: So, if you got a one, then that would be the first—

Bill Jeffers: Our first choice for that project.

Commissioner Musgrave: And you will enter into negotiations for price, at this point?

Bill Jeffers: If you direct us to do so.

Commissioner Musgrave: Is that what you want us to direct you to do?

Bill Jeffers: I would be happy to do that, yes, Ma'am.

President Nix: And then asterisk means that they just didn't—

Bill Jeffers: They rank, but we didn't want to include their number on this sheet, because it doesn't really apply to anything.

President Nix: Okay.

Bill Jeffers: They either ranked four, five, six, or seven. It's not really important at this point. They all submitted professional, you know, responses.

President Nix: Sure.

Bill Jeffers: We don't want to go below number three on the ranking. Although, that information would be available to you in our office, if you would like to see it.

Commissioner Musgrave: Motion to proceed as you've outlined.

Bill Jeffers: Thank you.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Any other business, Mr. Jeffers?

Bill Jeffers: I do not, unless this board does.

Commissioner Musgrave: No, but I would like to note that we've had, I think, as many drainage board meetings this year, and it's April, right? As a normal Commission would have had maybe all year?

Bill Jeffers: That's right, and if we hadn't had this one today, Mr. Raley would not have been able to record his plat tomorrow, and may have missed a lot sale, which makes a difference in the market.

President Nix: Correct me if I'm wrong, but there's a lot of other processes that some of these developers have to go through that could, in fact, delay projects up to five or six weeks?

Bill Jeffers: Yes, they do, and they certainly appreciate your pro-active approach to this, and the fact that we don't charge a review fee or a permit fee of any sort. Now they can move forward to those agencies that do.

Commissioner Musgrave: Well, we couldn't do this unless you had agreed to agree to come every week if there was business to conduct. '

Bill Jeffers: It does put a little pressure on the staff, but I'm glad to be able to do it for you.

President Nix: It's a little bit every week, instead of a whole lot every fourth week.

Commissioner Musgrave: Motion to adjourn.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

(The meeting was adjourned at 4:10 p.m.)

Those in Attendance:

Bill Nix

Ted C. Ziemer, Jr.

Linda Freeman

Members of Media

Cheryl Musgrave

Bill Jeffers

Brenda Jeffers

Tom Shetler, Jr.

Madelyn Grayson

Others Unidentified

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl A.W. Musgrave, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
DRAINAGE BOARD
APRIL 18, 2006**

The Vanderburgh County Drainage Board met in session this 18th day of April, 2006 at 4:15 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: We'll go ahead and get started. This is the Vanderburgh County Drainage Board meeting for Tuesday, April 18, 2006, 4:15 p.m. Mr. Jeffers?

Approval of the April 11, 2006 Drainage Board Meeting Minutes

President Nix: Before we do that, I'll entertain a motion to approve the minutes of the previous meeting.

Commissioner Musgrave: I will make a motion to approve the minutes of the previous meeting.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Mr. Jeffers?

The Glenns: Final Drainage Plan

Bill Jeffers: Good afternoon.

President Nix: Good afternoon.

Bill Jeffers: The only drainage plan on your agenda is The Glenns. It's a final drainage plan. The Commissioners have already approved the road plans. Keith Poff is the engineer here in the audience, should you have any questions. The Vanderburgh County Surveyor has reviewed the final drainage plan for The Glenns, and recommends approval.

Commissioner Musgrave: The layout of the lots here is different than it was the last time we looked at this. Is this—

Bill Jeffers: Is that on account of the extended right-of-ways to the—

Commissioner Musgrave: Yes.

Bill Jeffers: —to the, uh, right, that was at the request of the Area Plan Commission, and, I believe, the Commissioners, to extend the right-of-way of two roads—

President Musgrave: Right.

Bill Jeffers: —to the boundary of the subdivision, should there be a possibility for connection in the future.

Commissioner Musgrave: Right. So, this is an outdated lot layout, correct?

Bill Jeffers: Oh, that's the one we showed you on the screen at our last meeting. Yes, Ma'am, that has not been updated to reflect, the plan that is in front of you does reflect the extended right-of-way of two roads to the boundary.

President Nix: The picture is incorrect? The drawing is correct?

Bill Jeffers: That's right.

President Nix: Thank you.

Commissioner Musgrave: I will move approval.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

2006 Ditch Maintenance Contracts & Claims

Bill Jeffers: I have no contracts to bring forward at this time, and no claims.

Drainage Easement Encroachment Agreement: Romain Family Limited Partnership

Bill Jeffers: The only other business is a drainage easement encroachment agreement that was filed with the Auditor late last week. Madelyn has a copy on her desk signed, notarized, etcetera. It's on, it's submitted by Romain Buick, and what happened is they had a final drainage plan approval for the elimination of a ditch out in front of their display yard, and they diverted the water into the highway side ditch, which adequately handles the flow. The plan was approved by the Commissioners and by the Drainage Board previously, and this is a document to be recorded, the check is here for the recordation, and it allows them to put their display and some signs in the previous ditch easement. The County Surveyor recommends approval of this drainage easement encroachment agreement so that it can go forward and be recorded.

Commissioner Musgrave: Motion to accept the Surveyor's recommendation.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Discussion of Traffic Study for The Glenns

Commissioner Musgrave: I do have one question, back to The Glenns. I don't know if you're the right person to address this to, or perhaps—

Bill Jeffers: Well, the engineer is here, should you have a question of him.

Commissioner Musgrave: If you'll recall, at the Area Plan hearings there was a certain sum of money agreed to be set aside for a traffic study.

Bill Jeffers: I believe that was \$5,000.

Commissioner Musgrave: Has that traffic study been conducted? Has anything occurred?

Keith Poff: To my knowledge that money has not been forwarded to the EUTS office for that. We understood that to be a condition for recording, so, he hasn't done it as yet.

Commissioner Musgrave: A condition upon recording?

Keith Poff: It was a condition for recording. So, we have a process for recording. He's building the subdivision improvements at this time.

President Nix: Was that, was \$5,000 correct?

Keith Poff: That's my recall, yes.

Commissioner Musgrave: I thought it was a different number, but you might be right. Okay. So, at what point does this come forward? Just so I'm totally clear on this.

Keith Poff: Well, before he can record any section, or the entire subdivision plat, that would be a condition that has to be met. As a matter of fact, we did have section one that was sent on to the Area Plan, those are one of the conditions that were stated to us before we could continue further. That was one of the items that we had to take care of. So, we did get a reminder recently, but he hasn't done it as of yet.

Commissioner Musgrave: Okay, thank you.

Bill Jeffers: Since I've already exceeded my five minute bet with your attorney, I'm going to go ahead and lose another minute. I would just like to say at this time, I still think a better idea would be to access Lynch Road with right in, right out only, because I don't believe we'll ever see a connection to the other two roads through that excessive flood plain, excessively deep flood plain. Even if we did, I don't think it would cure the traffic problem at Mariner and Oak Hill Road. I think it would be a better solution for a right in, right out off of Lynch.

Commissioner Musgrave: I'm not going to make that motion.

Bill Jeffers: Just my two cents. That would save a \$5,000 traffic study.

President Nix: Thank you, Mr. Jeffers.

Bill Jeffers: Thank you for your time.

President Nix: I would entertain a motion to adjourn.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:20 p.m.)

Those in Attendance:

Bill Nix

Ted C. Ziemer, Jr.

Keith Poff

Cheryl Musgrave

Bill Jeffers

Others Unidentified

Tom Shetler, Jr.

Madelyn Grayson

Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl A.W. Musgrave, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
DRAINAGE BOARD
APRIL 25, 2006**

The Vanderburgh County Drainage Board met in session this 25th day of April, 2006 at 4:32 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: Good afternoon. I would like to call to order the Vanderburgh County Drainage Board meeting for Tuesday, April 25, 2006 at 4:32.

Approval of April 18, 2006 Drainage Board Meeting Minutes

President Nix: I will entertain a motion to approve minutes of the previous meeting.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Permission to Open 2006 Mowing Bids

President Nix: Ms. Freeman, good afternoon.

Linda Freeman: Good afternoon. Linda Freeman from the Vanderburgh County Surveyor's office. We are in receipt of mowing bids from one particular bidder. We advertised that in the paper, and we had one responsive bidder. I would like to ask the board that we could open those bids at this time.

Commissioner Musgrave: Motion to open the bids.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Approval of 2006 Ditch Maintenance Contracts

Linda Freeman: We have some contracts that Madelyn has for you for the 2006 maintenance that we would like you to sign. The contractors that were awarded the bids have sent those back. We are still waiting for Big Creek Drainage Association and Eldon Maasberg's contracts, but we have the rest of them here for your signatures.

Madelyn Grayson: In previous years the Commission has allowed me to stamp their names, unless you would like to sign 36 or 40 contracts.

President Nix: No.

Commissioner Musgrave: Motion to approve the contracts, and to have our names stamped.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Ditch Maintenance Claims

Linda Freeman: We have, I think, four blue claims to submit for some maintenance at this time. We have the appropriate paperwork attached to those, if you would like to sign those, please.

Commissioner Musgrave: Motion to approve the claims.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

2006 Ditch Bills News Release Information

Linda Freeman: Then for taxpayers information, we would like to have Charley Alvey from our office read a news release to inform people about their ditch bills that they may be receiving in the mail that they have questions about.

Charley Alvey: Good afternoon. Z. Tuley touched on this a little bit, but some property owners in Vanderburgh County are receiving ditch maintenance assessments this week. First time recipients often have questions. Here are some of the facts about ditch assessments. Only Vanderburgh County residents receive a bill. City residents ditch assessments are paid by the City of Evansville. Ditch assessments are levied against property owners who live within the area drained by a particular regulated drain. The regulated drain may not be on the property being billed. Not every ditch is a regulated drain. The county does not maintain private ditches. Each regulated drain has it's own maintenance fund. One billing may generate enough money to maintain that drain for several years. Property owners are only billed when funds are needed. Mortgage escrow accounts usually do not pay the ditch assessment. The property owner is responsible for those ditch assessments. The ditch assessment for most residential property owners will be five dollars to \$20. Maintenance work includes weed killing, grass mowing, and some sediment removal. Annual maintenance work on Vanderburgh County regulated drains for 2006 has already begun in some areas. To view Vanderburgh County's regulated drains, go to www.vanderburghsurveyor.com and click on the GIS website. If they have any questions about ditch maintenance assessments or bills they can call our office at 435-5210. Thank you.

President Nix: Thank you, Mr. Alvey. Is this what we're going to award today?

Linda Freeman: Hopefully.

President Nix: Okay.

Signing of The Glens Drainage Plan (Approved 4/18/06)

Madelyn Grayson: Commissioners, there also is a Mylar of The Glens drainage plan that you approved last week that will need to be signed.

President Nix: That needs signatures on? Okay.

Reading of 2006 Mowing Bids

President Nix: If you could go ahead and read the bids to us there.

Ted C. Ziemer, Jr.: Okay. Yes, all the bids are from Terry R. Johnson, J-o-h-n-s-o-n. For Aiken Ditch, mid-summer mowing, \$1,343.97; East Side Urban South Half, \$883.78, that's for late spring and fall mowings; Harper Ditch, late spring and fall mowings, \$1,798.03; Kolb Ditch, for mid-summer and fall mowings, \$1,215.29; Kolb Ditch, for fall mowing only, \$1,343.97. Sonntag Stevens, for late spring mowing, \$1,877.26; Sonntag Stevens, for fall mowing, \$6,524.70.

Approval of 2006 Mowing Bids

Linda Freeman: The County Surveyor's office would recommend that we accept Terry Johnson's bid as read by Mr. Ziemer.

President Nix: I guess, from a legal standpoint, can we do that? Because there's only one bid?

Ted C. Ziemer, Jr.: Sure.

Commissioner Musgrave: Motion to accept the County Surveyor's recommendation.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Linda Freeman: Alright, I'll get the contracts ready and bring them at the May 16th meeting, hopefully.

Commissioner Musgrave: Do you need a motion to adjourn, sir?

President Nix: No other business to come before the board?

Commissioner Shetler: If they need to be brought earlier than that, the 3rd is next week.

Commissioner Musgrave: We already set that meeting for the sole purpose of doing the Baseline Road Bridge, but, I guess, we could follow with a drainage board meeting.

Linda Freeman: Probably May the 16th--

President Nix: We advertised--

Commissioner Shetler: (Inaudible) a lot quicker, I didn't know.

Linda Freeman: I think, May the 16th is when you guys--

President Nix: That's the next meeting after this one.

Linda Freeman: --have your next meeting? I think we do already have, we, I think we've got an obstruction petition that we'll need to bring to that May 16th meeting.

President Nix: So, you won't necessarily need to come to this meeting on the 3rd for anything then?

Linda Freeman: No, not that I'm aware of.

President Nix: Okay. Is there any other business? If not, I'll entertain a motion to adjourn.

Commissioner Shetler: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:40 p.m.)

Those in Attendance:

Bill Nix

Ted C. Ziemer, Jr.

Charley Alvey

Cheryl Musgrave

Linda Freeman

Others Unidentified

Tom Shetler, Jr.

Madelyn Grayson

Members of Media

**Vanderburgh County
Drainage Board
April 25, 2006**

Page 5 of 5

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl A.W. Musgrave, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
DRAINAGE BOARD
MAY 16, 2006**

The Vanderburgh County Drainage Board met in session this 16th day of May, 2006 at 4:02 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: I would like to call to order the Vanderburgh County Drainage Board, Tuesday, May 16, 2006 at 4:02.

Approval of the April 25, 2006 Drainage Board Meeting Minutes

President Nix: I would entertain a motion to approve minutes of the previous meeting.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Mr. Jeffers? Good afternoon.

Cayman Ridge Final Plan Modifications

Bill Jeffers: Good afternoon, Board, Mr. President. Our first drainage plan is Cayman Ridge, which comes in with some final modifications, due to the Corp of Engineers and the Department of Natural Resources requirement for the design to be changed to accommodate their clean water standards. Some alterations have been made to the detention basin, and some other minor alterations.

President Nix: Do we have any questions from the board?

Commissioner Shetler: I have none.

Commissioner Musgrave: You have reviewed and approved these?

Bill Jeffers: The County Surveyor and the County Engineer have both reviewed them. The County Surveyor recommends approval of the changes, and you will see those reflected when the County Engineer brings you the revised road plans.

Commissioner Musgrave: Move to adopt the recommendation of the County Surveyor.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Harbour's Edge Townehomes, Phase II

Bill Jeffers: The second item is a new subdivision, Harbour's Edge Townehomes, Phase II. I do have the Mylar here for you to sign. This is a plan for some townhouse type condominiums outside the Knight Township levee, immediately north of the Marina on Waterworks Road. All the drainage will discharge directly into the Ohio River. The County Surveyor has reviewed the plan, recommends approval of the plans, and also recommends that the motion include the waiver of the requirement for detention, because all water will be discharged directly into the Ohio River and your drainage code allows you to waive detention when the water is discharged into a major receiving stream.

Commissioner Musgrave: Mr. Surveyor? What is the diagonal line drawn across here?

Bill Jeffers: I believe that is the same diagonal line you see on the aerial photograph is the western boundary of the levee right-of-way.

Commissioner Musgrave: And some of these condos are being built on the levee right-of-way?

Bill Jeffers: The Levee Authority, and I believe, the developer's engineer is here to explain that. It was explained in subdivision review and in site review yesterday, but the Levee Authority has given permission for parking areas to be extended onto the levee right-of-way. That's my understanding. If you want a succinct explanation, the engineer is here. Lee?

Lee McClellan: My name is Lee McClellan, with Morley and Associates at 230 Second Street, Henderson, Kentucky. To answer your question, the diagonal line, the yellow, diagonal line is the actual west property line of Harbour Edge, Phase II, as recorded by the plat. It is also the west, or the east property line or the right-of-way line of the Knight Township, Vanderburgh Levee Authority flood protection work. In, back in 1987, when Mr. Bussing developed the Harbour's Edge Subdivision, he entered into an agreement with the Evansville-Vanderburgh Levee Authority District, and the Army Corp of Engineers in Louisville for the following; it's to grant an easement to the developer for the following uses; recreation facilities, parking areas, drainage facilities, and roadways. That was agreed upon back on June 10, 1987. Then, to reconfirm that the Corp of Engineers had no objection to the property, since the property had not been developed since 1987 by Mr. Bussing, we wrote a letter to the Corp, dated February 21, 2006, on behalf of Mr. Bussing, to the Chief of Operations and Readiness, explaining, along with some sketches, the preliminary layout of the site, along with how we were cutting down into the ground to develop the project. They returned a letter dated March 3, 2006 to Mr. Mangold, the Levee Superintendent, which states that they offered no objection to the project. There only condition was that a set of as-built drawings for the above project should be forwarded to this office following completion of the project. So, Mr. Bussing has received Levee Authority and the Corp of Engineer's approval to actually encroach into that. The logic back in 1987 for that reasoning was that that land back there was going to be part of the Greenway, and, therefore it will always remain a flood protection, earthen levee, and we would not have a developer that could potentially purchase that project and build something behind them. So, the Corp, back in 1987 felt that that was a reasonable request.

Commissioner Musgrave: As you may know, I was ten years the Assessor, and when I see you're building stuff on land you don't own, and land that's exempt, it causes me to bring up the question, how have you managed the taxing of this property?

Lee McClellan: That I cannot answer.

Commissioner Musgrave: But, it's not your intention, should the Pigeon Township Assessor bill you for this, it's not your intention to avoid, or the developer/owner whoever ends up owning this—

Lee McClellan: That would be Mr. Bussing, and Mr. Rayburn.

Commissioner Musgrave: Mr. Bussing and Mr. Rayburn fully are aware that they would have to pay taxes on this?

Lee McClellan: I really can't answer that.

Commissioner Musgrave: Okay.

Lee McClellan: I'm not, neither one of them are here this evening, so, I can't really answer that question. I don't know exactly what they're under the impression is going to happen.

Commissioner Musgrave: Okay, well, just let it be known here today that any vote that I might make in approval does not stand in approval of avoiding any kind of property taxes.

Lee McClellan: That's fine, but I will relay that information to both of them.

President Nix: Was that a motion?

Commissioner Musgrave: It was. So moved approval.

Commissioner Shetler: I'll second. I do have a question.

Lee McClellan: Yes.

Commissioner Shetler: To Bill, I guess, on, you said the water was going to be discharged, the run off, directly to the river.

Bill Jeffers: Yes, sir.

Commissioner Shetler: Is there any kind of filtering or anything that has to be done with the latest federal laws that have come into play dealing with run off waters and stuff?

Bill Jeffers: When John Stoll and I looked at this plan, we noticed that they had intended, at first, to have garage drains connected to the storm sewer, and we were concerned that a garage drain might capture oil, salt, spilled paint, whatever someone might illicitly throw down the drain or inadvertently let spill into the drain, and we asked that those be disconnected. My impression is that there should be some storm water pollution prevention measures, long term, that the residents or the condominium association, or whomever the duty is assigned to should make

adequate and appropriate measures to protect the river from illicit discharge of pollution via the storm water. That should be in the, what's called the storm water pollution prevention plan that's filed with John Stoll as the MS4 operator for your board.

Commissioner Shetler: Alright.

Bill Jeffers: I assume that's been filed. Again, Lee can be more explicit about that.

Lee McClellan: Yes, the SWP3, the Storm Water Pollution Prevention Plan has been filed with John Stoll's office, and has been approved. We have, we're just waiting on the notice of publication to be published in the Evansville Courier & Press, along with the publisher's affidavit. There is, as part of the SWP3, a post construction phase. Now, this is after the construction. Now, in addition to all of the construction practices, such as silt fences, straw bale dams, temporary seeding, a temporary rock entrance road, those type of things, there is also a post construction, which is each of the inlets and area drains that will collect run off from the parking lots and lawn areas, should somebody over fertilize, you'll have hydro carbon drippings off the bottom of cars from oil, greases, antifreeze, you'll have de-icing salts that will be tracked on to the site from county roads, all those will wash into the area drains. Inside of each of the area drains there is a liner that is a fabric and a screen that will catch all floatable solids, such as, fast food wrappers, or plastic Pepsi or Coke bottles, or coffee cups, those type of things will be captured in that basket, along with your silt tire rubbings and those type of things. So, there is, in the SWP3 that the developer has signed, that he will be responsible for maintaining those and inspecting those on a periodic basis, and then actually replacing the liners when they become a certain percentage plugged, and it's defined, based on really the manufacturer of the lining, but normally it's about 65 percent. So, debris will be captured before it is discharged directly to the Ohio River.

Commissioner Shetler: Alright, thank you.

President Nix: Any other questions from the board?

Bill Jeffers: And, of course, that is an appropriate question, because you recently turned over that program to John Stoll, County Engineer, as your MS4 operator. It has previously been administered by the Soil and Water Conservation District, but is now administered for you by John Stoll.

Commissioner Shetler: Alright, thanks, Bill.

Commissioner Musgrave: I think we were ready for a vote.

President Nix: I would entertain a motion.

Commissioner Musgrave: We did that.

President Nix: Oh, we did? Yeah, we're ready to go.

Bill Jeffers: Did you all vote on it? I'm sorry.

President Nix: All in favor? I'm sorry.

All Commissioners: Aye.

Bill Jeffers: Thank you.

Receive Kincaid Petition to Remove Obstruction

Bill Jeffers: The next item of business is for the board to receive a petition from Steven, Steve M. Kincaid, requesting that the board order the removal of an obstruction from a watercourse located on a property downstream of his. I would ask you to receive this, instruct the County Surveyor to immediately proceed with an investigation, and to file a report with you, within the next 30 days. The statute requires that the hearing be held no sooner than 30 days from today, no greater than 90 days from today. I believe your Recording Secretary is scheduled to be out of town one of those Tuesdays, but any other Tuesday would be fine with me, I believe, unless it coincides with a state convention.

Commissioner Musgrave: I'll move to receive the petition and allow the matter to take the course you described.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: So, when I bring you that report back, we can set a hearing date.

Discussion of Contract with Wessler & Associates for Kolb Ditch

Bill Jeffers: The only other item I have is to receive and enter into a contract with Wessler and Associates, more particularly MD Wessler and Associates, Incorporated, 5401 Vogel Road, Suite 710, Evansville, 47715. This is for the study and evaluation services on Kolb Ditch, a regulated drain in Vanderburgh County for which we would desire to study the, and discover storm water conveyance inadequacies and establish a baseline characterization of the pollutant constituents in the water in that ditch, all as described in this contract, and for a total of \$19,300, with an alternate of another \$3,700, should we decide, the board and the County Surveyor decide that additional services should be rendered. I propose that those would be rendered in the year 2007 for the baseline characterization. I don't want to pay for that out of this year's budget. I would like to pay the \$19,300 this year, and next year have them carry out the chemical analysis of the water and that type of thing at the laboratory and pay that amount next year. If you wish to take this under your and look at it, and have your lawyer look at it, that's fine. However, as soon as we could proceed on this, I would like to.

Commissioner Musgrave: The funds are in place?

Bill Jeffers: Yes, Ma'am. There is available a surplus after we pay all of our regular annual maintenance that's scheduled for that ditch, the mowings, the sprayings and everything else. There is an estimated surplus at the end of the year in excess of the amount, what was that, \$19,000?

Commissioner Musgrave: \$19,300.

Bill Jeffers: Three hundred, there is not enough to pay the additional \$3,700, but there would be in 2007.

Commissioner Musgrave: And the water testing that your talking about is not something the Health Department does or can do?

Bill Jeffers: No, this is something that the MS4 operator, in this case the Drainage Board, is responsible to determine a baseline characterization of all the water quality and the various conveyances we're responsible for. I don't think we're responsible to do that immediately, but Indiana Department of Environmental Management does expect us to come up with a characterization of that water as soon as possible. I think 2007 is a reasonable response to their rule.

Commissioner Musgrave: Okay.

Bill Jeffers: Then we would be, then after they establish that baseline and give us the testing points and everything, in house we could test most of that except for heavy metals and certain chemicals we're unable to do in house. We would have to recontract with someone to do that on a periodic basis. But, we could do, for example, turbidity, phosphorous, nitrogen, ecoli. We have kits to do those types of things. We do not have the capability for the chemical analysis of the water that's also required by IDEM.

Commissioner Musgrave: Motion to approve.

Commissioner Shetler: I'll second. I was going to second it subject to, I guess—

President Nix: For the County Attorney?

Commissioner Musgrave: I'll amend my motion to have review by County Attorney.

Bill Jeffers: Okay, I have five copies here for signatures. After we sign, or you can hold off signing them until you have your attorney review them, if you like.

President Nix: All in favor?

All Commissioners: Aye.

Ted C. Ziemer, Jr.: I will need whatever it is that I have to review.

FEMA Flood Plain Study Results: Stockwell Road Project

Bill Jeffers: I do have one comment to make, briefly. We had a meeting yesterday at the Building Commissioners office with Steve Fuchs and Roger Lehman, and the consultant, Morley and Associates presented a synopsis of their recent flood plain study of the six square miles of the east side over which FEMA desires to expand the flood plain. The Commissioners went forward with a study to try to minimize the area that would be impacted by the required additional insurance and other bureaucratic burdens that are placed upon the flood plain. It came to light that the money spent and the project completed by the Commission on Stockwell Road reduced that amount of flood plain significantly. For example, all of Eastland Mall and everything west of Green River Road is now out of the flood plain, or will be out of the flood plain when FEMA approves that. That's very significant. But, what came

to light was is that the culvert structures under Green River Road for East Side Urban outlet, which is the old Wabash-Eerie Canal, are a restriction that causes a significant amount of the area between Green River and Burkhardt to remain in the flood plain. The information came to us that the Indiana Department of Transportation intends to widen the intersection of Morgan Avenue and Green River Road. In doing so, we'll be paving some extra lanes over that culvert, and probably intend simply to extend the undersized culverts in both directions as the most economical way to complete their project, yet we locally, the City Engineer was also there, the County Engineer and all others in attendance at the meeting desire for any board or executive authority, whether it be the Mayor, the County Commissioners, or whomever, would forward to INDOT and the Governor an appeal to replace that culvert with an adequately sized culvert, very similar to what you did at Stockwell Road, thereby reducing the extent of the flood plain between Green River Road and Burkhardt, significantly. It might lower the flood plain as much as a foot and a half or two feet. That's a lot of dirt, and that's a lot of insurance premiums. When I say dirt, that's a lot of dirt fill that would be required to raise the finished floor elevations inordinately. So, also it came to light that there are five other culverts between Green River Road and Burkhardt. I believe three or four, three of which are railroad culverts, and two of those spurs are no longer active. Those culverts should come out. If they are to remain, they should be enlarged. They are also restrictions. So, there is another study that is being, will be brought to you in contract form in the next few weeks for that area, because it is a regulated drain between Green River Road and Burkhardt. That study will take the data, the raw data that's available now from Morley's study and try to formulate or display some culvert sizes that should be enlarged, and show you at a later date what size culverts the County Drainage Board and County Surveyor should pursue as replacements for those three railroad crossings, Oak Grove Road, and a private entrance to a commercial establishment that's currently vacant. That would be a great time to do it before that commercial establishment is released.

Commissioner Shetler: Bill, would it be more effective if we passed a resolution from this body?

Bill Jeffers: Anything would be effective, I think, coming from the County Commissioners and going to INDOT and more particularly to the Governor, who has expressed a desire for INDOT to cooperate with economic development. INDOT's general response would be we will put in whatever we think's adequate for a 50 year storm. We're looking for something for a 100 year storm. That would be significantly larger, and slightly more expensive. We would encourage INDOT to do that, because that's what we will be doing between that point and all other culverts upstream.

Commissioner Shetler: Well, generally the expense is pretty minor in the, from the very beginning if you do it, you know, when you've got everything under construction, compared to doing it, trying to do something later.

Bill Jeffers: It might not be as minor as we would wish, because they would simply want to extend the culverts, leave the existing one under Green River Road and put extensions on each end. We're asking them to rip the entire thing out and put an all new box culvert in there.

President Nix: Which may be—

Bill Jeffers: It may be a million dollars.

President Nix: What I'm saying though, it may be covered by roadways and what have you.

Bill Jeffers: It will then be covered by the intersection of Green River Road and Morgan Avenue for probably the next 25 years, yes.

Commissioner Musgrave: And when was this project planned for INDOT?

Bill Jeffers: I'm not sure. It just came to my knowledge about three weeks ago.

Commissioner Musgrave: Have you, have you or anyone else spoken to INDOT about the issue?

Bill Jeffers: It's in the City of Evansville, and the City Engineer has communicated with INDOT, and generally his response, or the response to him was not specific and indicated that they probably would like to just put extensions on the culvert and leave it as is. Which—

President Nix: This board really has jurisdiction over the drainage issues then, I mean, as far as that's concerned, is that your interpretation?

Bill Jeffers: I believe so. I believe that to be true. That is a regulated drain.

President Nix: Whether it's in the city or not?

Bill Jeffers: Correct. All of the regulated drains that exist in that area that was annexed in 1988 remain under your jurisdiction, until such time as you release them to the city. The previous boards have agreed, between the Board of Works and the Drainage Board that this board would continue to maintain those ditches. The county, the city does pay an assessment, but the county does the contracting.

President Nix: I had some conversations with Mr. Jeffers on this, I guess, in the last couple of weeks, and I think that we would be, it would be in our best interest to do what we can to get it to stay on board to proceed with what we feel is the right thing to do here. Because, if we don't, I think we're going to end up with a mess out there.

Commissioner Musgrave: Would it be possible for you to discuss that with our lobbyist before we make an official action here? Since Drainage Board has the opportunity to meet each week, and we have sent at least one other item to our lobbyist, I would like to—

President Nix: That would be a good place to start, but I think we need to pursue this, because I think it's pretty important that we get our, that it's done right. That it's put in correctly. Because, if not, we could suffer some serious consequences later on with economic development in that area, all the way to the county line.

Commissioner Musgrave: Okay.

Bill Jeffers: I think your lobbyist would be much more qualified to write your resolution for you than I. But, I would be happy to discuss it with him in anyway that would be helpful to you. Thank you.

Additional Discussion of Wessler Associates Contract: Kolb Ditch

Ted C. Ziemer, Jr.: Excuse me? While you were making that presentation, I had an opportunity to review the Wessler Associates contract. I would find it satisfactory for approval except for the insurance requirements. It says they'll maintain insurance pursuant to their business requirements, and, of course, we want them to maintain it pursuant to the county's business requirements. It says they'll provide us with a certificate of insurance at our request. Would you request that from them and let me review that? If that's satisfactory, I would approve the contract. Otherwise, we would need to have additional insurance from them.

Bill Jeffers: Very good. Thank you. I'll be happy to do that for you, Mr. Ziemer.

President Nix: I will entertain a motion to adjourn.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:30 p.m.)

Those in Attendance:

Bill Nix
Bill Jeffers
Lee McClellan

Cheryl Musgrave
Ted C. Ziemer, Jr.
Others Unidentified

Tom Shetler, Jr.
Madelyn Grayson
Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl A.W. Musgrave, Vice President

Tom Shetler, Jr., Member

**VANDEBURGH COUNTY
DRAINAGE BOARD
MAY 23, 2006**

The Vanderburgh County Drainage Board met in session this 23rd day of May, 2006 at 3:50 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: I would like to call to order the Vanderburgh County Drainage Board meeting, Tuesday, May 23, 2006 at 3:50.

Approval of the May 16, 2006 Drainage Board Meeting Minutes

President Nix: I would entertain a motion to approve minutes of the previous meeting.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Gauger Subdivision: Preliminary Plan

Bill Jeffers: Good afternoon. Bill Jeffers, Vanderburgh County Surveyor, serving as your technical advisor to the Drainage Board. We thought we had a surprise for you today. We had the new, color orthos from the state, but for some reason we're failing to retrieve them at this location. We were able to retrieve them at our office, but we're back to black and white it looks like, if anything. The first item is Gauger Subdivision. It's a little, three lot major sub. We don't anticipate 10,000 square feet of new, hard surface being applied. So, it really doesn't even qualify as a project under our drainage code. That's because there's already, as you can see, two houses, and they just simply created a third lot. But, because our subdivision code requires that, or qualifies that as a major subdivision, Area Plan Commission requires some sort of Drainage Board approval before it goes to Area Plan Commission hearing. I asked the developer's engineer simply to locate any natural surface watercourses on the plat, and designate pipe sizes for a new driveway, to make sure that the driveway pipe would be adequate to pass the storm water generated over here on this lot that will pass to the west, so the driveway pipe will pass the water. Very simple. The County Surveyor recommends approval of the drainage plan for Gauger Subdivision.

Commissioner Musgrave: Motion to adopt the County Surveyor's recommendation.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Relax Set Back: Bldg. #9: Wolf Creek Village II

Bill Jeffers: The second item is really not any more complicated. Just a moment.

President Nix: Is this the third one, then?

Bill Jeffers: That's the third one. Okay, we're trying some new things today, I'm sorry to have to turn the lights off on you, but on the color orthos the red showed up better than yellow or white. So, that's why you see red here. If that was laid over the top of the color orthos, it would look real nice. Anyhow, what we're looking at is Wolf Creek Village, Section II. It's an extension of the condominiums from section one over here out at Eickhoff Road and Hogue Road. Down in this corner there are a group of condominiums units, and if you'll look on the map I've provided, building nine was placed as shown on that site plan. Due to some land grading issues, and some driveway issues, turning radius, that type of thing, the developer has asked to move building nine slightly to the west. There will be a lake in this area right here. It's already constructed actually. The alignment that the developer wishes puts the lake within 47 feet of the closest point of the building. Our code requires 50 foot separation, unless a waiver is granted, or a variance is granted. You can grant a variance here today. The building will still be 15 ½ feet, at it's closest point, to the drainage easement, and 47 feet, at it's closest point, to water's edge. The County Surveyor recommends approval of the request for the variance to move building nine within 47 feet of the water's edge. We don't anticipate any, well, we don't anticipate any problem with it. Here's the written document making the request.

President Nix: Questions from the board?

Commissioner Musgrave: No questions. You've recommended this, Surveyor Jeffers?

Bill Jeffers: Yes, Ma'am, and I would add that it's not the first time I've recommended such a variance at Wolf Creek, or at other places, and it has been granted by other Drainage Boards in the past.

Commissioner Musgrave: Okay.

Bill Jeffers: After appropriate hearing.

Commissioner Musgrave: Motion to adopt the Surveyor's recommendation.

President Nix: All in favor?

All Commissioners: Aye.

Modified Plan: Lot 208: Windemere, Section 5

Bill Jeffers: The next one is a minor modification of a final drainage plan pertaining to lot 208, Windemere Subdivision, Section Five. If you'll look at the plan you'll see that Ron Dauby, homebuilder, has built a beautiful home on section, on lot 208, and has entered into a contract to sell the home with a buyer. The buyer wished to level out the backyard and place his fence closer to the north lot line. In order to do that, Mr. Dauby had to install a concrete drainage pipe in an open ditch. The plans you have in front of you show the pipe. The calculations were done by Keith Poff of

Sitecon. All the design work was done by him. The proposed design conforms to all the requirements of the drainage code. Coming to you shortly after, if you approve this, will be an encroachment permit to allow a fence within that drainage easement as well. This is basically a small patio type home, and the fellas just trying to gain an additional four feet of yard space. The County Surveyor's reviewed the plans and recommends approval.

Commissioner Musgrave: Motion to adopt the Surveyor's recommendation.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Encroachment Agreement: 2440 Aiden Dr: Lot 208: Windemere, Section 5

Bill Jeffers: You now have in front of you my copy of a document, which your secretary holds the original for. It's the encroachment permit. All the language is in accordance with the language that's been approved by your County Attorney. It's simply a form that we use to indemnify the County Commissioners and the County Drainage Board, in order to allow the encroachment of a drainage easement by a fence. Basically, this man is asking for another four feet usage within the easement, and in order to do that he's moving the fence, there still will be seven to ten feet of drainage easement for the possible replacement of that pipe, if it should ever occur, and that's plenty. The County Surveyor recommends approval of the encroachment permit for the address, 2440 Aiden Drive, which is, in fact, lot 208, Windemere, Section Five.

Commissioner Shetler: So moved.

Commissioner Musgrave: I'll second.

President Nix: All in favor?

All Commissioners: Aye.

Wessler & Associates Contract for Study & Evaluation: Kolb Ditch

Bill Jeffers: Under contracts to receive, we're still holding the contract with Wessler that's been reviewed by your County Attorney. I've given your Recording Secretary five copies of the insurance documents that were requested by your attorney. They appear to be in order, and the County Surveyor recommends entering into that contract in accordance with this language. Those documents are on your desk, and the County Attorney is looking at them.

Ted C. Ziemer, Jr.: Yeah, the insurance certificates are what Wessler and I agreed to. If they're attached to the agreements, they can be safely executed.

Commissioner Musgrave: Motion to approve.

Commissioner Shetler: Second.

Ted C. Ziemer, Jr.: Actually, you've already done that.

Commissioner Musgrave: Never mind.

Ted C. Ziemer, Jr.: Yeah, you just need to sign them.

Bill Jeffers: Thank you for your signatures on that. We will proceed with that contract with Wessler.

Ditch Maintenance Claims

Bill Jeffers: The last item that I have, there are blue claims for maintenance on regulated drains thus far in 2006.

Commissioner Musgrave: Motion to approve the claims.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Mr. Jeffers, do you have anything else to bring in front of the board?

Bill Jeffers: I'm just, wish you well, glad it's you, not me that's going out to the 4-H Center.

Commissioner Musgrave: Come on out.

Bill Jeffers: I can say, you know, I know smoking is unhealthy, I know that, but, you know, the stress they're putting you through in these meetings is also a strain on your health. So, I wish you well.

Commissioner Nix: Thank you. I would entertain a motion to adjourn.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:00 p.m.)

Those in Attendance:

Bill Nix

Bill Jeffers

Others Unidentified

Cheryl Musgrave

Ted C. Ziemer, Jr.

Members of Media

Tom Shetler, Jr.

Madelyn Grayson

**Vanderburgh County
Drainage Board
May 23, 2006**

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**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl Musgrave, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
DRAINAGE BOARD
JUNE 6, 2006**

The Vanderburgh County Drainage Board met in session this 6th day of June, 2006 at 5:05 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: I would like to call to order the Vanderburgh County Drainage Board, Tuesday, June 6, 2006 at 5:05 p.m. Mr. Jeffers?

Approval of the May 23, 2006 Drainage Board Meeting Minutes

President Nix: If I can get a motion to approve the minutes of the previous meeting.

Commissioner Shetler: So moved.

President Nix: Second. All in favor?

Commissioner Shetler: Aye.

President Nix: Aye.

Mention of Appreciation of Mike Wathen: County Engineer's Office

Bill Jeffers: Good afternoon. Bill Jeffers, Vanderburgh County Surveyor, and your technical advisor to the Vanderburgh County Drainage Board. We have a short agenda today, so, I would like to take the opportunity to say that it didn't rain as hard in May as it has some years. 1996 comes to mind as the rainiest May on record, but it did, we did have some significant rainstorms that affected people. I had the opportunity to work with Mike Wathen from the County Engineer's office, he's your Erosion Control Specialist, and we rode together on several calls that involved both erosion and storm water problems, and I just wanted to thank you for the opportunity to work with Mr. Wathen. Every time I do, I learn something new. He has a real keen insight into erosion control and storm water drainage, and that relationship is working out very well. Again, thank you and the County Engineer for the opportunity to work with Mr. Wathen on a regular basis.

Centerra Ridge Subdivision: Final Drainage Plan

Bill Jeffers: The first drainage plan we have on your desk is Centerra Ridge Subdivision. It's a final plan. Centerra Ridge, as you can see from your photograph on the wall, is located on Telephone Road, in extreme eastern Vanderburgh County, right close to the Warrick County line, south of, well, it's right out there near your Lynch Road extension that will be opening Thursday. It's quite a large subdivision that's being developed by John Elpers and Bruce Biggerstaff. Morley and Associates has designed the plan for them, it's a final drainage plan. It's been reviewed by the County Surveyor and found compliant with the drainage ordinance. I've worked most recently with John Stoll on a few items near, that I've circled in, I believe, orange on the plan, some existing culverts under Telephone Road, and the new ditch that will be the outlet from the main detention basin. John and I worked together with the developer's engineer on that and came to a resolution of any

problems that we foresaw, and you signed the road plans, in that regard, at your Commissioners meeting today. The County Surveyor recommends now approval of the final drainage plan for Centerra Ridge. The Mylar is on your desk to sign, should you approve.

Commissioner Musgrave: Motion to accept the recommendation of the County Surveyor.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Knight Township Fire Dept: Final Drainage Plan (Withdrawn)

Bill Jeffers: Knight Township Fire Department has been withdrawn from today's agenda. They're contemplating changing the parking lot configuration. It will come back to you in a few weeks for approval.

Medical Office Building: Cross Pointe Development: Preliminary Plan

Bill Jeffers: The next drainage plan we have is the medical office building proposed in Cross Pointe Subdivision to occupy lot C2, lot C4, and a portion of lot E. This is a preliminary plan. I redlined an existing easement that appears on the recorded plat. The developer wishes to vacate that easement, and will be coming to you at a later date with some documents from the attorney to hear, to have a vacation of an easement hearing in front of the County Commissioners, to allow that building to be built across that existing easement. In exchange, he will dedicate a new easement that I have outlined in yellow. Did I give you the right set of plans?

Commissioner Musgrave: We don't see, we can't find Cross Pointe.

President Nix: There's no reference to Cross Pointe on this.

Bill Jeffers: Oh, Cross Pointe Boulevard is to the east. Let's move our orthograph and you can see it. The two lots that we're talking about are lots—

Brenda Jeffers: That's in Cross Pointe 5A.

Bill Jeffers: That's lot C2 and lot C4. Cross Pointe Boulevard's over here in 5A and 6.

Commissioner Musgrave: Thank you.

Bill Jeffers: What we're looking at today as a drainage plan is to the west of Cross Pointe Boulevard.

Brenda Jeffers: That's 5A. That's in 5A.

Bill Jeffers: This is a fitness center at the end of Buente West Court. There's a fitness center existing, and another structure here, and these are two vacant lots. This is, it's on your plan as, this is C2, this is C4, on the plan. We may have some

information from Area Plan Commission that indicates otherwise, but that's what it is. Then lot E is over here, and they're simply occupying a small portion of that to get access to Virginia Street for dual access. As I was saying, they want to vacate an existing easement, that's fine, because they're going to re-route the drainage through the, a new easement, that I've outlined in yellow on your plan, and take all their detention over to this existing lake. They will route it across the street into this existing lake, which is capable of handling it. I just wanted to get this through the process as a preliminary drainage plan, so that the developer's attorney can come to you, as the County Commissioners, with a request to vacate the easement. It does meet the requirements of a preliminary drainage plan. It will have additional details as a final drainage plan. Mr. Richard Mills is here in the audience, the engineer who designed the plan, should you have any questions. The County Surveyor has reviewed it and found it complies with the drainage code, and recommends approval.

President Nix: Any questions from the Board?

Commissioner Musgrave: Motion to adopt the Surveyor's recommendation.

Commissioner Shetler: So moved.

President Nix: All in favor?

All Commissioners: Aye.

Update on Green River Road-Morgan Avenue Culvert Project

Bill Jeffers: Under other business, I have no contracts to bring to you at this time, because I'm reviewing and continuing to negotiate with consultants regarding some technical clauses in the contracts that I'm trying to arrive at a wording that will more benefit the county. As an update to the Green River Road-Morgan Avenue culvert, last week Vectren was placing a new power pole and drilled a hole through that culvert, and we're going to be working with them to arrange, to repair, hopefully, that will be a temporary repair, if we can work with INDOT to replace that culvert with a larger structure. Indications from the consulting engineers, RQAW and others consulting for INDOT, is that, yes, it's possible to work a new culvert into the plan. That wasn't contemplated. It was only contemplated as an intersection widening project. I would continue to encourage you to have your lobbyist lobby the Governor's office for assistance with funds to enlarge that culvert to reduce the flood plain on the eastern part of Vanderburgh County. I would be happy to work with anyone you assign me to work with in that regard. Do you have any questions on that?

President Nix: I know we spoke about this a couple of weeks ago. Have we made, have you made any contact with anyone other than what you just discussed as far as the project goes?

Bill Jeffers: I've made contact with RQAW and another engineering firm that INDOT referred me to.

President Nix: Okay.

Bill Jeffers: No one at INDOT is wanting to respond to this. They are actually in the process of producing the final tracings, and preparing to let it for bid. But, bid letting would probably occur in September to November, and there's still a window of opportunity we have to work on this culvert. I did contact the consultant with whom the Drainage Board will be entering into a contract for the study of the same ditch, and instructed them to put the large amount of focus and the majority of the focus on sizing that pipe, and sizing the other five culverts between Green River Road and Burkhardt Road, giving us a size that will work according to the study that was published by Morley and Associates, for the Building Commissioner, that indicates that these, a total of these six culverts are undersized for the current discharge of water from that flood way.

President Nix: Okay.

Bill Jeffers: So, those are the contacts I've made. I guess, at this point, we really need to go to someone who could influence INDOT into, hopefully, modifying their plan. The response that I'm getting back is, "Yes, it can be done. Who's going to pay for it?" Because it will cost additional money for RQAW to design the modification. It will cost additional money for it to be reviewed by the other consultant, who I can't remember the name, but they reviewed the plans for INDOT. It will cost a substantial amount of money to buy the materials and put them in place under the intersection before it's widened and improved according to the surface plans. You could go with Bridge funds. Hopefully, maybe you could find some Transportation funds.

Commissioner Musgrave: Why don't we discuss this at greater length and determine what might best be done. I doubt that we would have any action plan in place between now and next week when we would surely meet again and maybe approve any sort of letter or something like that. Do you want to work together?

President Nix: Yeah, why don't we get together, Bill, in the next day or so. We just need to sit down and talk this out. Because what I don't want to have happen is, like a lot of projects down in southern Indiana, it just seems like we get the crumbs after everybody else gets the money. I think, this is a really, really important project from the standpoint, and you addressed this in the meeting a few weeks ago, from the standpoint of how close it is to 164, economic development along the 164 corridor. It even works in with the Cross Pointe Boulevard project we're looking at right now.

Bill Jeffers: This drains your TIF zone.

President Nix: Right.

Bill Jeffers: That's correct.

President Nix: So, we've really, really got to pursue this and get the state on board with this.

Bill Jeffers: I don't mind crumbs, as long as we get about \$500,000 of them.

Commissioner Musgrave: Is that about how much it would cost to do that?

Bill Jeffers: Rough estimate. But, that's what we estimated Stockwell Road at, and it escalated to a million due to certain complications. I hope we don't see those

same complications. I think this could be an open road cut, rather than a boring, in other words.

Commissioner Musgrave: Is the project that the state's doing, does that involve federal funds or not?

Bill Jeffers: I would imagine it does, but I'm not positive on that.

Commissioner Musgrave: Okay. I think we probably need to talk to John Stoll too. We did give up the federal fund money that we would have received for the Green River Road project, in order to speed the project up. But, that money is able to be transferred to other projects. I just don't know if this would qualify for that or not.

Bill Jeffers: The reason I don't know as much as I should, is that this location is inside the City of Evansville. It's being coordinated with the City Engineer. However, it does affect a county drain that serves five square miles of county development area.

Commissioner Musgrave: Sounds like a big meeting.

President Nix: So, maybe that might be something we want to do with John and Pat, maybe, together?

Bill Jeffers: Mr. Keepes and others, yes.

President Nix: Okay, let's see if we can't set that up, Bill.

Bill Jeffers: Okay. Unless you have other comments or questions about other projects or issues.

Commissioner Musgrave: Motion to adjourn.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: We are adjourned.

(The meeting was adjourned at 5:18 p.m.)

Those in Attendance:

Bill Nix

Bill Jeffers

Brenda Jeffers

Cheryl Musgrave

Ted C. Ziemer, Jr.

Others Unidentified

Tom Shetler, Jr.

Madelyn Grayson

Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl A.W. Musgrave, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
DRAINAGE BOARD
JUNE 20, 2006**

The Vanderburgh County Drainage Board met in session this 20th day of June, 2006 at 3:56 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: I would like to call to order the Vanderburgh County Drainage Board, Tuesday, June 20, 2006 at 3:56.

Approval of the June 6, 2006 Drainage Board Meeting Minutes

President Nix: I will entertain a motion to approve the minutes of the previous meeting.

Commissioner Shetler: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

Cross Pointe, Section 6C: Final Plan

President Nix: Mr. Jeffers? Good afternoon.

Bill Jeffers: Good afternoon, Mr. Nix. Today we have one drainage plan, it's a final drainage plan for Cross Pointe, Section 6C. It's at the intersection of Cross Pointe Boulevard and what's the name of that other street?

Unidentified: Columbia.

Bill Jeffers: And the extension of Columbia Street that will come around and intersect with Virginia. That would be the terminus of Columbia Street. This development includes about eight lots, all draining to a basin in the northeast corner of, excuse me, I said eight lots, but, it's more than eight lots, but these here are being combined potentially for the Shoe Carnival executive suites. Anyway, the basin is up in this corner right here, and it drains into Nurrenbern Ditch, a regulated drain in Vanderburgh County. I've reviewed the plans. John Stoll has brought you the street plans, I believe, earlier today. The plans are in conformance with the Vanderburgh County drainage ordinance, and the recommendation is to approve the final drainage plan for Cross Pointe, Section 6C.

President Nix: Questions?

Commissioner Shetler: The parts, the two parcels that you mentioned about Shoe Carnival, now, as I understand it, they are looking at a detention pond or something on that property?

Bill Jeffers: Yes, the detention basin would be behind their office complex in this general area that I'm pointing at with the laser.

Commissioner Shetler: Okay. Right, okay. Thank you.

Commissioner Musgrave: And, it's your recommendation that we adopt this plan?

Bill Jeffers: Yes, Ma'am. You have the Mylar on your desk, should you adopt it, I think you've already signed the street plans.

Commissioner Musgrave: Thank you. Motion to accept the recommendation of the Surveyor.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Update on Kincaid Petition for Removal of Obstruction

Bill Jeffers: I have another item on the agenda, I was going to give you a brief report on the Steve Kincaid petition, but after taking a closer examination of the situation, I'm undecided whether the fill placed by the respondent represents a significant impediment to storm water. I need to go take some more measurements and some more visual observation after a good rainfall.

Ted C. Ziemer, Jr.: This afternoon would be a good time to do that.

Bill Jeffers: I was thinking that.

President Nix: So, you would like to table this now?

Bill Jeffers: I would like to table that, but I would like to tell you at this time that today is the 35th day from receipt of the petition, and we have until August 8th, which is a Tuesday, and would be the 84th day. That would be the last day that we could fit a hearing in before the 90 day limit. So, that's my way of showing you that we have some time, till August 8th to have a hearing. Basically, what's going on here, Mr. Kincaid lives in this home here, and the water drains naturally across, downhill from his lot, across the lot that the respondent owns, and off to this corner of the subdivision into a catch basin. The respondent brought in some dirt, and applied it in this general area here, along Mr. Kincaid's property line, to fill in a low spot. That dirt has not settled yet, and is a few inches higher than the level of the ground on Mr. Kincaid's property. After a rain storm like we just had today, there may be a very small puddle sitting behind this tree right here. That if that were leveled out a little bit more, just shave off a couple of inches, that little puddle of water would continue on down grade to this catch basin. I have a meeting with the Cashman's tomorrow afternoon at 6:00 to take a closer look at their side of the line. I hope to work all this out without the expense of a hearing. That's my report.

Update on Filing of Weyer Petition for Removal of Obstruction

Bill Jeffers: Your secretary is holding another petition from –

Madelyn Grayson: It's from a Herbert R. Weyer.

Bill Jeffers: –Herbert R. Weyer–

Madelyn Grayson: On South Walnut Lane.

Bill Jeffers: –I think it's 1922 South Walnut Lane?

Madelyn Grayson: Correct.

Bill Jeffers: I went out there, and the obstruction was in the 50 foot right-of-way for Walnut Lane, which puts it under the jurisdiction of the Board of Works. I went to the Board of Works, and, oh, while I was out there, I noticed that the potential respondent had removed the dirt from the ditch and thrown it up in his yard. It looked like a hurry up job. So, this is the same neighborhood that the City Board of Works just announced some improvements there at Southeast Boulevard for pump stations and sump pumps and all that. It's the same neighborhood that's been generating a lot of complaints for the city. I don't think it would be appropriate for the County Drainage Board to be ordering the City Board of Works to remove an obstruction. I think that just a simple request to do so would be sufficient. I don't think we need to go through a hearing for that. Anyway, Mr. Cottom, Cris Cottom, had talked to the neighbor and asked him to remove the dirt, and, like I said, when I got out there the dirt was laying up in his yard. I hope that issue goes away. I've sent my copy of that back to the attorney. I guess, you're holding a check?

Madelyn Grayson: I've got the one hundred dollar check and the original petition.

Bill Jeffers: So, I'm waiting to hear from the attorney who submitted it on behalf of Mr. Weyer. If he has no further objection, or doesn't want to bring it to you, I think it would be most appropriate to let the Board of Works handle it.

Commissioner Musgrave: Okay.

President Nix: That's fine. Anything else, Mr. Jeffers?

Bill Jeffers: That's all I have today.

President Nix: Thank you very much, Mr. Jeffers.

Commissioner Musgrave: Motion to adjourn.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 5:02 p.m.)

Those in Attendance:

Bill Nix

Ted C. Ziemer, Jr.

Others Unidentified

Cheryl Musgrave

Bill Jeffers

Members of Media

Tom Shetler, Jr.

Madelyn Grayson

VANDERBURGH COUNTY
DRAINAGE BOARD

Bill Nix, President

Cheryl A.W. Musgrave, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
DRAINAGE BOARD
JULY 11, 2006**

The Vanderburgh County Drainage Board met in session this 11th day of July, 2006 at 3:57 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: I would like to call to order the Vanderburgh County Drainage Board, Tuesday, July 11, 2006 at 3:57.

Approval of the June 20, 2006 Drainage Board Minutes

President Nix: I would entertain a motion to approve minutes of the previous meeting.

Commissioner Musgrave: I'll so move.

President Nix: Second. All in favor?

Commissioner Musgrave: Aye.

President Nix: Aye. Mr. Jeffers, good afternoon.

Steve Becker No. 2: Preliminary Plan

Bill Jeffers: Good afternoon, Mr. Nix, Mrs. Musgrave.

Commissioner Musgrave: Mr. Jeffers.

Bill Jeffers: For those of you watching at home, I hope you survived the deluge. We're getting plenty of phone calls down at the office. I hope everyone is safe. The Vanderburgh County Surveyor serves as the technical advisor to the County Drainage Board, the same as the County Engineer serves as technical advisor to the Commissioners for road and street projects. So, today I have two drainage plans to bring before you. The first one I put on your desk is Steve Becker number two. It's a preliminary drainage plan, doesn't require your signature on a Mylar. It's located on Browning Road, a quarter mile south of Schlensker Road out in Scott Township. It looks like a jigsaw puzzle, but it's just the way they carved up a large, wooded parcel into large lots to try to preserve, I mean, so everybody got a good piece of the woods, and a good building site. Because they are large lots, you want to anticipate that one house on such a large lot, three or four acre lots, some of them I think are close to five acre lots, wouldn't create any additional drainage. Indeed, when looking at the drainage calculations, worse case scenario, they are increasing their drainage right at ten percent additional runoff. To build a detention basin for that would, the basin would just be a mud puddle. So, they are asking the Drainage Board to relieve them of the obligation to detain, which the County Surveyor recommends that you do that. The County drainage code allows you to use your discretion on a case-by-case basis. I believe this is one of those cases where it would be unnecessary to have a little duck pond that was nothing more than a nuisance. They also are not going to be developing the entire project all at once. It's just as they sell a lot, someone will build an estate type home. So, I have reviewed the drainage plan, and recommend approval. With your approval, it will go forward to Area Plan

Commission. If any problems were to arise between now and Area Plan Commission, or come to light at Area Plan Commission, we could ask them to revise the final drainage plan.

President Nix: So, basically, your feeling is that these hard surfaces that will be established, roofs and driveways and stuff, there's enough property to retain the water within itself as it is right now?

Bill Jeffers: It should be able to absorb it, yes, and the new grass lawns that they establish.

President Nix: Okay.

Bill Jeffers: The worst possible case scenario, I've written it on the drainage plan a few pages back—

President Nix: Yeah, I see it in red, yes.

Bill Jeffers: —in red, how many cubic feet, I think, what is it two and a half cubic feet of additional discharge? I mean, that's what, a four inch pipe.

President Nix: How often have we done this, Bill?

Bill Jeffers: We've done it in cases like this, oh, maybe once a year.

President Nix: Okay.

Bill Jeffers: A subdivision will come through of estate homes where the increase in runoff is insignificant, and we'll waive the requirement for detention.

President Nix: The average lot size per home? I think I saw that here somewhere.

Bill Jeffers: I think they're running between two and four acres.

President Nix: Per home?

Bill Jeffers: Yes.

President Nix: Okay, if they were to come back...I turned that off, I'm sorry. If they were to come back and decide they wanted to put more homes in there, like what you're saying as far as going for site review, then this would pretty well, we would have to start all over again as far as drainage then? In your estimation?

Bill Jeffers: No, they wouldn't have to start all over, but, what they are going to have to do because each lot is greater than one acre, they're going to have to have an individual erosion, sediment and pollution control plan for each house they build.

President Nix: Okay.

Bill Jeffers: As a part of that plan, now, under the new Rule Five, each one of those pollution control plans, sediment control plans, has to have a drainage plan incorporated within it. So, as each house is built, if we discover a condition arises during the construction of that house, we can require additional measures be taken to address the drainage.

President Nix: You answered my question.

Bill Jeffers: Okay.

Commissioner Musgrave: I saw in the notes that site review had suggested that maybe combining some of the driveways. Is that a likelihood that they're going to replot this, and you'll have to come back?

Bill Jeffers: The only way I think they would replat the layout, is if someone decided they wanted, because the lots are so large, if they were to get sanitary sewers, then you could have a lot smaller than two and a half acres.

Commissioner Musgrave: Uh-huh.

Bill Jeffers: That someone could come in and divide one of the larger lots up, you know, as a minor sub. That does happen occasionally.

President Nix: Just so I understand this, if that would happen, that would come back to a review as far as drainage and erosion control and that on a per residence basis?

Bill Jeffers: As long as each lot was one acre in size or greater.

President Nix: Or greater?

Bill Jeffers: Once they get below that, it probably would skip through the loopholes. Because we only require plans for—

President Nix: What recourse would we have then if it was less than an acre?

Bill Jeffers: Grit your fingers. Or, grit your teeth and twiddle your fingers. I mean, you know, it just gets, the project's so small that the, we figure it's insignificant. Unless we know there's a problem.

Commissioner Musgrave: Are you ready for a motion?

President Nix: Yeah.

Commissioner Musgrave: Move approval of the Steve Becker Number Two preliminary drainage plan.

President Nix: Second. All in favor?

Commissioner Musgrave: Aye.

President Nix: Aye.

Summer Creek: Preliminary Plan

Bill Jeffers: The second one is Summer Creek. It's also a preliminary drainage plan, which the approval would allow it to move forward to Area Plan Commission. It's located on Green River Road, a quarter mile south of Ruston Lane, about half a mile north of Daylight, Indiana. The plan is on your desk. It is a more customary subdivision of quarter acre lots, existing farm ground, one street in off of Green River

Road. The reason those streets terminate the way they look on the plan is because there is anticipated future development of Summer Creek to the north, and Creekside Meadows is to the west and they want, Area Plan wants a connector. This is a standard drainage plan done by Sitecon, Keith Poff, as the engineer. It does meet all the requirements of the drainage ordinance. There will be detention in two ponds along the south tier of lots, next to the farm ground is labeled with Summer Creek. So, there will be adequate detention before any water is discharged into that farm ground. The County Surveyor—

Commissioner Musgrave: Is this just a conceptual layout of streets and lots?

Bill Jeffers: No, that is what appears on the primary plat that's going to Area Plan Commission.

Commissioner Musgrave: Okay, because there's no dimensions on these lots. Do you happen to know what they are?

Bill Jeffers: Well, that's a drainage plan that I've shown you. I'm sorry, the primary plat does show the dimensions. They are 50 feet wide and, I don't guess the lot sizes are shown on the drainage plan either.

Commissioner Nix: No.

Bill Jeffers: No, you would have to refer to the primary plat.

President Nix: But, they are on that "A" drawing?

Bill Jeffers: Right. Would you like for me to bring a primary plat down to your office?

Commissioner Musgrave: No, I was just curious.

Ted C. Ziemer, Jr.: We have one here.

President Nix: Looky there.

Bill Jeffers: Oh, okay. Keith is here with the primary plat.

Commissioner Musgrave: I was kind of tickled by the Dr. Seuss names of the streets here, Street One, Street Two, Street Three.

President Nix: Dr. Seuss?

Bill Jeffers: I don't think Area Plan wants you to name the streets until they go to the board and get approved, because, I don't know why. If they don't get approved, somebody else can use the same name.

Unidentified: (Inaudible).

Bill Jeffers: Oh, the name is not secure until you record the plat.

President Nix: Poff Lane or Jeffers Lane.

Commissioner Musgrave: Okay, thank you.

President Nix: Any other questions? I would entertain a motion to approve this.

Commissioner Musgrave: Move approval of Summer Creek's preliminary drainage plan.

President Nix: Second. All in favor?

Commissioner Musgrave: Aye.

President Nix: Aye.

Report on Steve Kincaid Petition to Remove Alleged Obstruction

Bill Jeffers: Earlier in the week, or at the end of last week, I sent an e-mail to you and to your attorney regarding the Steve M. Kincaid petition. The petitioner is Steve Kincaid, 8000 Newburgh Road. The respondent is Michael R. Cashman, 8010 Newburgh Road. The board received the petition on May 16, 2006. I last made comments on June 20, 2006, and they're in the minutes you've recorded. I visited the site Friday, June 23, 2006 at or about 9:00 a.m. On the way to the site I viewed several flooded farm fields, creeks, standing water in subdivisions all across the north side and east side of Evansville. When I got to the property, I did not view any evidence of a condition existing on the respondents property, Michael Cashman's property, that prevents or significantly impedes the flow of water through the natural surface watercourse at the location alleged in the petition by Mr. Kincaid. Therefore, at this time the County Surveyor's report is that the Surveyor did not find an existing obstruction as defined by state statute in the natural surface watercourse, in the location alleged in the petition.

President Nix: Thank you. Is there anyone here that wishes to speak to this issue? Okay. I guess, is there any action we have to take at this time? No action? Okay. Thank you, Mr. Jeffers.

Bill Jeffers: Okay.

Contract for Study of East Side Urban & Harper Ditch

Bill Jeffers: The next item is for the board to receive and approve a contract for the study of East Side Urban Drain and Harper Ditch. This is one contract, which your attorney has reviewed, and, excuse me, I forwarded certificates of insurance to the attorney earlier today from American Consulting Engineers, 7260 Shadeland Station, Indianapolis, Indiana. Basically, if you approve this contract and sign it today, I have already notified ACE Engineering that their first order of business will be to go out and give us a pipe size for Green River Road and Morgan Avenue. They incorporated that priority into this contract. That will be the first thing they do for you.

President Nix: And that information we can use then when we meet with the state?

Bill Jeffers: When we go deal with the state, we will have a proper pipe size that we would like at that location.

Commissioner Musgrave: How long will it take?

Bill Jeffers: I've been told as quickly as two weeks, but, and I hope that that's true, once we give them a notice to proceed, that they can take the data from the Morley study and convert it into what we need, the information we need, to take to the state within two weeks, hopefully. They may have to have a survey crew come down and spend a few days gathering some additional information.

Commissioner Musgrave: I make a motion to approve the contract for the study of the drains.

President Nix: I'll second.

Bill Jeffers: And I have the—

President Nix: All in favor?

Commissioner Musgrave: Aye.

President Nix: Aye.

Bill Jeffers: Excuse me.

President Nix: That's alright.

Bill Jeffers: This is the original for you to sign, and Mr. Ziemer has the second one.

Ted C. Ziemer, Jr.: Which I have delivered to Madelyn Grayson, and she has the certificate of insurance as well. So, yeah, fine.

Approval of Ditch Maintenance Claims

Bill Jeffers: I've misplaced my agenda. What's next?

President Nix: Claims for annual maintenance.

Bill Jeffers: Okay. These are the claims we have to date that represent finished work with the inspection forms attached. The County Surveyor's recommendation is to approve these claims for payment.

Commissioner Musgrave: Motion to approve the claims.

President Nix: Second. All in favor?

Commissioner Musgrave: Aye.

President Nix: Aye.

Public Comment

President Nix: At this point in the meeting, I would like to entertain public comment. Seeing none. Other business, Mr. Jeffers?

Bill Jeffers: I have no further business, Commissioner Nix.

Commissioner Musgrave: Motion to adjourn.

President Nix: Second. All in favor?

Commissioner Musgrave: Aye.

President Nix: Aye.

(The meeting was adjourned at 4:10 p.m.)

Those in Attendance:

Bill Nix	Cheryl Musgrave	Ted C. Ziemer, Jr.
Bill Jeffers	Madelyn Grayson	Others Unidentified
Members of Media		

**VANDEBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl A.W. Musgrave, Vice President

**VANDERBURGH COUNTY
DRAINAGE BOARD
JULY 18, 2006**

The Vanderburgh County Drainage Board met in session this 18th day of July, 2006 at 4:29 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: I would like to call to order the Vanderburgh County Drainage Board meeting, July 18th at 4:29. Mr. Jeffers? Good afternoon.

Introduction & Explanation of Surveyor Duties

Bill Jeffers: Good afternoon. For those of you viewing at home, the County Surveyor serves as a technical advisor to the Drainage Board for reviewing drainage plans, recommending approval, maintenance and reconstruction of regulated drains, removal of drainage obstructions, and other drainage related items.

Update on Recent Storm Activity & Erosion Control Compliance

Bill Jeffers: We had a really strong storm system move through Southern Indiana last week, and Wednesday in particular was unsettling, I'm sure, for many residents of our county and Evansville. You really don't expect that type of storm system to move through in mid July, when you normally would see hot, dry weather, a lot of construction activity, and maybe an occasional thundershower. However, it dumped quite a load of rain on us, and I hope today finds everybody safe and dry, but there are several drainage issues remaining unresolved for many property owners. We've received a lot of complaints in the last few days. If you are a land developer or a construction site operator, please have your construction site inspected, and bring it back into compliance with the new rules. At least generate a report on how you plan to replace the control measures that were overcome by the recent storms. The new rule requires an update analysis each time we have a significant rainfall, with specific practices needed to bring the site back into compliance. At least clean up the mud from the roadways, the dust, it might be dust today, clean up anything that may have washed on to your neighbors property. Mike Wathen, the Erosion Control Technician in the County Engineer's office, is available to assist the developers with selecting appropriate control measures to make this plan work. He is currently making site visits as fast as he's able to. There's quite a few sites for him to visit. So, if you are a construction site operator, you should expect to see Mr. Wathen in the next few days. This whole drainage and erosion control program, whether through the County Surveyor or the County Engineer, is a consolidated effort, county-wide, and we are striving to make it fair and sensible for everyone involved. If anyone here or in the audience has any questions or comments regarding our program, you can call the County Surveyor's office at 435-5210 and ask for Bill Jeffers. I'll make sure your complaint, or your input is forwarded to the appropriate personnel, whether with the city or with the county, for follow up action. I know it was rough on a lot of people last week, and we're here to do what we can, on behalf of the Vanderburgh County Drainage Board.

Steve Becker Subdivision No. 2: Final Plan

Bill Jeffers: The only drainage plan I have tonight for your approval is Steve Becker Number Two Subdivision. Out of respect for zoning, I didn't bring my display. I have pictures, but you saw it last week.

Commissioner Musgrave: Oh, I remember that one.

Bill Jeffers: The map.

President Nix: You're pretty low tech this week, Mr. Jeffers.

Bill Jeffers: You saw the aerial photograph last week, and I'm just handing you a copy of what I showed you last week. It's the same drainage plan as you approved, preliminarily. It's been to Area Plan Commission last Thursday. It was approved by Area Plan Commission. The only thing added at this time, is that we have confirmed that each of those lots will have to have it's own erosion and sediment control plan, as the individual house is built, because each lot is over one acre in size. And, at that time, the erosion control plan will include a simple drainage plan to make sure it doesn't have any negative impact on any of the neighboring properties. That complies with the ordinance, and, again, recommend approval of the final drainage plan.

President Nix: Just so that I'm clear on this, what percentage of these come through that don't actually have a retention plan? It's pretty minimal, isn't it?

Bill Jeffers: Maybe one a year.

President Nix: Okay.

Bill Jeffers: A small subdivision of very large lots, where there's no significant increase in runoff.

President Nix: And this would fall under that in your estimation?

Bill Jeffers: Yes, sir.

President Nix: Okay.

Bill Jeffers: Maybe one every year or two.

Commissioner Musgrave: Motion to accept the Surveyor's recommendation.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

**Approval of Preliminary Engineering and Environmental Services
Agreement with BLA for Eagle Slough**

Bill Jeffers: I'm asking at this time for the board to approve and sign a contract to study and evaluate Eagle Slough, a regulated drain in Vanderburgh County. The contract is with Bernardin Lochmueller and Associates for \$50,300, plus an estimate of between \$6,000 and \$8,000 for water quality testing, as an alternative to be negotiated in 2007. The reason I'm doing that, we don't know until they finish this study how many water testing sites that we would like to establish, to test the water that's being pumped out of the city through the levee system, test it's quality before we discharge it into the Ohio River. The basic purpose of the \$50,300 study is to determine a good, long range plan for keeping the levee gates open. We have four levee gates, three of them are pump, and one of them is gravity, that are being obstructed by sediment, beaver dams, trash that floats in there from high water during Ohio River flooding and things like that. We want to establish a full time maintenance plan, because the Levee Authority has had some serious obstructions of their levee gates, and we would like to fix that once and for all. You have the contracts on your desk with your Recording Secretary, and I believe your attorney has reviewed the contract.

Ted C. Ziemer, Jr.: I have, and they are satisfactory for execution.

Commissioner Musgrave: The funding is in place?

Bill Jeffers: We currently have, the May balance was \$57,168.89. The end-of-year projected surplus will be \$77,513.15, which is approximately \$27,500 more than what I'm asking the contract for.

President Nix: Then this \$6,000 to \$8,000 would be used out of that also for water quality?

Bill Jeffers: It could be this year, but I'm really guessing that we won't be settling on a fee until 2007. Then we'll start water testing at that time.

Commissioner Musgrave: Okay, motion to approve the contract with BLA.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: Thank you.

Discussion of Ordinance of Flexible Pipe Testing

Bill Jeffers: The last item is a clerical item. The County Commissioners passed an ordinance to test flexible pipe, and I have a copy that I would like signed just for our records in our office.

Commissioner Musgrave: Okay.

President Nix: Is this the mandrel?

Bill Jeffers: That's the mandrel testing ordinance. We were looking through our records, and I did not have a signed copy of that ordinance.

Madelyn Grayson: Do you want me to just make a copy of the signed one? I should have that in my office.

Bill Jeffers: Okay, that's fine.

Madelyn Grayson: Okay.

Bill Jeffers: We just need a signed copy for our records.

Madelyn Grayson: Okay.

Bill Jeffers: In case someone comes to our office and asks for a copy of it.

President Nix: Okay, anything else, Bill?

Bill Jeffers: That's all I have today sure.

Public Comment

President Nix: Is there any comment from the public? Seeing none.

Commissioner Musgrave: Motion to adjourn.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: Thank you.

(The meeting was adjourned at 4:35 p.m.)

Those in Attendance:

Bill Nix

Bill Jeffers

Others Unidentified

Cheryl Musgrave

Ted C. Ziemer, Jr.

Members of Media

Tom Shetler, Jr.

Madelyn Grayson

**Vanderburgh County
Drainage Board
July 18, 2006**

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**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl A.W. Musgrave, Vice President

Tom Shetler, Jr., Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
JULY 25, 2006**

The Vanderburgh County Drainage Board met in session this 25th day of July, 2006 at 4:20 p.m. in room 301 of the Civic Center Complex with Vice President, Cheryl Musgrave presiding.

Call to Order

Commissioner Musgrave: I will call to order the July 25, 2006 Vanderburgh County Drainage Board meeting. Unless you are the Vice-President?

Madelyyn Grayson: You are.

Commissioner Musgrave: Okay. I wonder why Mr. Jeffers is leaving?

Brenda Jeffers: He just went to dim the lights.

Madelyn Grayson: I'm going to pass around an attendance sheet, if you all would please sign in.

Commissioner Musgrave: I believe we can probably approve the minutes. Madelyn, do we have the minutes for this meeting? For the last meeting?

Madelyn Grayson: We've got minutes from July 11th and July 18th to approve.

Approval of the July 11, 2006 & July 18, 2006 Drainage Board Minutes

President Musgrave: I'll officially open the meeting of the Vanderburgh County Drainage Board for July 25, 2006. Is there a motion to approve the minutes?

Commissioner Shetler: I can, I guess, make the motion for the 18th. I wasn't here for the 11th meeting.

Commissioner Musgrave: Alright, I'll second your motion, and we will leave unapproved the meeting of the 11th.

Ted C. Ziemer, Jr.: As the only Commissioner here who attended the meeting, you could do that on your own.

Commissioner Musgrave: I've seconded your motion. All those in favor?

Commissioner Shetler: Aye.

Commissioner Musgrave: Aye. And I will accept the minutes of July 11th as the only Commissioner in attendance who was also at that meeting. Mr. Jeffers, you have supplied us with drainage plans.

Brake Supply: Vanderburgh Industrial Park, Lots 1, 2, 3 4: Final Plan

Bill Jeffers: Yes, this drainage plan that you're looking at, you're probably very familiar with, it's Brake Supply, the project you're working with in Vanderburgh Industrial Park to locate a large industry on lots one, two, three and four of Vanderburgh Industrial Park, where they're combining those four lots and redrawing

some easements. I've shaded, in yellow on the plan, the new easements that carry drainage from this point down here at the southwest corner of lot one, up through lot one to the detention basin, which is a standing lake, a pond. Then, there's another easement that they're dedicating around the building and into the pond, so that the old easements can be vacated. I believe your attorney is working with them on that. I have reviewed the new easement descriptions, and they're correct, along with the easement...they're reconfiguring this lake. Right now it's an ugly rectangle that stays muddy all the time, and they're refitting the outlet structure so it won't stay so silty, and they are reconfiguring the lake so it's more pleasant looking. The plans are all in front of you. I understand that they're going to use concrete pipe, which should serve you well during the period of time that the County Commissioners are responsible for the pipe. It should serve you very well. It doesn't require mandrel testing, as flexible pipe would. Otherwise, it meets all the requirements of the drainage ordinance and has the recommendation for approval.

Commissioner Musgrave: Okay.

Bill Jeffers: As a final plan.

Commissioner Musgrave: Do we have any questions?

Commissioner Shetler: So moved.

Commissioner Musgrave: I'll second. All those in favor?

Commissioner Shetler: Aye.

Commissioner Musgrave: Aye.

Cambridge Hills

Commissioner Musgrave: We move now to Cambridge Hills.

Bill Jeffers: The second drainage plan on your desk is for a portion of Cambridge Hills Village, or Cambridge whatever it is, but it's called Cambridge Hills in this instance, but it's that whole golf residential complex in the northeast part of the county, up in Scott Township. It's still under development, the golf course is operating, but there's still some lots, particularly in this section that are available for building homes. There's an old farm pond that I have shaded on your map in orange, that was there from the time it was a farm, and the original developers wished to expand it and maintain it as a pond so that there would be some lake front lots. So, that was incorporated into the original drainage plan, and because the ordinance requires it, there was an easement platted that I've shaded in orange, around that lake, and things went forward, but over a period of time the new developers have reconfigured some lots for the current market, and there are some buyers and some property owners who find the maintenance of the lake to be rather a nuisance for such a....and it kind of conflicts with the new marketing scheme. It's not needed for detention. This golf course has several water traps and large irrigation ponds and cosmetic ponds that all are designed to work in a series, and perform the necessary and required detention functions. So, this, what they're petitioning now is for a modified plan to be approved so they can simply use a waterway to replace the drainage function of the lake, and to come back after approval of this modified plan with a petition to vacate the lake easement. Everything

is in accordance with our code. Everything will work satisfactorily, if it's constructed in accordance with this proposed modified plan. The County Surveyor recommends approval of the modified, final drainage plan for Cambridge Hills.

Commissioner Musgrave: Are they going to eliminate the water altogether?

Bill Jeffers: Yeah, no standing water. They are going to eliminate the pond—

Commissioner Musgrave: Okay.

Bill Jeffers: — and just substitute a dry, grassy waterway.

Commissioner Musgrave: Okay.

Bill Jeffers: This is what the property owners and the developer have agreed they want.

Commissioner Musgrave: Okay.

Commissioner Shetler: But, it still will be something that has, allows the flow of water in the event that there's a huge downpour?

Bill Jeffers: Absolutely. Absolutely, and I have required, I think I marked on there an emergency overflow?

Commissioner Musgrave: Yes.

Bill Jeffers: So, if the pipe that drains this area, because it's still a depressed area, if it were to, and there's a couple of homes on there that show what the required finished floor elevation, I believe it's five oh—

Commissioner Musgrave: Four.

Bill Jeffers: Five oh four?

Commissioner Musgrave: Yeah.

Bill Jeffers: Above sea level, and I've required an emergency overflow ten feet wide that will spill the water across the street, several inches below that minimum floor elevation. That by the way is a basement floor elevation. So, if say a soccer ball or some debris of some sort blocked the 18 inch pipe, it would still flow through the emergency spillway, over the back of the curb, and on down through the drainage easement to the lake that it's headed for.

Commissioner Shetler: So, this used as a primary detention, and then if that got to a point of capacity, then it would go down further to some of the other lakes in the golf course. The only difference here is that it's not going to be really detained, it's just going to move on?

Bill Jeffers: It's going to move on through. We're knocking out the restrictive orifice, and letting it flow through at it's 25 year rate of runoff. If that's exceeded, it has several feet of free board before it spills out the emergency overflow without flooding anything. If in an extreme emergency, like the pipe got stopped up, it would still not

flood the minimum floor elevations required by the Building Commissioner for all those lots.

Commissioner Musgrave: Okay.

Bill Jeffers: So, it will work. The same way it would have worked as a lake, but there will be no lake there for these property owners to have to maintain. They found it to be a mosquito trap and a nuisance.

Commissioner Musgrave: Is there a motion?

Commissioner Shetler: Yeah, the grass is sometimes though, I think, a little bit more difficult in an area like this, aren't they? I'm thinking of particularly out there at Burkhardt and Lincoln and that subdivision that was built 25 years ago.

Bill Jeffers: To grow grass?

Commissioner Shetler: Where they have a similar situation, and a lot of times the good grass dies out because it get diseased when you do get some water standing for three, four or five days. Then the only thing that's left are the weeds.

Bill Jeffers: Is the sedges.

Commissioner Shetler: Right.

Bill Jeffers: The rough, course looking sedges—

Commissioner Shetler: Yes.

Bill Jeffers: —that grow up. That happens. In this case, it was that, plus cattails, algae, the fly by Farrell geese that park there and muck up the backyards. It was just kind of a nuisance to the property owners, and they wish for all that to be moved out into the golf course farther, and not in their backyard.

Commissioner Shetler: I move for approval.

Commissioner Musgrave: I'll second. All those in favor?

Commissioner Shetler: Aye.

Commissioner Musgrave: Aye. The motion carries.

Ditch Maintenance Claims

Commissioner Musgrave: We have other business, to receive and pay claims for annual maintenance of drains.

Bill Jeffers: Yes, when I deliver the claims to your desk, they are all in order, they all have, or represent work that's been completed and inspected by our inspectors, with a recommendation from the County Surveyor to pay them. I'll be delivering you, which this has nothing to do with drainage, but, I think, Ms. Musgrave requested a layout of the properties that the state's selling down here on Cypress Slough or

something. This shows the plat layout, and then I'll deliver the orthographics to you tomorrow, when they are printed off.

Commissioner Musgrave: Okay. Thank you.

Bill Jeffers: They're still printing right now.

Commissioner Musgrave: Okay. Is there a motion to pay the claims?

Commissioner Shetler: So moved.

Commissioner Musgrave: I'll second. All those in favor?

Commissioner Shetler: Aye.

Commissioner Musgrave: Aye.

Public Comment

Commissioner Musgrave: Is there any public comment? Any other business? Is there a motion to adjourn?

Commissioner Shetler: So moved.

Commissioner Musgrave: Second. All those in favor?

Commissioner Shetler: Aye.

Commissioner Musgrave: Aye.

(The meeting was adjourned at 4:30 p.m.)

Those in Attendance:

Cheryl Musgrave	Tom Shetler, Jr.	Bill Jeffers
Ted C. Ziemer, Jr.	Madelyn Grayson	Brenda Jeffers
Others Unidentified	Members of Media	

VANDEBURGH COUNTY
DRAINAGE BOARD

Cheryl A.W. Musgrave, Vice President

Tom Shetler, Jr., Member

**VANDERBURGH COUNTY
DRAINAGE BOARD
AUGUST 1, 2006**

The Vanderburgh County Drainage Board met in session this 1st day of August, 2006 at 4:02 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

Madelyn Grayson: We do not have any minutes to approve. They will be ready for the next Drainage Board meeting.

Commissioner Musgrave: Is somebody getting Bill?

Ted C. Ziemer, Jr.: He was here.

Brenda Jeffers: He was here?

Ted C. Ziemer, Jr.: Yes.

Brenda Jeffers: Okay, I'll peek out in the hall.

Unidentified: He just stepped out.

Commissioner Musgrave: Mr. Jeffers?

Bill Jeffers: Yes. Good afternoon.

President Nix: Good afternoon. I would like to call to order the Vanderburgh County Drainage Board meeting, Tuesday August 1, 2006 at 4:02. There are no minutes of the previous meeting ready yet, so we'll approve those at the next meeting. Mr. Jeffers, you have the floor.

Bill Jeffers: Thank you, President Nix. I would just like to plug National Night Out. You guys may have talked about it during the Commissioners meeting. I wasn't here. But, it's a wonderful partnership between the Evansville Police Department and the neighborhood associations and the community. It takes place, if you're in the East Sector, at Lorraine Park. Also another one at Aiken Park, and the one that our office goes to with the West Side Improvement Association is in Garvin Park. It's a lot of fun for kids, they have clowns, face painting, free food, free hot dogs, cokes, sometimes they have little train rides, they show off their K-9 corpse, Corp, excuse me.

Commissioner Musgrave: Dead dogs?

Bill Jeffers: Sorry, that's the City Council that deals with the dog pound. No, they show off their K-9 Corp, and their Bicycle Corp and things like that. It's really a great time, for the kids especially.

Ted C. Ziemer, Jr.: I have a museum project I wanted to talk about. Would this be the appropriate time to do that?

Bill Jeffers: Okay.

President Nix: Moving right along.

Bill Jeffers: Moving right along.

Chadwick Estates and Chadwick Place: Preliminary Plans

Bill Jeffers: Chadwick Estates is comprised of Chadwick Estates and Chadwick Place. I'm taking them both at one time, although they'll go to Area Plan Commission as two plats. Our office reviewed them as one drainage system, because it's all integrated, but we will be approving... you'll need two motions, one for Chadwick Place and one for Chadwick Estates. Again, I reviewed everything as one unit, because it's all interconnected. It's located on Peck Road between Boonville-New Harmony Road and Baseline Road behind and north of Scott School. It's sandwiched in between some other developments. It's use of what you might call infill development of agricultural ground. It's surrounded, along the roadways, by other residential development, and then the vast majority of the property in the neighborhood is still agricultural. There is some concern by agricultural property owners, so, we took a great deal of time discussing this with the developers engineer, and there is still opportunity for quite a bit of refinement. This is a preliminary plan, and if anything comes up tonight, or at Area Plan Commission from abutting property owners regarding any conditions that we have overlooked, we still have the opportunity for refining the plan and adding any details required to bring it into complete satisfaction with regard to all the concerns. What we found in the past with two other subdivisions north of here that flow through here, is that a lot of the concern was justified by the property owners, especially at the intersection of Korff Road and Baseline Road where there is flooding on a regular basis. But, we also found that after we required detention basins in those other developments, we got letters from property owners saying that the situation was better after development of those detention basins than before. There are still some problems down there. There is still a problem that we should address through our road system, or whatever system of drainage, including the regulated drains that serve that area. There is still room for improvement, but I think it's separate from the development of these two projects, because these two projects, I believe, will improve the situation by capturing and detaining storm water runoff and releasing it at a lower rate. The concerns I still have are along Peck Road. There's three large lots, lots one, two and three, which, as you can see, are right at two acres apiece. The developer and his consulting engineer are still working with Area Plan Commission, because EUTS would like to see shared access with at least two of the three lots. So, we're waiting for final plans on that to determine the pipe sizes of those driveway pipes. Other than that, the preliminary system you are looking at here meets all the requirements of the drainage code. I have reviewed it and recommend approval. The only thing missing at this part is the pipe sizes, which at this time are estimated, but the final plan will show the exact pipe sizes for those three or two driveways that enter off Peck Road.

Commissioner Nix: Thank you, Mr. Jeffers. Is there any remonstrators to this? Please step up to the podium and give your name and your address, please.

Tom Keith: My name is Tom Keith, I'm with Andy Easley Engineering, I'm the project manager for these two subdivisions. I just want to address Bill's comments concerning the three lots on Peck Road. We are working with the Plan Commission. We have agreed to have a shared driveway for at least two of the lots, where they would co-join and would have a single driveway. So, instead of having three curb cuts along Peck, for those three lots, we would only have two.

Commissioner Musgrave: Okay.

President Nix: Any others?

Bill Jeffers: So, if you are ready, and it's, of course, at your discretion and pleasure, to approve on our recommendation, could we have two motions? One for Chadwick Place and one for Chadwick Estates.

President Nix: I will entertain that motion for Chadwick Place.

Commissioner Shetler: So moved.

Commissioner Musgrave: I'll second.

President Nix: All in favor?

All Commissioners: Aye.

Commissioner Musgrave: Motion for Chadwick Estates, to accept the recommendation of the Surveyor.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Windemere Section III, Lot 87: Amended Plan
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Bill Jeffers: Thank you. The second item is an amended drainage plan for Windemere Section Three, lot 87. I put on your desk a drawing, the person who had the home built desires to pipe a ditch, because the home is laid out in such a way that his deck overlooks, or actually extends out right to the easement. That's this lot right here, and because it's pie shaped at the end of the cul-de-sac, this area right here, his deck looks out over this ditch. There's a row of trees right here that provides a very nice screening between his backyard and his neighbors. The water drains down along the subdivision in this manner, from west to the east and then turns the corner and flows through that ditch and goes into an area drain right about here, and then is conveyed through Camden Farms over to a detention basin, or a lake, and then offsite towards Kansas and Highway 57. What the plan does is it analyzes all the water that comes from all these backyards, about two acres, down through an open waterway and turns the corner as I described. They have already built, Mike Wathen and I went out there, John Stoll and I have been out there, and there was a problem at this corner where this water spilled out and ran down through here and affected some property owners in this area of Section Four. The developer has already built a berm to turn that water and carry it through this ditch, that was done last week. What this design that you have in front of you does is installs a pipe from about this corner down here, well, no, from behind the house, I have it marked in yellow on your layout, from right behind the house, along side the house and into this lot. The pipe is sized for a 50 year storm, which is in excess of our requirement, the 25 year storm requirement. It will carry the 50 year runoff from this two acre area. It will run plum full when it does that. The design shows a foot of cover over the top of the pipe, as required by the specifications. So, any excess water that

would exceed that rainfall could travel over top of the pipe. Since it meets all the requirements of the drainage ordinance, the recommendation is to approve it, so that this property owner can go forward with a plan to more fully utilize his backyard, and side yard, whichever you look at it as. The only qualification, of course, would be if they wish to have the county take maintenance of it, they are going to have to submit two dollars a lineal foot through John Stoll's department, as escrow, for long term maintenance and repair. Then his inspectors will determine whether that plastic pipe, it's a high density, polyethylene pipe, whether it was put in in accordance with specifications, and it will be subject, in that case to the mandrel test. So, that's up to John, but my part of it is to recommend the plan for approval.

President Nix: In a case like this, Mr. Jeffers, where you've got work on private property, will someone from the county do an inspection on this when this is complete? Or is this just—

Bill Jeffers: If they wish for it to become part of the county maintained plan, they have to notify us 24 hours in advance, and allow us to come on and inspect the installation.

President Nix: Otherwise, there's no inspection? The works just done?

Bill Jeffers: Right, and we would not accept it. Unless they did a mandrel test in the past. The property owner and the developer, the developer is Dan Buck and I don't, I'm sorry I don't know the name of the person he sold the house to, have agreed, and their representative who, Keith Poff, who designed the plan is here to answer any questions. But, I asked him to notify the property owner that an additional easement will be required for the pipe, and it shows that on the plan. Any other questions like that, Mr. Keith, Mr. Poff could probably answer.

Commissioner Musgrave: Move to accept the recommendation.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: Thank you.

Deerfield, Section Three, Phase I: Plans to Modify Lake and Dam
--

Bill Jeffers: The last item I have is Deerfield, Section Three, Phase I, it's plans to modify a lake, generally known as basin number four in that subdivision. It's hard to see on this aerial, because we have our lights on today, but here is the lake, it's kind of peanut shaped. Mr. Calvin Dentino, the developer of the subdivision, lives in the house right adjacent to the lake at this place. This home here is built a little low, in my opinion. It's built to the minimum floor elevation required, but for some reason this earth work right here, I think, is just a little low, and water can, actually, if the lake were to get plum full, the water would spill out in this person's back yard. Which I think is an uncontrolled situation. What this plan in front of you does is it restructures the pipe, which outlets across this vacant lot, and this lot is still owned by Calvin Dentino, and he can grant the required easement for a new spillway to be built for an emergency overflow. This is something that John Stoll and Mike Wathen,

I believe Pat Seib has been involved in this, we've all been out there looking at this. This would allow the water to be released here and down into the natural watercourse that runs through Copperfield and into this lake, and then off into Little Pigeon Creek. So, it's a more controlled way to release the water. It's a lot safer for the owner of this home. Mr. Dentino wants to raise the elevation to, I have it highlighted there, I believe it's 400. Or 400 and a half. That would give you better water quality for this lake. You can see how this lake is clear. This one stays kind of algae-fied. It would improve the water quality. It might even give him the opportunity to put a fountain in the lake to aerate the water. It would make the lake more aesthetic. The plan includes all the earth work required for that. We're also asking him, and the plan shows a structure, a pipe structure here that has a gate on it that they can manually open and drain the lake down, because two street pipes, which I've highlighted on your plan come in from here and here, and they're submerged by two feet of water. So, it also fixes that problem, where periodically the lake could be pulled down two or three feet, and you can inspect these pipes and flush them out, if necessary, from accumulated sediment. I think it's a good plan. What I'm recommending is for all parts of the plan that involve the lake, the earth work and the release structures be approved, and I'm withholding comment on the pipe, the two pipes that serve Carrington Drive, because I believe that's been accepted and that would be John Stoll, the County Engineer's call with regard to anything to do with those two pipes. However, I'm recommending you go forward and approve the remodeling of the lake, so they can get busy during this good construction weather, and move forward with a project that will improve the safety of this home and the quality of the water in that lake.

President Nix: I'm curious, Mr. Jeffers, there's really no impact on these pipes whatsoever? It's just because they are on county property, as far as acceptance from Mr. Stoll, is that correct?

Bill Jeffers: It's just a formality. I just...he's on vacation, and I just want to make sure that he, that he agrees that by being able to pull the lake down by three feet, periodically, that that would benefit the existing pipes. But, I don't want to make that call for him.

President Nix: Sure.

Bill Jeffers: Because he's recommended to the Commissioners to accept the streets, and they have been accepted.

Commissioner Musgrave: Okay.

President Nix: I don't know if there's anybody, is there anyone here to speak to this issue?

Commissioner Musgrave: Motion to accept the recommendation of the Surveyor.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: Thank you. I have no further business to bring before you at this time.

President Nix: I will entertain a motion to adjourn.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:20 p.m.)

Those in Attendance:

Bill Nix

Bill Jeffers

Brenda Jeffers

Members of Media

Cheryl Musgrave

Ted C. Ziemer, Jr.

Tom Keith

Tom Shetler, Jr.

Madelyn Grayson

Others Unidentified

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl A.W. Musgrave, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
DRAINAGE BOARD
AUGUST 8, 2006**

The Vanderburgh County Drainage Board met in session this 8th day of August, 2006 at 4:09 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: I would like to call to order the Vanderburgh County Drainage Board, Tuesday, August 8, 2006 meeting at 4:09. Good afternoon, Mr. Jeffers.

Bill Jeffers: Good afternoon, Commissioner Nix and other Commissioners.

Approval of the July 25, 2006 & August 1, 2006 Drainage Board Minutes

President Nix: I will entertain a motion to approve minutes of the previous meeting, if they're available. Are they available, Ms. Grayson?

Madelyn Grayson: There's actually two sets, the 25th and the 1st that need to be approved.

Commissioner Musgrave: I'll make that motion.

Commissioner Shetler: I'll second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Mr. Jeffers?

Carrington Meadows: Section 4: Final Plan

Bill Jeffers: Commissioner Nix, we have two drainage plans this evening. One is Carrington Meadows, Section Four. It's a final plan. It's been a very successful subdivision, both in development of homes and in respect to drainage. It's in northern Vanderburgh County, north of Boonville-New Harmony Road on the west side of Petersburg Road, just south of Schlensker Creek. They're expanding into an area with new homes, and they designate it section four. The drainage plan comports with the previous approved sections, one, two and three. It drains into that large, long lake along Schlensker Creek. It works very appropriately and very effectively. The County Surveyor has reviewed the plans, they comport with the drainage ordinance, and the County Surveyor recommends approval of the final drainage plan for Carrington Meadows, Section Four.

President Nix: Is there anyone here that would like to address this issue? You, sir? If not?

Commissioner Shetler: Move approval.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: We'll forward you a Mylar for your signature with the road plans.

Hawthorne Estates: Section A: Final/As-Built Plans

Bill Jeffers: The second drainage plan is Hawthorne Estates, Section One. Also, it has been called Section A. Either way, it's the first section to be platted of Hawthorne Estates. This is a final drainage plan. The plan in front of you is as-built. The roads are built, the lake is built, everything is in place. So, that's the way it is. It comports with the drainage ordinance. The only condition I have is that there was a temporary erosion, sediment and flood control measure, a temporary one installed at the southeast corner of the project, and it's a complete state of failure. I've circled that on the plan in red. So, what I'll do, when you approve this plan, is to simply not endorse or sign the final plat for recording until the developer, who has assured me he will, in fact, has reinstalled that. It was washed out by one of our torrential downfalls this spring, that he's reinstalled it and it's operating efficiently to protect downstream properties. So, with that, I have reviewed it and recommend approval of the final drainage plan for Hawthorne Estates, Section A, or Section One, whichever way it appears on the plat.

President Nix: Is there anyone in the audience that wishes to address this issue? If not?

Commissioner Musgrave: I make a motion to adopt the recommendation of the Surveyor.

Commissioner Shetler: I'll second.

President Nix: All in favor?

All Commissioners: Aye.

**Pond Flat Main Professional Services Contract: Clark Dietz
(Deferred)**

Bill Jeffers: Next, we have a professional services contract from Clark Dietz to complete a set of plans for the reconstruction of Pond Flat Main from Highway 41 to the CSX Railroad tracks. This is a particularly troublesome and insufficient leg of Pond Flat Main. The rest of it's pretty much been restored to its serviceable shape. We do have one restriction, at Princeton Road there's a highway bridge, County Highway bridge that we would like to see rebuilt. What I'm referring to, basically, is a condition that you may hear more about in the near future, a flooding situation that exists at Baseline Road and Korff Road, in that neighborhood. There's a new fire station there. The County Highway Department has attempted to address some of the flooding. But, in fact, what it amounts to is we have some highway infrastructure, some drainage infrastructure, and some regulated drain infrastructure that all is insufficient to carry the storm water load. This is a start, from the County Surveyor's jurisdiction, to come up with a plan that the Department of Natural Resources will issue a permit on to reconstruct this half mile leg of Pond Flat Main. I ask you to enter into this contract, and recommend that you do so with Clark Dietz to develop the final set of plans to take to DNR.

President Nix: Has this been in front of our attorney, Mr. Jeffers?

Bill Jeffers: It's my understanding that Mr. Ziemer was in contact with Clark Dietz representatives as recently as 9:00 this morning, and hashed out the particulars of the certificate of insurance.

Ted C. Ziemer, Jr.: Yeah, but that was with respect to right-of-way acquisition at Newburgh, I mean, Green River Road and Millersburg Road. Do you have the agreement there? I can probably look at it pretty quickly, but I don't know that I have seen this contract.

Bill Jeffers: Okay, why don't I bring it back next week, if that's the case. I mean, I was led to believe—

Ted C. Ziemer, Jr.: Is that going to tie you up substantially?

Bill Jeffers: No.

Ted C. Ziemer, Jr.: Okay, if you don't mind.

Bill Jeffers: No, I don't want you—

Ted C. Ziemer, Jr.: I am familiar with the insurance requirements, and we did meet on that—

Bill Jeffers: Right.

Ted C. Ziemer, Jr.: — and I think they will be the same in this document, but I would like to see the agreement before the Commissioners approve.

Bill Jeffers: Sure, I'm sorry. I thought you had, but, in that case, I'll withdraw my request and just have a copy of it sitting on the desk over here forwarded to you, and we'll bring it back next week.

Ted C. Ziemer, Jr.: Thanks.

Bill Jeffers: I'm sorry for the mix up.

Drainage Easement Encroachment Agreement: Cross Pointe

Bill Jeffers: Last item is a drainage encroachment agreement that your Recording Secretary has. I've reviewed it, it's with regard to Lot C2, part of Lot C4 in Cross Pointe, Section 5A, and a part of, a part of Section E2. It's all in the agreement correctly formatted, I assume with a check to cover the cost of the recording. The County Surveyor recommends that you enter into this agreement so that this medical firm can pave a parking lot over the top of the drainage easement. You've recently acted on this when you relinquished a previous drainage easement, and accepted a new drainage easement. However, to pave a parking lot over the top of a drainage easement, we need to be indemnified.

Commissioner Shetler: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: That's all the business I have to bring before you, except to say that I'll be at your meeting 10:00 Thursday, is that correct, Mr. Nix?

President Nix: Yes, sir, that's correct. Here in the Commission office with Mr. Sarvis from INDOT.

Bill Jeffers: There will be a County Council budget hearing here that I'm scheduled for, but I can run back and forth, I think.

President Nix: I appreciate that.

Public Comment

President Nix: Now is the time for public comment to this board. Does anyone wish to address the board? If not, I will entertain a motion to adjourn.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: We are adjourned.

(The meeting was adjourned at 4:16 p.m.)

Those in Attendance:

Bill Nix

Bill Jeffers

Others Unidentified

Cheryl Musgrave

Ted C. Ziemer, Jr.

Members of Media

Tom Shetler, Jr.

Madelyn Grayson

**Vanderburgh County
Drainage Board
August 8, 2006**

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**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl A.W. Musgrave, Vice President

Tom Shetler, Jr., Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
AUGUST 15, 2006**

The Vanderburgh County Drainage Board met in session this 15th day of August, 2006 at 3:46 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: Do you have an agenda?

Bill Jeffers: It was so short I didn't bring one.

Madelyn Grayson: Here are some.

President Nix: Good afternoon. I would like to call to order the Vanderburgh County Drainage Board, Tuesday, August 15, 2006 at 3:46. Good afternoon, Mr. Jeffers.

Approval of August 8, 2006 Drainage Board Meeting Minutes

President Nix: Oh, wait, I'll entertain a motion to approve the minutes of the previous meeting.

Commissioner Shetler: So moved.

Commissioner Nix: Second. All in favor?

Commissioner Shetler: Aye.

President Nix: Aye.

Shoe Carnival Distribution Center: VIP: Deferred

President Nix: Mr. Jeffers, good afternoon.

Bill Jeffers: Good afternoon, Mr. Nix, Mr. Shetler. I'm going to withdraw Shoe Carnival Distribution Center from today's agenda, and bring it back to you, for some flood plain issues I haven't resolved yet. Nothing critical, just some flood plain issues.

**Professional Services Contract: Clark Dietz:
Pond Flat Main Ditch Reconstruction**

Bill Jeffers: So, we can move to the signing of contracts, the contract with Clark Dietz for completion of a construction plan for Pond Flat Main. The funding is in place for the work that will be completed this year. The funding will be in place for the work that will be completed next year. It's broken down into two time frames. There is a representative here from Clark Dietz, should you have any questions. Basically, it's a critical plan that needs to be done because of the chronic flooding in the watershed that's served by Pond Flat Main. We received complaints today, Baseline Road, etcetera being flooded. We're trying to work that out with this plan. I believe your attorney has reviewed both the contract and the certificate of insurance. We have

copies of those available, if you need them. The two original copies of the contract are on your desk, in front of Commissioner Shetler.

Ted C. Ziemer, Jr.: The only thing we will need is an original of the certificate of insurance for the Commissioners file. One which has an ink signature on it.

Bill Jeffers: Do we have that?

Charlie Alvey: That's being mailed. The checks in the mail.

Bill Jeffers: It's in the mail from Clark Dietz.

President Nix: Thank you.

Bill Jeffers: The County Surveyor recommends entering into the contract.

Commissioner Shetler: Bill, a little more specifically, when you said off of Baseline Road, whereabouts?

Bill Jeffers: We have repeated complaints, and they're justified, for the flooding of Baseline Road at Korff Road—

Commissioner Shetler: Uh-huh.

Bill Jeffers: —where Peck Road and Korff Road intersect Baseline Road. There's an area that's served by an undersized culvert.

Commissioner Shetler: Okay.

Bill Jeffers: I believe the County Engineer is working on that. There's some undersized or clogged roadside ditches, the County Engineer and the County Highway Department are working on that. But, overall, that entire watershed is served by Pond Flat Main, and as fast as you can get the water down there through your roadway drainage systems, Pond Flat Main itself still needs to be improved to receive that water and convey it as fast as possible to the west to help alleviate some of this chronic flooding. Both the farms fields, residential properties and county roadways.

Commissioner Shetler: Alright, thank you, Mr. Jeffers.

Bill Jeffers: Yes, sir.

Commissioner Shetler: So moved.

President Nix: Second. All in favor?

Commissioner Shetler: Aye.

President Nix: Aye.

**Drainage Easement Encroachment Agreement:
Outback Holdings, LLC**

Bill Jeffers: The only other item that I have today is associated with Shoe Carnival. I believe you guys went to a ground breaking of their office complex in Cross Pointe. The parking lot that they're going to build must be paved atop a platted drainage easement, and that's fine. It's a piped drainage easement. But, we require an encroachment agreement whereby the owner, and all subsequent owners, agree to take all the risk associated with paving over that drainage easement, all future repairs, replacements, and any other liabilities that may arise from placing a parking lot atop a drainage easement. That agreement has been submitted to your Recording Secretary, along with a check to cover the cost of recording. She forwarded the agreement, the form of the agreement to your attorney, and I received an e-mail indicating that it is in proper legal form. The County Surveyor recommends that you sign that agreement and enter into that easement encroachment agreement with the developers of that project.

Commissioner Shetler: So moved.

President Nix: Second. All in favor?

Commissioner Shetler: Aye.

President Nix: Aye. Anything else, Mr. Jeffers?

Bill Jeffers: Not from me, sir.

President Nix: I'll entertain a motion to adjourn.

Commissioner Shetler: So moved.

President Nix: Second. All in favor?

Commissioner Shetler: Aye.

President Nix: Aye.

(The meeting was adjourned at 3:50 p.m.)

Those in Attendance:

Bill Nix
Bill Fluty
Others Unidentified

Tom Shetler, Jr.
Ted C. Ziemer, Jr.
Members of Media

Bill Jeffers
Madelyn Grayson

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Tom Shetler, Jr., Member

(Recorded and transcribed by Madelyn Grayson)

**VANDEBURGH COUNTY
DRAINAGE BOARD
AUGUST 22, 2006**

The Vanderburgh County Board of Commissioners met in session this 22nd day of August, 2006 at 5:02 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Approval of the August 15, 2006 Drainage Board Meeting Minutes

Bill Jeffers: Do you have any minutes to approve?

Madelyn Grayson: Yes, what date was that? Let's see, August 15th minutes.

President Nix: Those were e-mailed out?

Madelyn Grayson: I'm sorry?

President Nix: Those were e-mailed out, weren't they?

Madelyn Grayson: Yes.

Commissioner Shetler: So moved.

Commissioner Musgrave: I wasn't there.

President Nix: Oh, you weren't. Second. All in favor?

Commissioner Shetler: Aye.

President Nix: Aye.

Approval of Ditch Maintenance Claims

Bill Jeffers: The only item of business I have is three claims, four claims from Terry Johnson for the mowing of Harper Ditch, Aiken Ditch, Kolb Ditch and Eastside Urban Ditch. The regular maintenance of regulated drains, recommended for approval.

Commissioner Musgrave: Move to pay the claims.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: And to ask WNIN to forgive 30 seconds and not roll you over into the next hour.

President Nix: I'll entertain a motion to adjourn.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 5:03 p.m.)

Those in attendance:

Bill Nix	Cheryl Musgrave	Tom Shetler, Jr.
Bill Jeffers	Ted C. Ziemer, Jr.	Madelyn Grayson
Others Unidentified	Members of Media	

**VANDEBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl A.W. Musgrave, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
DRAINAGE BOARD
SEPTEMBER 5, 2006**

The Vanderburgh County Drainage Board met in session this 5th day of September, 2006 at 4:09 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: I would like to call to order the Vanderburgh County Drainage Board, Tuesday, September 5, 2006 at 4:09.

Approval of the August 22, 2006 Drainage Board Meeting Minutes

President Nix: I will entertain a motion to approve the minutes of the previous meeting.

Commissioner Musgrave: So moved.

President Nix: Second. All in favor? Aye.

Commissioner Musgrave: Aye.

Stonegate Estates: Browning Road: Preliminary Plan

President Nix: Mr. Jeffers, good afternoon.

Bill Jeffers: Good afternoon, Commissioner Nix, Commissioner Musgrave.

Commissioner Musgrave: Sir.

Bill Jeffers: Mr. Ziemer, how are you?

Ted C. Ziemer, Jr.: Fine.

Bill Jeffers: Our first project is Spring, what did they, just a second. Stonegate. Excuse me, they changed the name. Stonegate Estates. It's on Browning Road, just past Boonville-New Harmony, down in the creek valley. Your county bridge is right here, and Schlensker Creek runs down through the adjoining property, through the corner of this new subdivision, and off this way towards Earle, Indiana. Every lot in this subdivision is two and a half acres, but they are going to build a lake on this large lot right down here in the northeast corner of the subdivision, because they want a lake, for decorative purposes mainly, at the entrance. But, it will serve for detention. All of this up here is the highland area, and it runs down the roadway, through the roadway system, and enters the lake. Another smaller creek runs through the corner of the project, and joins with that lake before it empties into Schlensker Creek. The County Surveyor has reviewed this preliminary drainage plan, and it does substantially comport with the drainage code for our county. The County Surveyor recommends approval of this preliminary plan so that it can move forward to Area Plan Commission next Thursday.

Commissioner Musgrave: I'll make a motion to adopt the recommendation of the Surveyor regarding Stonegate Estates.

President Nix: Second.

Bill Jeffers: Mr. Nix, those are just some notes on there when I was talking to the engineer about where the driveways need to be and the emergency overflows. That will show up on the final plan.

President Nix: Let me make sure I'm clear on this. There's no drainage structure underneath on this roadway? It's a little dark to see in here.

Bill Jeffers: Oh, yes, there is one pipe that passes under this new roadway that will be constructed. There's a pipe that carries this smaller creek into the lake, and that's why I'm asking for an emergency overflow over top of the road. Because this is a wooded area, and if any forest debris, limbs, so forth were to block the pipe, we want the water to safely go over top of the road, through depressed pavement and into the lake.

President Nix: And the pipe is part of the construction project to put the road in?

Bill Jeffers: Yes, you'll see that on your final drainage plan, and on the roadway plans that Mr. Stoll brings to you.

Ted C. Ziemer, Jr.: Is the pipe going to be under the road?

Bill Jeffers: Under the road.

Ted C. Ziemer, Jr.: Is the road going to be accepted by the county for maintenance?

Bill Jeffers: Yes, sir.

Ted C. Ziemer, Jr.: Does that mean that the county will have to then dig up, or whatever they have to do to maintain this pipe?

Bill Jeffers: If the pipe were to become clogged with debris?

Ted C. Ziemer, Jr.: Yeah.

Bill Jeffers: Yes. Same as we do for other pipes that are underneath county roadways.

Ted C. Ziemer, Jr.: Okay.

Bill Jeffers: Occasionally in wooded areas you have to expect to have some fallen limbs—

Ted C. Ziemer, Jr.: Sure.

Bill Jeffers: —or something gather there, and clean them up occasionally.

President Nix: The motion's been made, I seconded it. All in favor? Aye.

Commissioner Musgrave: Aye.

AC Warehouse: E. Virginia St.: Final Plan

Bill Jeffers: Okay, your second project is on Virginia Street, just west of Burkhardt Road. It's the site of the new eastside license branch. It's known as AC Warehouse. It's in Nalley Commercial Minor Subdivision. This building over here in front of Sam's is the IHOP. Directly across the street, I believe that used to be a Bigfoot, maybe now it's a BP station. I think it's changed names. Right behind the convenient store, gas station, is the lot on which AC Warehouse will be built by Mel Gillenwater, who's here in the audience should you have any questions. It will house the new license branch, the state license branch, along with some other commercial ventures. Again, this is, well, this actually is a final plan, and, again the County Surveyor has reviewed the plan, it comports with the drainage code for the county. The County Surveyor recommends approval of this drainage plan as well.

Commissioner Musgrave: Motion to adopt the recommendation of the Surveyor in regards to the Virginia Street plan.

President Nix: Second. All in favor? Aye.

Commissioner Musgrave: Aye.

Bill Jeffers: The County Surveyor has no further business to bring before your board at this time.

Commissioner Musgrave: Motion to adjourn.

President Nix: Second. All in favor? Aye.

Commissioner Musgrave: Aye.

(The meeting was adjourned at 4:15 p.m.)

Those in Attendance:

Bill Nix

Ted C. Ziemer, Jr.

Members of Media

Cheryl Musgrave

Madelyn Grayson

Bill Jeffers

Others Unidentified

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl A.W. Musgrave, Vice President

**VANDERBURGH COUNTY
DRAINAGE BOARD
SEPTEMBER 26, 2006**

The Vanderburgh County Drainage Board met in session this 26th day of September, 2006, at 4:51 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: Good afternoon. I would like to call to order the Vanderburgh County Drainage Board, Tuesday, September 26, 2006, at 4:51 p.m. Mr. Jeffers, good afternoon.

Bill Jeffers: Good afternoon, President Nix, and other members of the Drainage Board. I'm sorry to come before you today in dirty shoes and jeans, but Charlie Alvey and I have been out today looking at the pipe at Green River Road and Morgan Avenue with the consulting engineer and getting the details in order so that you may have a pipe sizing to take to the Indiana Department of Transportation to enlarge that pipe as part of that project. While the computer is warming up with your drainage plan orthographs you want to—

President Nix: Can I interrupt you just a second?

Bill Jeffers: Certainly.

Approval of the September 5, 2006 Drainage Board Minutes

President Nix: I need to go ahead and have the approval of the minutes of the previous meeting.

Commissioner Musgrave: Move approval.

Commissioner Shetler: Second.

President Nix: All in favor? Aye.

Commissioner Musgrave: Aye.

Commissioner Shetler: Aye.

President Nix: Excuse me, Mr. Jeffers.

Bill Jeffers: I'm sorry. I missed that myself.

President Nix: That's quite alright.

Maidlow Ditch - Right of Entry Encroachment

Bill Jeffers: While the computer is warming up so you can see the orthographs of the two drainage plans we have, I have a letter here from Long Valley Landscape & Nursery, LLC, 15700 North St. Joe Avenue, Evansville, Indiana. This was previously known as Hoffherr's Nursery. It's located north of Darmstadt on St. Joe Avenue. Their property has run...it's one of those heritage farms. It's been there over 150 years. They've been farming along Maidlow Ditch all that time, which is a regulated

drain in Vanderburgh County. They have operated a nursery there previously, but all those trees were removed and they returned it to crop land and now the Hoffherrs again are operating a wholesale tree farming operation consisting of row cropping of trees grown to a sellable size and then harvested. I suppose they go out to new homes and so forth as landscape improvements. They are growing the trees within the 75 foot right of entry along Maidlow Ditch which requires by statute the written permission of the Drainage Board and this letter in fact asks for the written permission of the Drainage Board to grow those trees inside the right of entry. With a sentence here that says:

“That the Hoffherrs realize that the remaining 40 feet of crop are in peril should the need arise for work to be performed along the ditch.”

I don't anticipate any work at this time, but they do understand that if we have an emergency contract that goes out there they may lose 40 feet of row crop of landscape trees should we have to remove them. The County Surveyor recommends that you give written permission to Long Valley Landscape & Nursery, LLC to grow their landscape trees within the right of entry for Maidlow Ditch with the understanding that the trees may have be removed in the case of an emergency.

President Nix: Questions?

Commissioner Musgrave: Motion to adopt the recommendation of the Surveyor.

Commissioner Shetler: Second.

President Nix: All in favor? Aye.

Commissioner Musgrave: Aye.

Commissioner Shetler: Aye.

Ditch Maintenance Claims & Other Blue Claims

Bill Jeffers: We still aren't warmed up over here. You have some ditch maintenance claims and some claims on behalf of various consulting engineers who are putting together the studies and evaluations of several regulated drains. All the paperwork is in order and the County Surveyor recommends payment of those claims that are before you on the desk.

President Nix: I'll entertain a motion.

Commissioner Musgrave: Move to approve the claims.

Commissioner Shetler: Second.

President Nix: All in favor? Aye.

Commissioner Musgrave: Aye.

Commissioner Shetler: Aye.

Eagle Village Apts. - Final Plans for Additional Parking

Bill Jeffers: Okay, moving to Eagle Village Apartments, the additional parking, we'll go there first because everyone knows where Eagle Village is on Schutte Road out by USI. It has been the subject of some concern by the neighbors. They built apartments there and now find that there is not sufficient parking as they were alerted during the development of that and they wish to create about 1.4 acres of additional parking for the students that occupy Eagle Village Apartments. The drainage plan is in order and the County Surveyor recommends approval of the final drainage plan for Eagle Village Apartments for additional parking and the mylar is on your desk for signature should you vote to approve.

Commissioner Musgrave: Motion to adopt the recommendation of the County Surveyor.

Commissioner Shetler: Second.

President Nix: All in favor? Aye.

Commissioner Musgrave: Aye.

Commissioner Shetler: Aye.

Evansville Self Storage - Final Plan

Bill Jeffers: Apparently our computer is not communicating with the projector so we'll move to Evansville Self Storage which is a mini store complex at the corner of Diamond Avenue...it would be the northwest corner of Diamond Avenue and Mesker Park Drive. It has been occupied by various ventures known as Angel Construction, whatever. It has been a total mess. The neighbors have never liked it. I find it quite interesting to look at everything that is parked there myself. We've discussed this in Area Plan Commission and our fondest hopes is that this storage unit corporation that is coming from out of town and has brought pictures showing their units that they have developed out of town will actually beautify that corner. So it has been approved for zoning. They have a site plan pending. The drainage plan is adequate and it meets all the requirements of the drainage code and the County Surveyor encourages you to approve the final drainage plan for Evansville Self Storage at Diamond Avenue and Mesker Park Drive which I hope will be a vast improvement over what is there now.

Commissioner Musgrave: Motion to adopt the recommendation of the Surveyor.

Commissioner Shetler: Second.

President Nix: All in favor? Aye.

Commissioner Musgrave: Aye.

Commissioner Shetler: Aye.

Public Comment

Bill Jeffers: We've got three minutes if anyone has a public comment. That will become Evansville Self Storage. As you can see there is a lot of junk stored on there now. There was a log cabin construction company there. There is an old dilapidated farmhouse that is going to be torn down and other things that I think this needs to be improved and I think it has been represented to be an improvement.

Commissioner Musgrave: Motion to—

Bill Jeffers: And there is Eagle Valley. They took out that residence and they are going to put that parking in the area enclosed in the red outline. That construction site that you see, exposed dirt there, that's all the apartments now. That has become the apartments and that will be the additional parking.

President Nix: Thank you Mr. Jeffers.

Bill Jeffers: Thank you. Did you all pass that last one?

President Nix: Yes.

Bill Jeffers: We're done.

President Nix: Yes.

Bill Jeffers: Hallelujah.

Commissioner Musgrave: Motion to adjourn.

Commissioner Shetler: Second.

President Nix: All in favor? Aye.

Commissioner Musgrave: Aye.

Commissioner Shetler: Aye.

(The meeting was adjourned at 5:00 p.m.)

Those in Attendance:

Bill Nix

Bill Jeffers

Others Unidentified

Cheryl Musgrave

Kathryn Schymik

Members of Media

Tom Shetler, Jr.

Madelyn Grayson

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl A.W. Musgrave, Vice President

Tom Shetler, Jr., Member

Recorded by Madelyn Grayson. Transcribed by Charlene Timmons.

**VANDERBURGH COUNTY
DRAINAGE BOARD
OCTOBER 17, 2006**

The Vanderburgh County Drainage Board met in session this 17th day of October, 2006 at 3:52 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: Good afternoon. I would like to call to order the Vanderburgh County Drainage Board, Tuesday, October 17, 2006 at 3:52.

Approval of the September 26, 2006 Drainage Board Meeting Minutes

President Nix: I will entertain a motion to approve the minutes of the previous meeting.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

**Chadwick Place: Final Plan
Chadwick Estates: Final Plan**

President Nix: Mr. Jeffers, good afternoon.

Bill Jeffers: Good afternoon, President Nix. We have three drainage plans. One of them is Chadwick Estates. It's a new subdivision on Peck Road, north of Old State Road, behind Scott School. The plan that you're folding out shows both Chadwick Estates and Chadwick Place. I've highlighted the two. One is a drainage plan, one is a grading plan. The drainage plan comports with the county drainage code. It's a final plan. The County Surveyor recommends approval of, first, the final drainage plan for Chadwick Place.

Commissioner Musgrave: Motion to adopt the recommendation of the Surveyor.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: Second, the County Surveyor recommends the approval of the final drainage plan for Chadwick Estates.

Commissioner Musgrave: Motion to adopt the recommendation of the Surveyor.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: There are two Mylars, one for Chadwick Place and one for Chadwick Estates, with a signature block for the County Drainage Board to sign their approval to be recorded in Andy Easley's office. Those go back to him.

Shoe Carnival Warehouse: Final Plan
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Bill Jeffers: The next drainage plan is for Shoe Carnival distribution center. It's a very large distribution center on State Road 57 in Vanderburgh Industrial Park. The plan comes from American Consulting Engineers in Indianapolis. I do not have a Mylar transmitted from them yet. However, I do have extensive plans. I've only included the overall site grading plan for you to look at, but the, I've reviewed the narrative and all the details of the final drainage plan for Shoe Carnival distribution center on State Road 57. It comports with the Vanderburgh County drainage code, and the County Surveyor's recommendation is to approve the final plan. While you're looking, this is a large warehouse, there are areas of the parking lot which are below flood grade, and you'll see on that plan that I've required them to paint the pavement warning anyone who parks there that it's below base flood elevation. There's some other little details like that. It's quite an extensive plan. The roll that it came out of was huge.

Commissioner Shetler: How many, how many feet below that flood plan is it? Or inches, or whatever?

Bill Jeffers: Anything greater than six inches below base flood elevation has to have a warning, you know, warning signs and pavement markings to indicate that. There were some areas where they're going to park semi trailers that were up to three feet below.

Commissioner Shetler: Really? Okay.

Bill Jeffers: I just felt it was appropriate to paint the pavement, so that everyone that parks there knows. It would only occur during a 100 year flood.

Commissioner Shetler: Right.

Bill Jeffers: And it would only occur, hopefully, when people had plenty of warning that there was going to be a hard rain, you know.

Commissioner Musgrave: How often do we have 100 year floods now?

Bill Jeffers: Oh, I don't know, every ten years or so. Ten, eleven years.

Commissioner Nix: We shouldn't have one for three hundred years right now.

Bill Jeffers: We shouldn't, but we had two or three this year, didn't we?

Commissioner Nix: Yes, we did.

Bill Jeffers: I'm not laughing because it's funny, it's just kind of comical that we call them 100....they actually, it's, when you say 100 year flood, that means that the anticipated, that there's a one percent chance of that intensity of rainfall happening

in any given calendar year. There's a one percent chance. Now, we've hit that chance two or three times this year.

Commissioner Shetler: If it's one percent, you could have three point, that would be right.

Commissioner Musgrave: So, it's your recommendation to approve this?

Bill Jeffers: Yes, Ma'am.

Commissioner Musgrave: And it passes all the state requirements and all that good stuff?

Bill Jeffers: I'm not sure about state requirements. It passes all the local requirements.

Commissioner Musgrave: Okay.

Bill Jeffers: They have been through the wringer with US Army Corp of Engineers and the Department of Natural Resources—

Commissioner Musgrave: Okay.

Bill Jeffers: —at the state level. I do....several of the things that we wanted on the drainage plan could not be done, because the Corp of Engineers or the Department of Natural Resources would not allow it, due to wetlands and other jurisdictional conflicts. That's why it's taken so long actually.

Commissioner Musgrave: So, it's your recommendation to adopt these plans?

Bill Jeffers: As is, yes, Ma'am.

Commissioner Musgrave: Motion to approve the recommendation of the Surveyor.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Other Business

Bill Jeffers: That's all the business the County Surveyor has for the Drainage Board today.

President Nix: Is there any other business?

Public Comment

President Nix: Any public comment? Anyone that wishes to address the Drainage Board?

Victor Dorsey: Hello. My name is Victor Dorsey.

President Nix: Okay, and what's your address, sir?

Victor Dorsey: My address is 2509 Saratoga Drive. Just a comment on the last item, about being, what was it three feet below flood stage? I worked at the Post Office, I worked at the plant out there by the airport, and this plant, you get hard rain, the dock area back there floods, bad. I don't know how this happened, but, I believe, before this plant here gets approved, that someone should check to make sure that this isn't going to happen four or five times a year or more. Then you've got these semis coming in, he said something about three, what three feet? I believe, have you ever been in three foot of water? That is up there pretty good height. I mean, it's just a warning that it probably will happen, because it did at the Post Office, at the plant out there. I've been retired for five years and it never was fixed when I was still, when I was there, and I really doubt if it's fixed now. So, I would say if you approve that and it's three feet below, then you're going to have problems then.

President Nix: Mr. Jeffers, do you know what the elevation is of the area that he's speaking of?

Bill Jeffers: The base flood elevation for this proposed building is 395.0 above sea level. The lowest place in the parking lot is 392.3, which is actually two and a half feet below flood. The majority of the parking lot is 395, which is base flood elevation, up to 398, or three feet above flood. This corner down here, which is all semi parking stalls, approximately 20 semi parking stalls out of over 200, are below flood elevation. They were unable to raise those due to constraints from the Army Corp of Engineers and the Department of Natural Resources, because as they get closer and closer to the north end of that parking lot, they begin infringing what is considered wetlands. There's some ponds out there and so forth.

President Nix: Which would lend to the reason why you said that that was an area that you really couldn't get like you wanted it.

Bill Jeffers: Yes, sir.

President Nix: Because of the wetlands.

Bill Jeffers: The highway there, Highway 57, is about 398.9.

President Nix: So, it's three feet, ten inches—

Bill Jeffers: So, the highway is above, it's just this northern most portion of the parking area, as I pointed out, that's below flood.

President Nix: Okay.

Bill Jeffers: And we've asked them to paint that with high color, high contrast color pavement, and put up signs warning that that area does flood.

President Nix: I'm just curious, the elevation, and I'm sure you wouldn't know this right away, but the elevation at the Postal Service, do you happen to know—

Bill Jeffers: I'm not sure on that. We did not have the opportunity to review those plans. Those were produced by a federal agency, and when we asked to review them, we were denied the opportunity to review those plans. I believe a lot of that water that's at that Postal Service, which did cause the employees a considerable

amount of consternation over the years, and there have been some improvements made I understand, but, again, I don't have access to those plans. A lot of that water was simply trapped in there, and had no way to get out when it....the way I understand it, there were some waterways that when they were completely filled with water during an extremely heavy rainfall, they topped out, came down into the parking lot, and people had to actually float to and from their vehicles on inner tubes. I mean, there's a lot of stories going around about that facility, being brand new and that happening.

Victor Dorsey: I never saw an inner tube. As far as that goes—

President Nix: Could you please step up to the microphone?

Victor Dorsey: I'm sorry.

President Nix: That's okay.

Victor Dorsey: As far as that goes, it wasn't the employee's parking lot so much that was the problem. It was the semi trucks which you were talking about to have painted, which I don't know what paint's going to do. That is the one, back there by that, where they unload the trucks is the one that flooded so bad. I mean, the employee's parking lot was bad enough, but it was nothing like it was back there. You're talking about three feet back there. The parking lot, it was maybe six inches or something like that. Because it was at a different area. The reason I'm concerned about that is because I had to work back there for about three years. So, I know what it was like. It was bad. It was just, you know, give you an idea. I don't know if you've approved it yet or not, but it gives you something, you know, something to think about.

President Nix: Okay.

Victor Dorsey: I don't know why it's allowed. You know, you say you're three feet below flood, but yet it's going to be approved? Why? It seems to me like they should get that up three feet or do whatever to get it above the flood stage.

President Nix: I think Mr. Jeffers touched on that a minute ago, part of the problem is that the wetlands area, you can't bring up. They won't allow you to do it. So, there's a certain number of parking spots required, and as far as painting, the painting would actually go in the spaces, they wouldn't actually go on the trucks. It would be on the spaces, the parking lot spaces.

Bill Jeffers: That's correct. There's nothing in our—

Victor Dorsey: (Inaudible. Not at microphone.)

President Nix: Thank you very much.

Bill Jeffers: I do appreciate the gentleman's comments, and I do understand his concern. There's nothing in our drainage code that prevents a parking lot from being located below flood. The Building Commission's rules are that a domicile or a building be constructed two feet above flood elevation. This building is constructed two feet above flood elevation, but there is nothing in our ordinances that prevents someone from creating a parking lot below flood. What is in our code is that if they go six inches below base flood elevation, or lower, they must erect informative signs

that warn people of the condition, of the potential for flooding, and to paint the pavement in such a way, with markings, that additionally warn them that vehicles or storage units parked, trailers parked in that location are subject to flood during a 100 year event. So, the plan does comport with our code. I passed this information along to the developer who's building this, Woodward Development is building it for Shoe Carnival, and alerted them to this. They were resistant to do the, to paint the pavement this way, but they were instructed that if they wanted the plan to carry the Surveyor's recommendation, that they must do so. So, I'm sure that everyone is fully aware of the situation, and will comply with our code.

President Nix: Thank you, Mr. Jeffers.

Bill Jeffers: Yes, sir.

President Nix: Any other comments from the board? I'll entertain a motion to adjourn.

Commissioner Musgrave: Move to adjourn.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:07 p.m.)

Those in Attendance:

Bill Nix	Cheryl Musgrave	Tom Shetler, Jr.
Bill Jeffers	Ted C. Ziemer, Jr.	Madelyn Grayson
Victor Dorsey	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl A.W. Musgrave, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
DRAINAGE BOARD
OCTOBER 24, 2006**

The Vanderburgh County Drainage Board met in session this 24th day of October, 2006 at 4:55 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: Good afternoon. I would like to call to order the Vanderburgh County Drainage Board for Tuesday, October 24, 2006 at 4:55. Good afternoon, Mr. Jeffers.

Approval of the October 17, 2006 Drainage Board Meeting Minutes

President Nix: Oh, wait. Excuse me, before I do that, I'll entertain a motion to approve the minutes of the previous meeting.

Commissioner Musgrave: So moved.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Villas at Solarbron: Drainage Plan

President Nix: Mr. Jeffers, good afternoon.

Bill Jeffers: Yes, Bill Jeffers, Vanderburgh County Surveyor. We have one drainage plan, which is Villas at Solarbron. It's townhomes east of the medical facilities out at Solarbron and west of USI campus. I put on your desk a drawing of the, it's called a site grading plan, but it includes the storm water drainage structures and the open channels, etcetera that drain into the lake. Also, on your table is a site grading plan, overlaid onto an aerial photograph. It shows the existing roads, buildings, lakes and the surrounding terrain, so that you can get an idea about this lake. All the drainage from Solarbron complex goes into two lakes. The eastern most lake that's shown on that photograph has a breach in the dam that was caused by several strong storms over the last few years. The developer wants to progress with his construction, and since the storm water and any sediment that might be carried off the construction site goes into that lake, we are asking that the breach in the dam be sealed off by a cofferdam, temporary cofferdam with orifices in it to control the run off to a lower rate before it leaves on to the USI campus. The plan includes that. They can't repair the dam until next summer, because they can't get compaction over the winter, but they will be stripping off all the existing vegetation and working behind the cofferdam as weather permits. The rest of the plan, and they won't be occupying the townhomes until after all the cofferdam, until the cofferdam fully controls the run off from the new site. So, with that, I will say that the County Surveyor has reviewed the drainage plan, they comport with the drainage code, and recommend approval. I'll bring you, if you do approve it, I will bring you a Mylar when the details of the dam construction are complete. They're being worked on at this time, because it's very extensive work to take out a dam and put it back in. I don't have a Mylar cover sheet for that portion.

President Nix: Any public comment on this? Board members?

Commissioner Musgrave: Are you ready for a motion?

President Nix: I'll entertain one.

Commissioner Musgrave: Motion to adopt the recommendation of the Surveyor.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

<p>Keil & Sonntag Stevens Ditch Professional Services Contract: Morley and Associates</p>
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Bill Jeffers: You have on your desks, I believe, wait, Charlie, do you have those? Charlie Alvey will bring you two copies, original copies of the Keil Ditch and Sonntag Stevens ditch professional services contract with Morley Associates, Incorporated. I believe these are the same documents that were reviewed by your County Attorney yesterday. The agreement only covers, the agreement, if entered into, will only cover part one of the services described on exhibit B. There is no exhibit A, because that was a 2007, or it was a 2006 and 2007 rate schedule, and there was some differences in the wage rates from year to year. I simply asked that that be eliminated from the contract, and give us a lump sum of each of the functions that are contemplated to be completed under the contract. It's all going to be done in 2007 anyway. So, just give me a lump sum. That's why there's no exhibit A. There is a price listed for each of the items that are contemplated by the contract.

Commissioner Musgrave: Right here?

President Nix: Mr. Ziemer, do you have any comments on that?

Ted C. Ziemer, Jr.: No, it's alright by me. I just, since I saw exhibit B and I didn't see exhibit A, I wondered. But, you can call it exhibit B if you want to, and that's fine.

Bill Jeffers: Yes, it was just a convenience. Do away with exhibit A, give me a lump sum price in exhibit B. It should be clearly stated, according to Mr. Ziemer, and I agree 100 percent, that on execution of this agreement by the Vanderburgh County Drainage Board, we are only agreeing to Morley's services for part one, as described in exhibit B. Anything further than that will be negotiated at a future time, if we wish to extend the contract. With that, the County Surveyor recommends approval of the Keil Ditch and Sonntag Stevens ditch professional services contract with Morely and Associates, Incorporated.

President Nix: Comments, questions from the Board? Excuse me, Mr. Ziemer?

Ted C. Ziemer, Jr.: Did he mention the certificate of insurance? I will just tell you, I do have it—

Madelyn Grayson: Mr. Ziemer, your microphone's not on.

Bill Jeffers: That little red light has to come on. These new buttons–

Ted C. Ziemer, Jr.: You brought it by my office, and I have given it to the recording secretary. So, that's alright.

Bill Jeffers: And it is satisfactory?

Ted C. Ziemer, Jr.: It is satisfactory.

Bill Jeffers: Thank you.

President Nix: Comments from the Board? I'll entertain a motion.

Commissioner Musgrave: Motion to adopt the recommendation of the Surveyor.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

Ditch Maintenance Claims

Bill Jeffers: The last item I have is just your typical maintenance claims for the regulated drains, work that's been completed on spraying, mowing, etcetera for your annual maintenance of our ditches. Everything is in order, the paperwork is attached, and they have been inspected by our inspectors. The County Surveyor recommends payment of those claims to the contractors.

Commissioner Shetler: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: Those are on your desk for your signature.

President Nix: Okay, is that it?

Bill Jeffers: That's it, sir.

Commissioner Musgrave: Motion to adjourn.

Public Comment

President Nix: Well, let me ask first for public comment? Seeing none.

Commissioner Musgrave: I just got excited.

President Nix: Commissioner, go ahead. Oh, wait, excuse me, I'm sorry, Marissa Nichoalds has something. This is a carry over from the last meeting.

Marissa Nichoalds: Yes, I wanted to let everyone know that the Old Courthouse Foundation will be holding a fundraiser this Sunday, October 29th from 12:00 p.m. until 2:30 p.m. in conjunction with Trick or Treat on Main Street and the Old Courthouse Catacombs. The Catacombs will be open for two dollars per person per entry to tour a non-scare show. So, parents can bring their children down and tour the dungeon of the Old Courthouse. Also, we're going to open up the Old Courthouse and let people tour the facility to see what the insides look like and get an idea of what we hope to do with the building in the future.

President Nix: Thank you.

Commissioner Musgrave: And after that public service announcement–

Bill Jeffers: Well, wait a minute, I would encourage everyone to attend that, because maybe we'll raise enough money to pay for that extra hour we just rolled over into.

Commissioner Musgrave: Different accounts, entirely. Motion to adjourn.

Commissioner Shetler: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: We are adjourned.

(The meeting was adjourned at 5:03 p.m.)

Those in Attendance:

Bill Nix	Cheryl Musgrave	Tom Shetler, Jr.
Bill Jeffers	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Others Unidentified	Members of Media

**VANDEBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl A.W. Musgrave, Vice President

Tom Shetler, Jr., Member

**VANDERBURGH COUNTY
DRAINAGE BOARD
NOVEMBER 21, 2006**

The Vanderburgh County Drainage Board met in session this 21st day of November, 2006 at 4:09 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: Good afternoon.

Bill Jeffers: Good afternoon, Mr. Nix.

President Nix: Call to order the Vanderburgh County Drainage Board, November 21, 2006 at nine minutes after four.

Approval of the October 24, 2006 Drainage Board Meeting Minutes

President Nix: Mr. Jeffers, or, excuse me, before we do that, I would entertain a motion to approve minutes of the previous meeting.

Commissioner Musgrave: So moved.

President Nix: Second. All in favor?

Commissioner Musgrave: Aye.

President Nix: Aye.

Delaware Trace Apartments: Preliminary Plan

President Nix: Mr. Jeffers, good afternoon.

Bill Jeffers: Good afternoon, Commissioner Nix, Commissioner Musgrave, Mr. Ziemer, and staff, and students. Good afternoon. Our first item is Delaware Trace. It's a group of apartments on North Green River Road, a little less than a quarter mile north of Lynch Road. What you're looking at, basically, is two lots, two large lots split by the power easement. In the power easement there would be an extension of, I guess, Cullen Avenue, in case there were any development to the north or south. That would serve, basically, as a frontage road. There is 17 buildings. 72 one bedroom units, 96 two bedroom units, 56 three bedroom units, 24 four bedroom units. So, you can see it's a substantial development. It's got four canopied carports, ample parking, one clubhouse, a playground, and four substantial detention basins. It's pretty much over-designed as far as detention goes, I guess, because they need fill dirt. It is a preliminary plan. The approval of the preliminary plan would allow the overall plan to go forward to Area Plan Commission, etcetera. They will coming back with a final plan to fine tune any minutia necessary. The County Surveyor has reviewed the plan and finds it comports with the drainage code for a preliminary plan, and recommends approval of Delaware Trace Apartments.

President Nix: Will that secondary plan come back to this board?

Bill Jeffers: Yes, sir, it will come back to this board. If there are any remonstrators, whether they're here or whether they're at home and have any comments to make, all those comments will be addressed by the modifications in the final plan.

Commissioner Musgrave: Do you want to call for anyone?

President Musgrave: Is there anyone here from the public who wishes to speak to this issue? If not—

Commissioner Musgrave: I move that we accept the recommendation of the County Surveyor.

President Nix: Second. All in favor?

Commissioner Musgrave: Aye.

President Nix: Aye.

Bill Jeffers: That one was in Knight Township. I forgot to tell you that.

Summer Creek, Section One: Final Plan
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Bill Jeffers: This next one is Summer Creek, Section One, also located on Green River Road, but north of Daylight, Indiana, in Scott Township. Basically, you have 59 standard size small lots, one entrance road off of Green River, three stubbed out roads for future interconnection to phase two to the north. This will be a substantial subdivision when phase two comes in. However, like I said, it's 59 lots at this time. It has come to you before for preliminary approval. The road plans are in front of the County Engineer's office, and I have a copy of, Keith Poff, the design engineer from Sitecon, I have a copy of all of his responses to Mr. Stoll's questions addressing the street and drainage plans, and the County Surveyor has reviewed the modified final drainage plan, and recommends approval as it comports with the drainage code.

Commissioner Musgrave: Was Mr. Stoll satisfied with those responses?

Bill Jeffers: Mr. Keith Poff could answer that, but, I believe John has left Evansville before he was able to confirm that with me. Keith, do you have a comment on that? As I look at them, the plan satisfies them. However, some of the, I only looked at drainage. I did not look at specific street items.

Keith Poff: They have not been approved by the board, as of yet. We have a water line and sanitary issue that has to be resolved that is in the plans. So, we do not have his approval from the board, but he has commented, or we've returned questions to him about the items he'd raised, and we've settled the issues that we had to do. So, we've been satisfied, it's just that we're waiting on another department to clear some specifics in order to reissue those plans to him.

Commissioner Musgrave: So, you're testifying that you believe the County Engineer is satisfied, but there's another department, the city department, that you have not finalized plans with?

Keith Poff: That is correct. It's the city, the Water and Sewer Utility Department.

Commissioner Musgrave: Um—

President Nix: Is there anyone in the audience that would like to address the issue?

Bill Jeffers: I would like to point out that Mr. Poff, or his contractors, will not proceed until he has the County Commissioners approval on the recommendation of the County Engineer with the street plans. They may go out there and move some dirt with regard to the drainage plan, which I recommend approval of.

Commissioner Musgrave: Alright, on that basis, I recommend that we adopt your recommendation.

President Nix: Second. All in favor?

Commissioner Musgrave: Aye.

President Nix: Aye.

Report: Ongoing Studies and Evaluations
--

Bill Jeffers: Yesterday the city's, the Mayor's Stormwater Task Force met for the first time at 5:30 p.m. till about 7:15 or 7:30 p.m. at the library. I wanted to let you know that the County Drainage Board is represented on that committee by the County Surveyor. I asked to be on that committee because, as I pointed out earlier in your Commissioner meeting, a substantial portion of the southeast side that was affected by this task force and recent flooding is drained into a county ditch, as well as significant portions of Evansville drain into county regulated drains, as you know, on the north side and the east side, before they enter Pigeon Creek or the Ohio River. So, I felt it was appropriate that the County Drainage Board was represented by their technical advisor, which is why I asked the Mayor to include me in that task force, which he did. Having said that, I wanted to let you know that we do have ongoing studies and evaluations of each of those drains that drains the city, the East Side Urban drains, Kolb Ditch, Eagle Slough and others, and that those studies have proceeded rather well. I have a report here that I could put into a better form for you, this is just a preliminary report that Charlie Alvey put together for me, but it reflects that each of the consulting engineers is moving rapidly along with their study and evaluation of those. Rather than read it into the record, I'll just supply you with some notes later on, but let you know that everything is moving along in an orderly and timely fashion.

Commissioner Musgrave: I would like to thank you for getting on that committee and representing the interests that you outlined, but I would like to add one more, my understanding is that the cure for the flooding and so forth might be promulgated through the Water Department, and perhaps through bond issues or plans that are paid for by water rates. Is that correct?

Bill Jeffers: I've heard very similar ideas put forth, but I'm not, right now we've been charged with simply looking at the criteria to be used for determining what storm event we should plan for and design for, and what other criteria we should set up to determine which project should proceed first and that type of thing. That's what the task force has been charged with initially. I'm probably more concerned with the condition of our county drains remaining adequate or superior, so that when they do discharge into our ditches on their way to Pigeon Creek or the river, that it will be

handled adequately out of those pump stations and other facilities. I'm not sure how they plan on paying for it at this time, but I do know that the Waterworks is represented on that, or the Water and Sewer Utility is represented on that task force, as is the City Controller sits on that. So, I imagine when it comes to financing, those will be the two persons who will probably lead the discussion.

Commissioner Musgrave: Well, county residents have no representation on the Water and Sewer Utility Board, that board being totally appointed by the Mayor. If it's going to be paid for with monthly water rates that are paid for by people not just in the city, but the entire county, and maybe even across county lines, I don't represent those people, but I do represent people who live outside the city, as well as people who live inside the city. So, I would like you to keep us informed as to what may occur, so that any county representatives, county ratepayers who wanted to make their views known would at least have warning that they might want to step up to the microphone somewhere.

Bill Jeffers: Yes. I will do that. I share your concern about that, because when I was discussing it with Mr. Harry Lawson, quite a while in the past, about the rate increase for the county being disproportionate to the rate increase for city payers, one of the ideas that was pointed out was that a lot of the county's sanitary sewer effluent passes through the city lines on it's way to sewer treatment plants, and somehow or another that affected the flow rates of storm water in the combined sewers. But, I don't really want to get into all that, but I will keep you informed, and let you know if I hear any comments, because all these meetings are open to the public—

Commissioner Musgrave: Right.

Bill Jeffers: —and people readily get up to the microphone and let their feelings be known. As we did last night.

President Nix: We don't know whether there's more water going out than coming in, is that correct? In a nutshell?

Commissioner Musgrave: Uh-huh.

Bill Jeffers: I pointed out that a lot of their water comes out to us, as well as whatever we donate to them.

Commissioner Musgrave: Alright, thank you.

President Nix: Thank you, Mr. Jeffers.

Ditch Maintenance Claims

Bill Jeffers: And, if there's no further questions on that, in closing I have claims here from those consultants that are submitting ongoing claims for their ongoing work on the studies and evaluations, and have checked all of them and everything comports with standard procedure, and ask that you pay these claims.

Commissioner Musgrave: Move approval of the claims as reviewed by Surveyor Jeffers.

Commissioner Nix: Second. All in favor?

Commissioner Musgrave: Aye.

President Nix: Aye.

Receipt of Petition to Remove Obstruction: Thomas Dowd

Madelyn Grayson: I did have one thing, there was a petition filed in the Auditor's office to remove an obstruction. I don't know if you had a chance to review that.

Bill Jeffers: I'm sorry. That, you're correct, I left it off my agenda. Sorry, but, what's the fellas name?

Madelyn Grayson: Thomas and Laurie Dowd.

Bill Jeffers: Yeah, Dowd, on either Wayside, is that where they're—

Madelyn Grayson: Yes, Wayside Drive.

Bill Jeffers: Yes, they have submitted a petition, and I have looked at it on, I'm sorry we don't have it here for you to look at, but, it's very clear that there is some fill going on on three lots that they indicate, and the fill appears to either be in or very nearby a substantial watercourse that empties into Pigeon Creek, and it appears that even on the aerial photographs you can see water backed up in the woods owned by Mr. Dowd. So, I have contacted the respondents and they have invited me to come out and take a look at what they've done. The complication is, is that it was turned in to Indiana Department of Natural Resources, Division of Water who came out there and said, "Our jurisdiction doesn't include this, you should go to the County Drainage Board with it." That was two years ago, and now we're just now hearing about it, and there's been a huge amount of fill placed in the last two years.

President Nix: Are there any issues with silting at all?

Bill Jeffers: I haven't gone and looked at it personally, but I imagine there is going to be issues, yes. I'm surprised that the Corp of Engineers has not entered into this, being as it's, I mean, just right there by Pigeon Creek, and it looks to me like, if it were a developer, they would have already been all over them.

President Nix: Yeah.

Bill Jeffers: But, it's just individuals filling their backyards, apparently, but if it's, like I say, now that the petition has, if you receive this petition right now, I will be out there next week to do my investigation and bring it back to you.

Commissioner Musgrave: Okay.

President Nix: Thank you.

Commissioner Musgrave: Motion to adjourn.

President Nix: Second.

Bill Jeffers: Motion to accept the petition?

Commissioner Musgrave: Oh, motion to accept the petition.

President Nix: Second. All in favor?

Commissioner Musgrave: Aye.

President Nix: Aye.

Bill Jeffers: Thank you.

Commissioner Musgrave: Now, I guess, I'll make that motion to adjourn.

President Nix: Second. All in favor?

Commissioner Musgrave: Aye.

(The meeting was adjourned at 4:25 p.m.)

Those in Attendance:

Bill Nix
Ted C. Ziemer, Jr.
Others Unidentified

Cheryl Musgrave
Madelyn Grayson
Members of Media

Bill Jeffers
Keith Poff

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl A.W. Musgrave, Vice President

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
DRAINAGE BOARD
DECEMBER 5, 2006**

The Vanderburgh County Drainage Board met in session this 5th day of December, 2006 at 4:12 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: Good afternoon. I would like to call to order the Vanderburgh County Drainage Board, Tuesday, December 5, 2006 at 4:12 p.m.

Approval of the November 21, 2006 Drainage Board Meeting Minutes

President Nix: I will entertain a motion to approve the minutes of the previous meeting.

Commissioner Musgrave: So moved.

President Nix: Second. All in favor? Aye.

Commissioner Musgrave: Aye.

Stonegate Estates: Final Drainage Plan

President Nix: Mr. Jeffers, good afternoon.

Bill Jeffers: Good afternoon, Mr. Nix, Ms. Musgrave, and staff. The first, I mean, the only drainage plan I have is the final drainage plan for Stonegate Estates. It's located on Browning Road, north of Boonville-New Harmony Road, just about half a mile north. It's a large, wooded tract being divided into two and one half acre or so large lots, all wooded. I've highlighted in green two streams that run through the interior of this subdivision. There's a larger stream, Schlensker Creek, that runs through the corner. They're excavating a nice, large lake. As I said, everything is wooded, and they would like to maintain a very natural estate, wooded estate type setting. So, the two creeks that I've outlined in green will remain as natural as possible. They're remaining as open channels so that a large amount of water won't travel down the middle of the roadway, it will still run through the creek. But, rather than converting that creek into a pipe, or an open ditch, they want to have it remain wooded. This is in conformance with some of the new regulations from the Army Corp of Engineers who does not like us to convert wooded creeks into ditches and so forth. So, that's the reason why it's not being altered, except where absolutely necessary to put in say a sewer line crossing, or a driveway crossing. So, it should be understood that that will remain natural, and that the homeowners across whose large, wooded lots the creeks pass, will be responsible for maintaining it in as close to it's pristine and natural, wooded condition as is possible, and still maintain good, open drainage. That will be so declared to the owners at their time of purchase. They should understand that. The report and all the other documentation that came with the final plan has been reviewed by the County Surveyor, found to comport with the drainage ordinance, and the County Surveyor recommends approval of the final drainage plan for Stonegate Estates. I do not have a Mylar cover sheet accompanying that recommendation, but it will appear before you once again with street plans, with your signature block for Commissioners, and signature block for the Drainage Board, and you can sign it at that time as both entities.

Commissioner Musgrave: Motion to adopt the recommendation of the Surveyor.

President Nix: Second. All in favor? Aye.

Commissioner Musgrave: Aye.

Ditch Maintenance Claims

Bill Jeffers: I do have a large pile of blue claims that represent work that's been completed on regulated drains. The paperwork is in order, and it's signed, and I recommend payment to the contractor's for those claims.

Commissioner Musgrave: Motion to pay the claims as outlined by the Surveyor.

President Nix: Second. All in favor? Aye.

Commissioner Musgrave: Aye.

Discussion of Reoccurring Problem on Wabash Eerie Canal

Bill Jeffers: There was one other issue that came, we became aware of yesterday. Commissioner Musgrave had viewed a problem out on the Wabash Eerie Canal, just east of Stockwell Road. It's a reoccurring problem. Earlier in the year we had asked Norfolk Southern to remove an obstruction from that ditch where the side bank had slid in. It's sliding in again. We don't have the orthography to show you on your screen today, but you can clearly see the location. It's a reoccurring problem. There's a, the ditch is probably 15 or so feet deep at that point, and, so, the bank lays way back up to the rail, and as such it's like a giant solar reflector laying there facing the southern sun during the winter time. When it freezes at night, the embankment freezes, and then the sun rapidly thaws it out, and it's just unstable and it keeps sliding in. I went out there yesterday afternoon at Commissioner Musgrave's request, and I saw that Norfolk Southern apparently was aware of the problem and had brought in several carloads of rip rap between the time that Ms. Musgrave viewed it and the time that I got out there at 4:00 in the afternoon. My opinion is that they're just adding more and more weight to an unstable condition. That weight will just carry itself down into the ditch over a period of time. It's just a band-aid approach. I reported to Ms. Musgrave this morning that I had viewed it at her request, and that I think that Norfolk Southern should be made fully aware of our feelings regarding a potential obstruction of the main drainage outlet for five square miles of the county and the city's east side, and that, and to also remind everyone that we do have under contract a consulting engineer who is preparing a detailed study and evaluation of this entire ditch, including this area, and that I will be encouraging them to come up with recommended solutions and then go to Norfolk Southern and ask them to participate fully in their responsibility to stabilize their railbed.

President Nix: I know one of the problems we had when we did the bore underneath the tracks and that project we did, what, I guess, it's been a year and a half ago, was actually finding who from Norfolk Southern to talk to about this. Have you got a good contact? Do you feel like you have a good contact?

Bill Jeffers: I did have a good contact who responded in a timely fashion earlier this year, but, again, I politely refer to it as a band-aid approach. They just pulled

everything up out of the ditch and packed it against the embankment, and now they're adding more rip rap. I just, I might want to go a little above that contact.

President Nix: I guess, that's my point.

Bill Jeffers: Yeah.

President Nix: Okay.

Commissioner Musgrave: So, would it be best then for you to initiate a draft of a letter that the County Attorney could review, and then be brought back to at our next Drainage Board meeting to approve sending?

Bill Jeffers: I think that would be a good plan of action, because I believe that Norfolk Southern should be fully aware of what we may perceive as their liability in this matter, and that we do not wish to share their liability.

Commissioner Musgrave: Alright, then I will make the motion for that letter process to begin and to work with the County Attorney on that.

President Nix: Second. All in favor?

Commissioner Musgrave: Aye.

President Nix: Aye.

Bill Jeffers: I'll try to bring that to your County Attorney later this week, so that, hopefully, I can bring it to you next Tuesday afternoon.

President Nix: Thank you, Mr. Jeffers.

Bill Jeffers: Thank you.

Public Comment

President Nix: Is there any public comment? If not, I'll entertain a motion to adjourn.

Commissioner Musgrave: Move to adjourn.

President Nix: All in favor?

Commissioner Musgrave: Aye.

President Nix: Aye.

(The meeting was adjourned at 4:20 p.m.)

Those in attendance:

Bill Nix

Ted C. Ziemer, Jr.

Members of Media

Cheryl Musgrave

Madelyn Grayson

Bill Jeffers

Others Unidentified

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl A.W. Musgrave, Vice President

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
DRAINAGE BOARD
DECEMBER 12, 2006**

The Vanderburgh County Drainage Board met in session this 12th day of December, 2006 at 4:04 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: Good afternoon. I would like to call to order the Vanderburgh County Drainage Board, Tuesday, December 12, 2006, at four minutes after four.

Approval of the December 5, 2006 Drainage Board Meeting Minutes

President Nix: I will entertain a motion to approve the minutes of the previous meeting.

Commissioner Musgrave: Move approval.

President Nix: Second. All in favor?

Commissioner Musgrave: Aye.

President Nix: Aye.

Stonefield Park: Preliminary Drainage Plan

President Nix: Mr. Jeffers, good afternoon.

Bill Jeffers: Good afternoon, Commissioner Nix, Commissioner Musgrave, Mr. Ziemer. We have two drainage plans today. I have aerial photographs on your desk, two sets, one photograph for each subdivision, along with the plans. The first subdivision is Stonefield Park preliminary plan. This drainage plan is for a large, commercial subdivision on Green River Road, north of Theater Drive, south of Spring Valley Drive, immediately across from Sugar Mill Creek apartments. You rezoned it a week or two ago.

Commissioner Musgrave: It was called Mystic Creek at the time, wasn't it?

Bill Jeffers: Mystic Creek is north of that. That's Jack Tubbs development is Mystic Creek, which is north of Stonefield.

Commissioner Musgrave: I just don't remember it being called Stonefield.

President Nix: That was the first reading, though, was that correct? That was the first reading, we still have one more reading on it.

Commissioner Musgrave: Right.

President Nix: Are we on that?

Dave True: That actually goes to Area Plan meeting—

Bill Jeffers: It goes to Area Plan....if this preliminary drainage plan passes tonight, this subdivision will go to Area Plan Commission Thursday, two days from today, for plat approval. So, I'm assuming that the rezoning is effective as of the third Tuesday of—

President Nix: Okay, that's fine.

Bill Jeffers: —November. Is that when you have your rezonings? Okay. Yes, and it is immediately adjacent to Mystic Creek, and has some sort of connection there, or was supposed to.

Commissioner Musgrave: Does it?

Bill Jeffers: It doesn't show on my set of plans, so it must be a private easement covenant that they have. It doesn't look like there's a public road connection, is that correct, Dave?

Dave True: Yes.

Bill Jeffers: There's no public road connection, there is, apparently, a private cross easement connection between the northern most lot of Stonefield, and the southern most lot of Mystic Creek. But, I'm not familiar with that until I see it at Area Plan Thursday. I've seen it on a site plan at site review a couple of weeks ago, but I think it was subject to some revisions as it passes through the process. I'm not familiar with it's exact status at this time, because I haven't seen the, what do they call that, covenants or commitments, whatever it is they make to Area Plan Commission. I'll see those Thursday. Anyway, this is only a preliminary plan. It represents basically a conceptual plan that shows you the layout of the drainage. There will be some fine tuning done as they move forward and gather their final bits of data to process into a final plan within the next 30 days or so. However, I have reviewed the preliminary plan for Stonefield Park commercial subdivision, it comports with the county's drainage code for a preliminary plan, and the County Surveyor recommends approval.

Commissioner Musgrave: Motion to accept the recommendation of the Surveyor.

President Nix: Second. Is there anyone who would like to speak to this issue before we approve this?

Bill Jeffers: I think we have two fellas in the audience, one or both of whom may wish to speak to this subdivision.

President Nix: Please step up to the podium, if you would, and state your name and address please.

Victor Dorsey: My name is Victor Dorsey, and I live at 2509 Saratoga Drive, right behind Stonefield Park. Our biggest problem, and the one that concerns us is that the Stonefield Park is higher than our land. We're in the city, that's in the county. We were in the county and they took us in around 1980, I think. No one inquired about the flooding back there, once we were in the city. There was probably flooding before then, but we didn't pay any attention to it. So, now we get flooded out because that's higher than we are. So, I don't know—

President Nix: I guess, we, is the engineer here today?

Bill Jeffers: Excuse me just a second, sir. Yes, the company who engineered this plan is represented here today. This has been discussed on several occasions in Area Plan Commission and between the engineers and our office. There is that large berm that was discussed in front of you and in front of Area Plan Commission. That berm also serves to intercept the storm water that would come off of these commercial lots and guide it through a system of conveyances to the detention basins. There's also facilities on the west side of the earthen berm, which would be adjacent to this gentleman's property and area of concern that would intercept the water that would come off of the residential property, or be blocked from coming off by the berm. There is methods to capture that water on the west side of the berm. If you wish, Dave True, who designed this layout is here to answer any questions that this gentleman or the board may have.

Dave True: Dave True, with Landmark Design and Engineering. As Victor and Bill both said, there are drainage problems existing directly to the west of us. In the preliminary drainage plan we have provision in there, at the location of a low spot, at the southwest corner of our property where the existing residential subdivision drains to that point and eventually drains across a swale along our south property line. We put an inlet of sorts back by that corner to help take away that low point flooding, essentially. I'm not certain that Victor has seen that. We tried to stay in close contact with he and others in the neighborhood, but I'm not certain that he's seen that plan yet.

President Nix: I guess, the idea is that anytime there's a development like this, and there's drainage issues, the idea is to make the drainage better for adjacent properties and the property that your working on than it was before the project was started. That's the reason that we have these hearings. That's the reason why we're here today.

Dave True: Sure. That's what we've been attempting to do too. We know that there is, as it sits now, there is no good way to drain that portion anyway. That's what we're trying to do is get provision in there to drain that.

Commissioner Musgrave: Does that drain into the city sewer system there in the southwest corner?

Dave True: It eventually makes it's way over to Green River and goes in the curb inlets over there. Or, possibly an area drain by Green River that ties into that piping.

Commissioner Musgrave: I would ask that you go ahead and show this to this gentleman.

Dave True: Okay.

President Nix: Is there any other public comment?

Bill Jeffers: While Mr. True is showing that to Mr. Dorsey, and before you vote your motion, I would like to point out again to Mr. Dorsey and to Mr. Kissinger, who is here from 2521 Saratoga Drive as well, that this is a preliminary plan, and we have the opportunity, even after passing this preliminary plan, of taking additional public comment. They are probably going to be among the people who come to the Area Plan Commission Thursday. If there's any concern expressed at the Area Plan Commission regarding drainage, it will be referred to the County Surveyor's office for discussion outside of Area Plan Commission meeting. Everyone who has any

concern about this, especially the adjacent property owners, can come to the County Surveyor with their concerns, and any legitimate concern will be incorporated into the plan between now and the time the final plan is developed. I will not bring you a final plan that does not adequately address those concerns.

Commissioner Musgrave: Thank you.

President Nix: Thank you, Mr. Jeffers.

Commissioner Musgrave: Do you want to call for the vote?

President Nix: I think we've already called for it.

Commissioner Musgrave: Did we?

President Nix: Yeah, you made the motion, go ahead.

Commissioner Musgrave: I vote aye.

President Nix: I second.

Commissioner Musgrave: Well, now I made the motion and you seconded it. We have to vote now.

President Nix: All in favor? Excuse me.

Commissioner Musgrave: Aye.

President Nix: Aye.

Bill Jeffers: So, is that your pleasure that you voted on that?

President Nix: Yes, that's correct.

Bill Jeffers: They are continuing their discussion, and both Mr. Dorsey and Mr. Kissinger will have the County Surveyor's phone number and address to come express any further concerns.

President Nix: Thank you.

<p>Delaware Trace: Final Drainage Plan (Deferred Until 12/19/06)</p>

Bill Jeffers: Okay, Delaware Trace is a large apartment project that we discussed a couple of weeks ago. You have the plan on your desk. This is the final plan. The aerial photograph, I would like to point out at the eastern or right hand end of the project, you see a little horseshoe I made with this felt tip marker. That's on the aerial photograph that I'm talking about. A little area that is not being farmed. You can see that the row crops don't extend into that brownish looking area on the photograph. That is a very small pocket wetland that the Corp of Engineers and the Department of Natural Resources prohibits filling, etcetera. That will be left natural. So, if you ever hear in the future of any complaints about mosquitos or a patch of ugly weeds or whatever, it's because we are prohibited from disturbing that pocket

wetland under new statute. I don't know if that includes you can't send a spray truck out. I think you probably could, but we can't disturb that area, the vegetation. Anyway, I gave you a pretty detailed description of Delaware Trace, how many units they have and everything at the last meeting, and the final plan comports with the code's requirements for a final drainage plan. The County Surveyor recommends approval.

President Nix: Mr. Jeffers? I guess, the plans are actually in here for this, is that correct?

Bill Jeffers: Oh, I'm sorry. Yeah, that's the cover sheet that you're looking at to sign, if it's your pleasure to pass. Inside that folder are several sheets, because it's such a long, narrow project, you'll see lot one on one 24 by 36 inch plan, and then you'll see lot two on the other.

President Nix: Okay.

Bill Jeffers: It has interior streets. It has a potential frontage road for Cullen Avenue extension, should that ever be extended north or south of there, etcetera.

Commissioner Musgrave: Now, this is the, is this still planned to be a low income, Section 48 housing complex, to your knowledge?

Bill Jeffers: I'm not familiar with what the marketing plan is.

Commissioner Musgrave: When they came before us for rezoning, quite some time ago—

Bill Jeffers: Yes, there was, you know, and then I'm looking at it and I'm starting to see four bedroom units. I don't think that that would be low income. It seemed like maybe some of the units in one of those, there's two large lots, it seemed like some of them were a little bit upgraded from the first plan we saw. I'm starting to see four bedroom units. That looks more like, almost like condo units. You know, relatively expensive units to rent.

Commissioner Musgrave: Interesting. It's not student housing, is it?

Bill Jeffers: I plead ignorance.

Commissioner Musgrave: Do you know? Come forward—

Bill Jeffers: Okay, the problem here is that Matt Wallace, who is the engineer who designed this, and probably has all the details, was taken ill and was unable to come to the meeting today. So, he has a stand in representative who may or may not know the marketing details. I never get into marketing details when I'm looking at drainage plans.

President Nix: I guess, the concern I have is that some time back, probably a year ago, there was someone who came to us for a rezoning of this property, and I know that this isn't necessarily a drainage issue, but I would like to make sure we follow up that what we decided upon, and what the Commission decided upon as far as the rezoning, is what they're going to put on this property. Once again, it's not a drainage issue.

Bill Jeffers: Right.

President Nix: But, we need to—

Bill Jeffers: But, you have the opportunity to hold it up in Drainage Board.

President Nix: Yeah, and I'm wondering, do you have anything on the agenda for next week yet?

Bill Jeffers: No, sir.

President Nix: I'm wondering if you could bring that back to us maybe with, and, once again, I know it's not a drainage issue, but I don't want to get in a situation that we got into some time back where we were told that one thing was going to be built on a development, when, in fact, something else was built. We're not going to have that.

Bill Jeffers: I understand what you're saying completely, and it's happened more than the once or twice—

President Nix: Right.

Bill Jeffers: —in the last couple of years. It's happened in the past in such ways that would raise that alarm legitimately.

President Nix: Right.

Bill Jeffers: If you wish to bring it back, that's your pleasure.

President Nix: I would rather do that, at this time.

Commissioner Musgrave: I would like to make a motion—

President Nix: Go ahead.

Commissioner Musgrave: —to table this, since your chairing.

President Nix: I second.

Bill Jeffers: When the folks call in to ask why—

President Nix: Excuse me, Bill, excuse me.

Bill Jeffers: I'm sorry.

President Nix: Aye.

Commissioner Musgrave: Aye.

President Nix: Go ahead.

Bill Jeffers: When the representatives call in to ask why, I will relay your concern to them, and ask them to have a representative here who can answer your questions. I'm sorry to interrupt.

President Nix: No, that's quite alright.

Commissioner Musgrave: Madelyn, could you pull the minutes of the rezoning hearing that we had, so that my memory can be refreshed? That would be of assistance to me.

Public Comment

President Nix: Now is the time for any public comment. Is anyone here to speak to the board on anything that we'll address? If not—

Ditch Maintenance Claims

Bill Jeffers: We have some claims.

President Nix: Okay.

Bill Jeffers: They're on your desk, they're in order, the paperwork's attached for maintenance on, for work done on regulated drains in the past few weeks. I recommend approval of those.

Commissioner Musgrave: I'll move approval of the claims.

President Nix: Second. All in favor?

Commissioner Musgrave: Aye.

President Nix: Aye.

Letter to Norfolk Southern Railroad: Harper Ditch

Bill Jeffers: And I have a piece of correspondence that I've laid on your desk, just showing you what I sent to, under my signature, to Norfolk Southern Railroad regarding Commissioner Musgrave's concern, and all of our concern, about the potential for obstruction by some rip rap that they keep applying to their roadbed out there. That was mailed certified, return receipt requested today, and I wanted to copy you.

President Nix: And you'll let us know when you, if and when you get a response from them?

Bill Jeffers: Yes, sir. Next week should be when I notify you.

President Nix: Okay. Thank you.

Commissioner Musgrave: Motion to adjourn.

President Nix: Second. All in favor?

Commissioner Musgrave: Aye.

President Nix: Aye.

(The meeting was adjourned at 4:22 p.m.)

Those in Attendance:

Bill Nix	Cheryl Musgrave	Bill Jeffers
Ted C. Ziemer, Jr.	Madelyn Grayson	Victor Dorsey
Dave True	Others Unidentified	Members of Media

**VANDEBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl A.W. Musgrave, Vice President

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
DRAINAGE BOARD
DECEMBER 19, 2006**

The Vanderburgh County Drainage Board met in session this 19th day of December, 2006 at 4:19 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: Good afternoon. I would like to call to order the Vanderburgh County Drainage Board, Tuesday, December 19, 2006 at 4:19. Good afternoon, Mr. Jeffers.

Approval of the December 12, 2006 Drainage Board Meeting Minutes

President Nix: Oh, excuse me, before I do that, approve minutes, I would like to entertain a motion to approve the minutes of the previous meeting.

Commissioner Musgrave: So moved.

President Nix: Second. All in favor?

Commissioner Musgrave: Aye.

President Nix: Aye.

Delaware Trace Apartments: Final Plan

President Nix: Mr. Jeffers, good afternoon, sir.

Bill Jeffers: Good afternoon, Commissioner Nix, Commissioner Musgrave, Mr. Ziemer and staff. The only drainage plan that remains on our agenda, tabled from last week, is Delaware Trace apartments, which I spelled in a peculiar way on your agenda, I just now noticed, final drainage plan. It was Commissioner Musgrave's concern that we table this and re-examine, briefly, some, but in detail, some particular items to ensure that everything that was indicated, promised, or otherwise needed on the plans, appeared on the plans, or was accounted for by agreements outside the plans themselves. These are drainage plans. They will be followed by street plans. They will be followed by recorded instruments that dedicate right-of-way, because this is a parcel, this is two parcels rather than a subdivision. So, rather than a subdivision plat, the easements for say, sanitary sewers, etcetera will be recorded in miscellaneous records in the County Records office, rather than on an official plat. So, besides these plans, you will later see other documentation that ensures the completeness of the promises that were made. I did some research with regard to the Drainage Board's concerns about these plans. The final drainage plans that you're looking at on your table do show a deceleration lane on the east side of Green River Road to enter this project. However, that deceleration lane is one that would be constructed only if Green River Road were not widened. The reason it's depicted that way is because we do not yet have the Green River Road widening plans incorporated into this plan. Those issues that arise from that can be addressed by your County Engineer, John Stoll, and the design engineer for Pedcorp, who is Matt Wallace from Morley and Associates. However, the drainage associated with that deceleration lane can easily be handled by the storm sewer system that will be installed in Green River Road widening, when that occurs. The promise made to reimburse the county for the cost could be cemented by an

agreement signed between you and Petcor, or Pedcor, that they would reimburse you in unit pricing that would be arrived at with your bids for that project. I'll let John Stoll and the engineer, Matt Wallace address that, but, I did want to let you know that the drainage plans are sufficient and reflect enough detail, as final drainage plans, with regard to the deceleration lane, although the deceleration lane is not the final design. John Stoll has forwarded the widening plans to Matt Wallace at Morley and Associates, and Matt Wallace can address when, and to what degree, he will incorporate those widening plans into his final street plans. I think I heard that Pedcor has spoken with Commissioner Musgrave regarding the promise or the agreement to pay the entire cost of the installation of that deceleration lane at the cost that will be incurred during the widening project. My take on this is that the developer wishes to proceed with at least phase one of the apartments, and a deceleration lane may not be needed, depending on the traffic count for that phase one. So, they may not build the deceleration lane that's shown on there as a temporary deceleration lane, thereby saving themselves that expense, unless there's a safety issue that arises after they become occupied. It's my take that the design engineer, Matt Wallace's opinion is that the deceleration lane is not needed in conjunction with phase one, but will be needed at full development. Of course, that, the warrant for a deceleration lane is established by traffic counts, etcetera, and, I believe, John Stoll's word on that would be the final word. Let's see, so, I'm saying that the county would be well served to obtain a written agreement between Pedcor and yourselves, committing them to pay for the deceleration lane at the time of which it is built. Regarding the sanitary sewer easements promised to adjacent landowners, the drainage plan does not show the sanitary sewer lines that will be laid within the project, because the easements have not been negotiated with the adjacent property owners yet. There seem to be some issues as to where they want to tap in. Until those issues are resolved, the exact location of the easements cannot be shown. I'll let Matt Wallace explain that, if it needs further explanation. However, those easements will be recorded in miscellaneous records, as I said earlier, and, those miscellaneous records will include exhibits that depict the easements. With regard to the fence along the south property line to separate and screen the adjacent properties, the drainage plan does not depict that fence, at this time. The design engineer told me he anticipates a fence, if negotiations with the adjacent property owner for sanitary sewer easements and connections result in such a fence being requested by the property owners. I do not know at this time whether the property owners have said, "Yes, we absolutely want a fence.", but that would be the appropriate time for them to negotiate a fence, is when they're negotiating the easements for the sewer. With regard to the storm water runoff from this proposed project discharging into the properties to the south, specifically Mr. Irwin's property, and the church property, where it has been a problem in the past. The plans clearly show the acreage within the project that currently discharges to the adjacent property, and it also shows a grading plan that I've outlined there where Mr. Wallace's plan is to raise a berm, ten feet or so inside the property line, in such a way to intercept the water that now flows out between Mr. Irwin's garage and the church's classroom. That's the problem area. It clearly shows two yard inlets into which that water will be directed and then carried into the interior of the apartment project and off into one of the detention lakes. I think I've highlighted most of that on your plans. So, that storm water that's been cause for a problem for Mr. Irwin and the church over the years, as it came off that agricultural field, that has been identified as a problem, and this design addresses that problem appropriately and intercepts it. At Mrs. Musgrave's request, I reviewed the rezoning minutes and other documents, and those are the issues I was able to identify. If there are other issues, you may identify them at this time. Also in the audience is Mr. Wallace, representing

Pedcor, and the County Engineer, John Stoll, if there's any issues on Green River Road.

President Nix: Appreciate you working with us on this and the time you put in, and also Commissioner Musgrave. Is there anyone here from the, that would like to speak to this issue that's with us today? If not?

Commissioner Musgrave: Well, I do want to hear from the engineer and also from Mr. Stoll. I know that the acceleration/deceleration lane is something that the covenant that Pedcor filed addresses and gives you the authority to specify, and I know that you haven't signed off on the building, or the plans that are in the Area Plan office that I looked at. I want to thank, before I forget, thank you, Mr. Jeffers, and Mr. Kilo, who is not here today, from Pedcor, for working with me and Mr. Mills, but I didn't get a chance to talk to you before the meeting Mr. Stoll, so I apologize for that.

John Stoll: No problem. I did speak to Rick Kilo with Pedcor today about the decel lane. I told him that it would be my preference to have them enter into an agreement with the county to pay for the construction in conjunction with the county's Green River Road project. He said his initial preference would be to build it with their first phase. I told him, in my opinion, that would be really just money wasted. They indicated that their first phase would likely be open in September or October of next year. We plan to take bids on Green River in January of 2008. So, theoretically, the contractor could be going out there by February of 2008. So, the decel lane would only be in place for a few months before it would be torn out again. So, it would seem like a waste of money. So, I told Mr. Kilo that I thought we should have an agreement where they reimburse the county for the cost, as designed by Morley and Associates, based on the unit prices we receive in our contract. He said he would talk to other people with his organization, and then let me know. In regard to the easements, like you said, I haven't signed off on the Area Plan Commission permits as of yet, so, I guess, that's our recourse right now that until we have a final, an agreement to get the reimbursement for the decel lane and we see the final recorded copies of the access easements, then I could withhold signatures on the permit. Like Mr. Jeffers said, I think the decel lane can be designed to where any runoff in the decel lane would go into the drainage system for Green River, and not be any problem whatsoever. That's probably the more appropriate way of dealing with it. So, I don't have any drainage issues associated with what they're proposing. We can take care of that once the design of the decel lane is finished. So, basically, from a drainage perspective, I think we're covered, as far as the decel lane goes, once we get the agreements in place.

President Nix: Thanks, John.

Matt Wallace: Excuse me, I'm Matt Wallace with Morley and Associates. I'm the engineer of record for this project. One thing I do want to point out while it was still fresh in my mind, regarding the drainage situation for Mr. Irwin's property, we always turn in a bound copy of the drainage report with calculations to Mr. Jeffers' office, I'm not sure if you've reviewed that or not, in that we did an analysis of the existing conditions, what happens if it were to rain today. In compliance with the ten year storm event, Mr. Irwin's property would see about 8 cfs of water. That's eight cubic feet per second. Which is a pretty good amount considering it's such a small channel. It looks like he hand dug it with a shovel. I'm sure it spreads a lot. I'm sure he very well gets water in, near the house. I'm sure the yard is full of water. It's probably not a very good site. It's my understanding that in the spring time his septic

system has trouble functioning properly. The post construction, we're required to go up to a 25 year storm event, which is, you know, more intense rain, and we're seeing about a quarter of a cfs going to his property after construction. That was just not a suitable place to take water to. So, we totally cut that off, and we're just going to continue our, that area is quite a bit lower than what the county contours had suggested that it might be when we originally started looking at it, and, so we brought things up to where there's no direct runoff except from as we come off the property line and mound up, the water that naturally falls on that slope will run back on to him. The width of that, despite it being so narrow, it's several hundred feet long, it's going to accumulate to about a quarter of a cfs. So, that, we're going to cut off his drainage issues. That doesn't solve a non-functioning septic system, and we are looking at a couple of different ways that we could extend sewer to him and to his neighbor to the south, and we're not, we haven't talked to the neighbor to the south. Well, we've spoken to the wife, she's asked us to speak to her husband just to finalize things. We've not yet made that contact with him. So, we're trying to work that out exactly where we would want that sewer to run that would be beneficial to both of them, and be of the less, the least financial cost to the developer. We have the Vectren 100 foot power pole easement going up through there, and Vectren does not like odd angle crossings. So, we have to figure out a way to cross them at a right angle, and not, you know, encumber the least amount of their easement as possible. So, we're dealing with that, and the sewer is sort of up in the air at this point, but I think we're pretty close to negotiating that. This property will have an on-site lift station for the sanitary, and, so we need a route for the forced main to pump the sewage back down to a suitable sewer in the Heritage Park Subdivision. That was, really the intent was to approach them for the forced main easement, and it seems to be the general case when we can give them sewer access in exchange for an easement. I think everybody wins in those situations. I think being close to that creek like that, I can't imagine how anybody has a functioning, even a mounts system, I would think, would be difficult to work properly in the spring time, when there's heavy rains. Because of there's so many buildings, it does take time to construct it all, and our plans do reflect the entire project, but they really only have intent to build what they're calling their phase one, which goes, it's the first half of the project back to the power pole easement. The drainage facilities have not been designed as a phased construction, so, the drainage facilities would need to be installed as part of the initial thing, but they also need the soil dug from the basins to build up the pads to create building pads, because we are partially in zone A, and mostly in zone B for the first phase. So, I think, they are going to have to build the entire drainage system and get the dirt from the basins to make this work. But, the number of units, I don't think triggers a turn lane, although the developer really wants to have one. They were volunteering for one before we even looked, we didn't even do a full traffic study to see if a warrant lane analysis was triggered or not, but they want the turn lane. Personally, I don't know how quickly they lease out, traditionally one would think that it takes time for a new development to lease out. You know, there's been several within the county that lease out very quickly. So, I don't know the number of units and the mix of units, they have one, two, three and four bedroom units within this complex. I don't know how quickly those lease out to generate enough traffic to really warrant a safety concern. So, I wholeheartedly agree with Mr. Stoll, that I think it would be a waste of money for them, and I'm not sure if it gets much benefit. Within this property, it looks to me, where their entrance is, is where Green River necks down to just a two lane section. So, it is where cars are having to merge, and I'm just not sure there's, that they're really up to speed to make a big safety concern for very long time. I don't know how many turns per hour we're going to see to really generate enough, you know, concern. But, they would have to, you

know, install a turn lane, and they're volunteering to do a turn lane. The drainage, I don't think, is going to impact this plan.

Commissioner Musgrave: Are you saying that you agree with Mr. Stoll's assertion that a turn lane will be required?

Matt Wallace: I think that once it's built, yes. But, to build it now, or to build it when their first phase is completed and they're open for leasing, may be a waste of money to install some temporary asphalt, only to have to have the county include that as part of the demo cost to tear it out to install new pavement. I think it would be better for the owner to have that agreement where, I'm not sure as an addendum or as a change to the plans and they just, the contractor add it on as a unit price thing to install 12 more feet of asphalt, relocate some curb, I'm not sure if there's any drainage inlets within that area, but they would have to be moved over to the new curb location, and then some additional pipe.

Commissioner Musgrave: Basically, the road will stay as it is until the county constructs Green River Road, and then it will change appearance and width, correct, Mr. Stoll? And he is agreeing.

Matt Wallace: Yes.

Commissioner Musgrave: So, that's, as long as we all understand that's the picture that we're looking at.

Matt Wallace: And, that's what I would think would be the most beneficial, and, really, the only concern there is would these, would the units being built, would there be a safety concern, and, I guess, that would be something for Mr. Mills to address as MPO Director.

President Nix: Okay, thank you.

Matt Wallace: Sure.

President Nix: Is there anyone else here that wishes to speak to this issue?

Bill Jeffers: Something that crossed my mind as I was listening to Matt Wallace speak about the developers desire to build, at this time only, phase one, but go into phase two and acquire dirt for raising the building pads. Because, phase one is not behind Mr. Irwin or the church, but phase two is, and phase two is going to supply some of the dirt, there will be activity on phase two land adjacent to Mr. Irwin's property, and as such I would like them to modify their erosion and sediment control plan in such a way that when they initiate land disturbing activities on phase two behind Mr. Irwin's property to acquire this fill dirt, that they go ahead and build the berm at that point in time. Whether they put the yard inlets in and the pipes to carry the water away from that, or just dig an open diversion channel while it's under construction before, you know, before it's turned into apartments. I would like that to be included in the erosion control plan, so that the activity that's being carried on in that open field, borrowing dirt, will not runoff mud into Mr. Irwin's property. You know, I don't want the contractor to say, "Oh, well, we're not going to put the berm there yet, because we're not putting the drainage facilities in along that line until phase two." No, I would like for that to be diverted right away, and he can show that in a modified erosion control plan very easily. So, I would like that, to include those comments with my recommendation for the plans.

Commissioner Musgrave: I'll make a motion to adopt the recommendation, as well as the additional comments stated by Surveyor Jeffers.

President Nix: Second. All in favor?

Commissioner Musgrave: Aye.

President Nix: Aye.

Ditch Maintenance Claims

Bill Jeffers: The only other business that I have today is several claims that I've laid in front of your recording secretary for maintenance. They are all for annual maintenance to regulated drains. Most of them in northwestern Vanderburgh County, and a few ditch mowings on the east side in their regulated drains.

President Nix: Thank you, Mr. Jeffers.

Commissioner Musgrave: Move approval of the claims.

President Nix: Second. All in favor?

Commissioner Musgrave: Aye.

President Nix: Aye. Anything else.

Bill Jeffers: No, sir.

Public Comment

President Nix: Also, I guess, at this point we would invite public comment. Is anyone here to address the board at this time? If not?

Commissioner Musgrave: Motion to adjourn.

President Nix: Second. All in favor?

Commissioner Musgrave: Aye.

President Nix: Aye.

(The meeting was adjourned at 4:40 p.m.)

Those in Attendance:

Bill Nix
Ted C. Ziemer, Jr.
Matt Wallace

Cheryl Musgrave
Madelyn Grayson
Others Unidentified

Bill Jeffers
John Stoll
Members of Media

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Drainage Board
December 19, 2006**

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**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Cheryl A.W. Musgrave, Vice President

Recorded and transcribed by Madelyn Grayson.