

**VANDEBURGH COUNTY
DRAINAGE BOARD
JANUARY 2, 2007**

The Vanderburgh County Drainage Board met in session this 2nd day of January, 2007 at 3:58 p.m. in room 301 of the Civic Center Complex.

Call to Order

Commissioner Nix: Good afternoon. I didn't know if you had misplaced, or did we leave that off, approval of minutes?

Bill Jeffers: I didn't know, with the holidays, whether our recording secretary had time to send the minutes to you.

Madelyn Grayson: Oh, yeah, they're finished. They're ready.

Bill Jeffers: Okay, well, then they're ready to be approved.

Commissioner Nix: I would entertain a motion.

Commissioner Tornatta: Second.

Ted C. Ziemer, Jr.: Our recording secretary never fails to do anything.

Bill Jeffers: That's been my experience.

Madelyn Grayson: The Auditor won't let me take me vacation until they're done.

Election of Drainage Board Officers for 2007

Commissioner Musgrave: I would like to, instead of the minutes, do election of officers, and I would like to nominate Commissioner Nix as President. Okay?

Madelyn Grayson: Pull it forward a little bit and see if that helps.

Commissioner Musgrave: Commissioner Nix as President is my motion.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Commissioner Musgrave: And—

President Nix: Do we need a Vice President? I would like to nominate Commissioner Tornatta for that.

Commissioner Musgrave: Oh, I'll second that.

President Nix: All in favor?

All Commissioners: Aye.

Ted C. Ziemer, Jr.: Congratulations.

Bill Jeffers: Should I tell him now what Vice President entails.

Commissioner Tornatta: I have a feeling that I'm not going to enjoy that?

President Nix: It's not bad.

Approval of the December 19, 2006 Drainage Board Meeting Minutes

President Nix: Now, I will entertain a motion that we approve the minutes of the previous meeting.

Commissioner Tornatta: Second.

President Nix: I will entertain a motion.

Commissioner Musgrave: I will make that motion.

Commissioner Tornatta: I will second the motion.

President Nix: All in favor?

All Commissioners: Aye.

Announcement of Meeting Dates for 2007

President Nix: Mr. Jeffers, good afternoon.

Bill Jeffers: Good afternoon, President Nix, Vice President Tornatta, and Madame Musgrave, Madame Commissioner, Member. All we have today is the announcement of your meeting dates for 2007, so those can be forwarded to Area Plan Commission and the general public.

Ted C. Ziemer, Jr.: They were done as a part of the motion at the regular Commissioner meeting.

Bill Jeffers: The Commissioners meeting? So, they will coincide with the Commissioners meetings? Okay.

Set Hearing Date for Dowd's Petition for Removal of Obstruction

Bill Jeffers: We need to set a hearing date for the Thomas Dowd petition that came before you on November 21, 2006. We have to have that hearing within 90 days of that date, and I sent you a memo, that's in front of you showing the...you're having your meetings on Tuesday, is that correct?

President Nix: That's correct.

Bill Jeffers: Showing you the next several Tuesday's, beginning today.

President Nix: Can I make a recommendation?

Bill Jeffers: Please do.

President Nix: January 23rd. Does that work with everyone? That would just be after our normal Commission meeting.

Commissioner Musgrave: That sounds—

President Nix: Is that acceptable to the other two Commissioners?

Commissioner Musgrave: That sounds fine.

Commissioner Tornatta: That's fine.

President Nix: I would entertain a motion.

Commissioner Musgrave: Do you need a motion for that?

Bill Jeffers: Yes, please.

Commissioner Tornatta: Probably.

Commissioner Musgrave: So moved.

Commissioner Tornatta: Motion.

Commissioner Musgrave: Second?

Commissioner Tornatta: Second, okay.

President Nix: All in favor?

All Commissioners: Aye.

Madelyn Grayson: Bill?

Bill Jeffers: I'll notify those persons.

Madelyn Grayson: That's not something we have to advertise?

Bill Jeffers: Yes, we have to advertise it, and you and I will get together and send registered letters to the respondents and the petitioners.

Madelyn Grayson: Then we need to send a notice to the newspaper also?

Bill Jeffers: We should probably send a very short notice to the newspaper.

Madelyn Grayson: Okay.

President Nix: Okay.

Public Comment

President Nix: Is there anyone in the audience that would wish to address the board at this time? If not, I will entertain a motion for adjournment.

Commissioner Musgrave: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: Happy New Year.

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

Those in Attendance:

Bill Nix	Troy Tornatta	
Bill Jeffers	Ted C. Ziemer, Jr.	
Others Unidentified	Members of Media	

Cheryl Musgrave
Madelyn Grayson

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Troy Tornatta, Vice President

Cheryl A.W. Musgrave, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
DRAINAGE BOARD
JANUARY 23, 2007**

The Vanderburgh County Drainage Board met in session this 23rd day of January, 2007 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, January 23, 2007 at 4:32 p.m.

Approval of the January 2, 2007 Drainage Board Meeting Minutes

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

Commissioner Tornatta: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: We'll wait just a minute until Mr. Jeffers gets back to the podium.

Azteca Milling Plant Expansion

President Nix: Mr. Jeffers, good afternoon.

Bill Jeffers: I'm sorry. I had left my report on the desk with the claims. Sorry. Okay, our first item of business is the drainage plan for Azteca milling plant expansion. This is an expansion of their existing operation. They're adding some parking into an area that was previously assigned as grass area. What I've put on your desk is a storm water analysis by Bernardin Lochmueller and Associates, done by Jim Farney, certifying that the existing storm water detention area is still sufficient to handle this additional parking to replace the grass. This serves, I believe, one of their loading facilities. So, each time they come in now, they're getting very close to having the maximum amount of paving that their storm water detention facilities would facilitate, or accommodate rather, and, so, each time they come in now they give us another storm water analysis from Bernardin Lochmueller, and show us where they're going to compensate for detention. This one meets the requirements of the original plan and the ordinance. The County Surveyor recommends approval of the Azteca milling plant expansion.

President Nix: Is there anyone from the audience that would like to speak to this issue? Questions?

Commissioner Tornatta: I would like to accept the plan.

Commissioner Musgrave: I'll second based on the Surveyor's recommendation.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: By the way, the parking will be in this area right here.

Public Hearing: Thomas Dowd Petition to Remove Obstruction

Bill Jeffers: Okay, our next item of business is the Thomas Dowd petition, a hearing whereby Thomas Dowd is asking the Drainage Board to hear his evidence, and then you can hear the evidence of the respondents and make a decision on ordering the removal of the alleged petition, excuse me, the alleged obstruction.

Ted C. Ziemer, Jr.: Or denying the petition.

Bill Jeffers: Or deny the petition, whatever is your pleasure. The Surveyor's report on the Dowd-Kemmerling petition is as follows. On November 21, 2006, the board received a petition from Thomas P. and Laurie Dowd, 2755 Wayside Drive, and E. Joyce Kemmerling, 2777 Wayside Drive, Evansville, Indiana, alleging an obstruction to a natural surface watercourse serving to drain their properties, and located on the properties of Gary D. Mason and Gary L. Feldmann, addresses 2619, 2621 and 2701 Glenn Avenue, Evansville, Indiana. Therefore, Thomas P. and Laurie Dowd and Joyce Kemmerling are the petitioners in this case, and Gary D. Mason and Gary L. Feldmann are the respondents.

Ted C. Ziemer, Jr.: Excuse me, just, you and I have talked about this some, can you just tell me, point out with your red marker there, your laser, where the petitioners property is and the respondents property, so I will know that.

Bill Jeffers: Okay. This roadway shown on the aerial photograph is Wayside Drive. It is ultimately connected over here to Oak Hill Road, north of Pigeon Creek. Thomas Dowd's house, his home is right here. The yellow outline is Mr. Dowd's property. He is the petitioner. E. Joyce Kemmerling, this is her home. The yellow outline is the Joyce, excuse me, the Kemmerling property. Ms. Kemmerling is a petitioner. This property here, this rectangle is owned by Gary Mason, 2701 Glenn Avenue. This rectangle here is owned by Gary Mason and Gary Feldmann. It's address is 2619 Glenn Avenue. Then, this rather triangular piece is owned by Gary Feldmann, 2621 Glenn Avenue.

Ted C. Ziemer, Jr.: Thank you.

Bill Jeffers: These three are the respondents. The petitioners allege the obstruction consists of dirt, rock, debris, metal, wood, and possibly roofing material, the removal of which will cause better and more full drainage of the petitioners property. Subsequent to the board's receipt of this petition, the County Surveyor visited the site and conducted an investigation as required by Indiana Code 36-9-27.1, with the following findings; county maps and aerial photographs confirm the historic existence of a natural surface watercourse serving the land owned by the petitioners and crossing the land owned by the respondents; the watercourse is a tributary of Pigeon Creek. Again, looking at the map, I have outlined, or traced the watercourse in red, and it runs down off of the petitioner's property and through the property of the respondent, and then through this wooded area and to Pigeon Creek, which is this body of water here. Ms. Kemmerling's property is drained by another watercourse that runs through, historically ran through the respondent's property and joined together, and also went through this watercourse down to Pigeon Creek.

Ted C. Ziemer, Jr.: Which way does it drain?

Bill Jeffers: It drains, this over here is west, the top of the picture is north, it drains from northwest to southeast in this direction following the red dot. So, on your screen, what you're looking at is a 2005 aerial photograph from our GIS department, showing the path of the watercourse as it drains the petitioner's property down to Pigeon Creek. The light colored area, in the middle of the photograph, is the fill area. It's light because there's no trees growing on it. This area here is all wooded, that's why it's darker. This is basically dirt and some green grass. The heavy line drawn across that property, as I say, represents the historic route of the watercourse through the respondent's property.

President Nix: Mr. Jeffers? Before you go on—

Bill Jeffers: Yes, sir?

President Nix: —when you say the historic course, how far back does that go?

Bill Jeffers: I have viewed maps in our vault from 1968, 1990, and aerial photographs in 2002 and 2005. The maps from 1968 and 1990 both show the watercourse as it's drawn in red on this aerial photograph.

President Nix: Would it be safe to say that there wasn't really any development out there in '68? Is that a safe assumption?

Bill Jeffers: In '68, the house is on the map for Gary Mason. A smaller house than exists here now is on the map for Gary Feldmann, and there is no house on the map for Mr. Dowd.

President Nix: Okay.

Bill Jeffers: Mr. Dowd's home appears on the 1990 map.

President Nix: I guess, my question is, if you went back to a map that was produced in 1890, you would probably see the same thing, is that correct?

Bill Jeffers: I would imagine in 1890 this was all a wooded wetland adjacent to Pigeon Creek—

President Nix: But, I guess, the question—

Bill Jeffers: —and the watercourse would have followed generally the same path as it does on the red line shown on the aerial photograph.

President Nix: Thank you. Sorry.

Bill Jeffers: If at some point I'm requested to produce information like that, I will attempt to, to back that statement up. But, I'm making the assumption that it was a watercourse laid by nature for many thousands of years proceeding development of this area. The area of the obstructed flow is shown on the photograph along the north edge of the fill area. That's this enlarged area here. This is an obstructed, there is water standing there, there is water standing here, along the north edge of the fill area. The historic watercourse route that's shown on this photograph was determined by measurements transferred from one county map or aerial photograph

to another county map or aerial photograph to cross reference. The hard copy maps used to do this are dated 1968 and 1990, and they are in my office on file should they be needed. The aerial photographs shown on this projector screen, this one is dated 2005, and there's another one we can show you that's dated 2000. That's this black and white one. You can see from this one that the fill did not extend all the way to the north property line. In 2000 there was not as much fill as there is when she goes back to the picture in 2005. There's a little bit more there. So, that shows some activity in those five years. The evidence from the maps and aerial photographs confirm placement of fill material on the respondent's property over a period of several years into the historic route of the watercourse as it previously existed across land owned by the respondents. A visual inspection of the site by the County Surveyor confirms the existence of chronic standing water on the petitioner's land at locations where the natural surface watercourse encounters a fill material placed in the watercourse on the respondent's land, at or near its northern boundary, as I pointed out before. This is where the standing water occurs. That is troublesome and basically the subject of this petition. Okay, on the screen now we're going to go to some photographs that were taken by the County Surveyor the first week of December 2006 in response to this petition. Slide two shows the standing water I'm talking about on Mr. Dowd's property, just north of the fill. Slide three, oh, you can tell by the color of that water that it's a chronic, stagnant standing condition. Slide three is the same view, but with the camera raised slightly to show several large trees that have died due to standing in stagnant water. You can see the bark's falling off these trees. They are dead or dying because of the stagnant water. Slide four is a view of the same spot, from the same spot, except I've turned around 180 degrees, and I'm looking east across the fill, along the historic route of the watercourse, which would have entered this property right here and traveled to this open spot in the tree line. That's where the watercourse would have gone. The visible break in the trees over there is where the watercourse again exists on its way to Pigeon Creek. I'll show you that later. Slide five is taken while standing at the edge of the fill along its north edge. I'm standing on the Mason-Feldmann property, and I'm looking north into the Kemmerling property along the watercourse that serves to drain a lake through her property over on Wayside Drive. This is the low area that comes down to, or this is the watercourse. Slide six is the exact same view, but with the camera slightly lowered to show some standing water on the Kemmerling property where the fill intercepts the watercourse. Here's some standing water that is a subject of concern to Ms. Kemmerling, which is why she joined the petition. Slide seven is a view to the north and to a spot where the previous photo was taken. In other words, that last photo you saw, I was standing right here, now I'm standing back here about 50 or 75 feet south, approximately at the spot where the watercourse from Ms. Kemmerling's property would have intersected the main watercourse from the Dowd property, if this fill here had not been placed. Slide eight, okay, slide eight is taken at the eastern edge of the fill, and I'm looking east through a wet woodland and along an undisturbed watercourse as it flows away from this site and along its way to Pigeon Creek. Okay, so, you can see this, this is what the watercourse should look like going through the woods. Unobstructed, water is flowing, it's just a natural, basically, clear color, it's not stained by any stagnant, green algae. It's just rainwater that's running off. Slide nine is taken from that exact same spot, except now I'm turned around 180 degrees and I'm looking west back to where these slides started. This would have been the course of, this would have been the route of the watercourse from the first picture over here near Mr. Dowd's property line, to the last picture 250 feet to the east, where you saw the watercourse in its correct position. Now, someone might contend that the runoff from the Dowd-Kemmerling properties can somehow find its way around the perimeter of this fill. Indeed, some of it does. Especially during high

water conditions. However, the fact remains significant obstruction exists that impedes the low flow and prevents full drainage previously enjoyed by the petitioners. So, we look at slide ten through 16 and we see, basically, some of the water does trickle around the base, this is along the north edge of that fill, and, yes, some of it's going around here, that's slide 16. Slide 17 shows it continues around here until it encounters some debris, these are fallen limbs and trees that have fallen off the side of the fill and are tumbling down to the toe of the fill, and they're, you know, the water stops right there. Slide, that's 17, okay. Well, we can look at 11, 12, 13, if you like. You all can look at those. You can see the water. This is just some more debris that's fallen into, where the water's trying to make it around, it just can't make it. So, there really is no alternative route, at this time, that is efficiently draining the Kemmerling and Dowd properties. Okay, by this report the County Surveyor intends to confirm the following findings, one—

Ted C. Ziemer, Jr.: Could I ask you a couple of questions—

Bill Jeffers: Yes, sir.

Ted C. Ziemer, Jr.: —before we get to your findings?

Bill Jeffers: Yes, sir.

Ted C. Ziemer, Jr.: When, what was the condition....could we go back to the original one that shows all the properties?

Bill Jeffers: Sure. That would be the—

Brenda Jeffers: Aerial?

Bill Jeffers: —aerial photograph. The color, aerial photograph.

Ted C. Ziemer, Jr.: What was the condition of the respondent's property before the fill was put in at all? Was it just a ravine? Or, why was the fill put in there? Do you have any idea? Or can you speculate about that?

Bill Jeffers: I can only speculate, because I'm not familiar with it other than to say, having looked at the 1969 map, it was just a low area, approximately 360 to 365 feet above sea level, which is well below flood plain for this area, which is probably, I'm going to guess 382 or so. So, it's probably 15 feet below flood plain. By filling this in 15 feet, they've raised the elevation of that entire area that's filled up to an elevation that is above flood plain.

Ted C. Ziemer, Jr.: To what benefit for them?

Bill Jeffers: Keep water out of their property when Pigeon Creek backs up.

Ted C. Ziemer, Jr.: And, over what period of time do you think this fill has been put in there?

Bill Jeffers: Well, I think, I believe it began occurring somewhat after 1990.

Ted C. Ziemer, Jr.: And, up to?

Bill Jeffers: At a large scale, there may have been some preliminary small scale dumping that occurred in that low area, for whatever period of time, but, as far as large scale filling on a regular and concerted basis, I would say it probably happened sometime between the late 1990's and 2002 or 2003.

Ted C. Ziemer, Jr.: Is there still fill being put there to your knowledge?

Bill Jeffers: Not to my knowledge. It looks like, from the grass growth that's on the property, it looks like it probably stopped, the activity stopped in the last couple of years, but maybe some concrete debris here has been pushed around a little. There's no grass growing in this area, but you can see that the grass here indicates maybe a year or two has lapsed since any concerted activity.

Ted C. Ziemer, Jr.: Did the petitioners live in their properties back in 1990 when this began?

Bill Jeffers: I'm not sure exactly when Mr. Dowd's home was built, but it appears to have been built between 1968 and 1990, sometime in that period of time. We would have to pull a building permit to see when.

Ted C. Ziemer, Jr.: The reason I'm asking those questions, and, of course, the Commissioners make the findings here, but I'm just puzzled, as I expressed to you on the telephone, that this fill has been put in since 1990, and it's now 2007, and a petition is just filed to remove the obstruction. I think you're going to indicate to the Commissioners that it will cost a substantial amount of money to do that. Of course, it would have been much less had a petition been filed maybe in 1991 or 1992. But, that answers my questions, and we'll want to hear the rest of your report.

Commissioner Musgrave: Mr. Ziemer, the Assessor records indicate that the Dowd property was built in 1987. So, they were there at that time. I can check the other one if you're interested? The dwelling for the Kemmerling's is year built of 1952. The Kemmerling's moved in, or the deed transfer into their name was in 1982. The deed transfer into the Dowd, I keep saying the Dowd's name, was in 1987. So, they've both lived there for quite some time. The Mason property, the one furthest to the left there, deed transfer was in 1980. The one in the middle is 1982. The one on the far right is 2002.

Ted C. Ziemer, Jr.: Okay, then, one other question, and I, you probably don't have direct knowledge about this, but, from what you have seen out there, do you think the fill was put there to obstruct the stream? Or to raise the level of the respondents property and it inadvertently obstructed the stream?

Bill Jeffers: The respondents are here to answer that question, but I would surmise that the intent was to raise the elevation of the property. As a consequence, the stream became obstructed.

Commissioner Musgrave: To your knowledge were any permits obtained from any agency with oversight over any of these lots to change the course of the waterway?

Bill Jeffers: To my knowledge there were no permits acquired. I'm not sure there were any necessary. I would have assumed, from dealing with this type of activity in land development, that the Indiana Department of Natural Resources Division of Water may have had some interest in filling a wetland. I would have assumed from my experience with the U.S. Corp of Engineers that they would have had some

interest in filling a tributary of Pigeon Creek, which is a water of the United States. Placing a fill in a tributary that may have an adverse affect on the quality of the water of the United States. However, I hold here a fax from the Indiana Department of Natural Resources when I inquired regarding any activity they may have had, and the summary states as follows; report date, violation reported March 25, 2005, received a report from Gary Feldmann of work being done in the floodway of Pigeon Creek. I've not confirmed that. I don't know why it's worded that way. This comes from DNR.

Commissioner Musgrave: That report was dated what date, sir?

Bill Jeffers: March 25, 2002.

Commissioner Musgrave: And that was a report of somebody complaining about work?

Bill Jeffers: That's the way I read it.

Commissioner Musgrave: Okay, so that was in 2002.

Bill Jeffers: Then it says received, this is September 25, 2002, one month later. No, excuse me.

Commissioner Musgrave: Several months later.

Bill Jeffers: Six months later, Toby Adams, Engineering Assistant at Division of Water received a fax from Tom Dowd on 6/14/2002, concerning fill along an unnamed tributary of Pigeon Creek, Mr. Dowd states the fill has gone in along the tributary, blocking the flow and ponding water. The tributary is less than one square mile, so jurisdiction lies within the floodway of Pigeon Creek. The fill was found on the site does invade the water flow of the tributary, but there's no way to tell if it can affect Pigeon Creek. We do not have a floodway for Pigeon Creek in the area. Then, again, on September 25, 2002, file closed, Toby Adams, Engineering Assistant, file closed per J. J. H., since the floodway is not delineated, and we believe it's outside the floodway of Pigeon Creek, I called Mr. Dowd with this information and recommended he call the county Drainage Board.

Ted C. Ziemer, Jr.: What's the date of that?

Bill Jeffers: September 25, 2002. Like I said, I've seen instances where a developer has done something like this, and the U.S. Army Corp of Engineers has ordered remediation of some sort, to plant trees, etcetera, but in this case they chose to pass it to the Drainage Board.

Commissioner Musgrave: What is the relationship between Mr. Mason and Feldmann, other than the fact that they own jointly on a piece of property?

Bill Jeffers: To my knowledge that's the only relationship.

Commissioner Musgrave: Okay.

Bill Jeffers: At least one of those men is here and can answer that question.

President Nix: Anything else, Mr. Jeffers?

Bill Jeffers: Unless you want to hear the four findings at this time, at the bottom of the report.

President Nix: The board's pleasure? Or would you rather hear the remonstrators first and get back to the findings?

Commissioner Tornatta: Yeah.

Bill Jeffers: Whatever your pleasure.

President Nix: Let's do that. I'm sure we have remonstrators here today, if you want to go ahead—

Ted C. Ziemer, Jr.: Maybe the petitioner first.

President Nix: Oh, the petitioner, that would be fine. Sir, if you could, state your name for the record.

Thomas Dowd: I'm Thomas P. Dowd, the petitioner in the motion.

President Nix: And your address?

Thomas Dowd: 2755 Wayside Drive.

President Nix: Okay, thank you.

Thomas Dowd: Thanks for the opportunity to present the case and get this problem alleviated. I was listening to the conversation, and I think I can help fill you on some of your questions, as well as state why this is such a problem. First, just a general scope of the area here, I think Mr. Jeffers laid it out pretty well, but the reason this is such a problem is that you've got two lakes involved here. You've got about a four or five acre lake right here, and then a four or five acre lake right here. This lake here drains underneath Wayside Drive into this lake, and then it drains out a spillway into this, I'm sorry, into this area right here. So, you've got a lot of water going through here. This lake right here also has an overflow, where if it gets too high, the water dumps in and dumps down into this area here. Also, up here is Oak Hill Road, and the whole area just slopes dramatically downhill like that. So, you've got a lot of water flowing through there at all times. I grew up in this area. I grew up actually in that house there back in, I'm 47, so since 1959 I've basically lived in that area. We built our house there in 1987. So, I walked these woods when I was a kid, and I know how this used to be, and there used to be a very clear cut drainage path through there. In the summertime the drainage creek would actually get dry. Back in probably the late '90's or 2000 we kept hearing all this noise through the woods. The woods, before all this was dumped here was quite thick, you know, we lived here and some of it was dumped over here, so we didn't really have a good view of anything. In the summertime there's a lot of leaves on the tree, we just heard a lot of noise and we knew something was going on over there dumping wise. Well, we didn't realize how out of hand it had gotten, and it happened over a period of probably about two or three years, probably '99 to 2002 or so. The report by Mr. Adams, that was me that contacted him in 2002 to see if we could get anything done about the situation. There was also a problem there, the other problem that makes this such an issue, this is an area of one of the city's only above ground sewer lines. There's an above ground sewer line that runs in the back of my house right through here, I would say right about where that yellow line is there, and then goes back this

way, and then connects up to an in ground in there. The sewer line leaks, and it leaks 365. You know, 365 days a year there's a little bit of water coming out of it. When it rains really hard in the neighborhood, the top of the sewer actually comes off. There's like an adjoining area there, and water shoots out the top of it like a volcano. So, it's sewage and rain water mixed. So, what happens is that sewage water actually gets stuck in this area here. You can go back there in the summertime and it won't have rained for months, and there's a bunch of stagnant water here, and you can see a couple of drops coming out of that sewer pipe, leaking in that water. Very unsanitary situation. We've all noticed a lot more mosquitos in the last five years. I know the question was why wasn't anything done in 2002? As I mentioned, this happened over a few period of years, and I actually talked to a Sheriff because I was concerned about the dumping, he came out and there were some trees that they had knocked over on the sewer line, I was afraid they were going to bust the sewer line wide open, and they were knocked over from their property there. The deputy said that they quit dumping, and then, you know, a few months later here it goes again. So, I think that's some of the information about the lay of the land there. I understand, you know, I'm guessing this land was put in to make more usable yard, you know, would probably be my idea, but he can answer that. I guess, the key thing is that I didn't do anything in 2002, I sent them a letter in 2002 and I said, you know, if you don't do something about this I'm going to take further action. He didn't do anything. Nobody wants to pick a fight with a neighbor. I don't have any relationship with the guy, but I gave him an opportunity to respond. He never responded. I know some of the neighbors are pretty upset about the situation too. In 2004 I sent another letter, I went through a divorce in 2004, my name is still on the house and still on the property and everything, and I actually live right around the corner on Trail Drive. But, finally this year my ex-wife said we really need to get something done about this, because it's just a really bad situation. Our kids, my son is 12 years old, he likes to go walk in the woods, and, you know, you've got mosquitos, you've got a very stagnant, nasty looking area of water. I've got trees that are rotting out that could possibly fall from my land on to the sewer pipe caused by him dumping all that stuff back there. So, I realize it may cost a lot of money to pull all of that out, but it probably cost a lot of money to put all of that in there, and he had to see that there was a clear cut drainage path right there that was being dumped on. So, any questions?

President Nix: Thank you.

Thomas Dowd: Okay, thank you.

President Nix: Anyone else wish to speak to this issue?

Gary Mason: Hi, my name is Gary Mason. I live at 2701 Glenn Avenue. I'm just going to give you my story with this thing. I bought this house in January, 1980. The creek does flood up back in through there. Just last week it was about five, six feet deep back there. It was eroding away....okay, I live right there. It was about five to six feet deep just last week. It's now down to about a foot, so, it still does drain back in through there. The reason why I started filling was because it was eroding away my property. I used to be able to walk out my back door about five feet and you would just fall 15 feet. That's where the creek would come up. So, I bought a 1945 dump truck and a tractor, and I started bringing in fill. In the early '80's I hooked up with Industrial Contractors, did some wining and dining, and they started bringing me in the dirt from Dress Regional Airport. The deal that I had with them was that they had to bring in the junk first, and then as long as I got the good dirt next, I didn't care. So, they brought in some big pillars and everything else from where they was

building the new airport, and then they filled it in, and we got stopped. The reason why we got stopped was because of the size of the trucks. They was tri-axle trucks, and I had a neighbor who stopped the trucks because of the size of them. I came downtown because it was an opportunity of a lifetime, they said I could have more dirt than we could fill back there, and I felt like if I could get that all filled in it would just be more property for me. So, I came downtown here to talk to people on why I couldn't get these trucks in there, they took me to a side room, told me that they knew everyday that these size trucks went down Oak Hill, but it was illegal, and as long as they have somebody in the Mayor's office complaining personally, then they was going to have to stop. So, they stopped us from there. So, basically, I was finished at that time. But, people knew about this, so, they just kept bringing in more dirt, more fill. The city kept bringing some in, and we didn't care as long as it was solid fill. In the early 90's, I'll be honest with you, it caught on fire, and that was a big mess. The Environmental Protection Agency came out there. They said that as long as we got the fire out, we was doing nothing wrong and we could continue. So, we continued. In 2002 this Sheriff that Mr. Dowd apparently contacted came in and told us that we had to quit filling back there, so, we did. Then I met with this Toby Adams of the Department of Natural Resources, the gentleman that Mr. Jeffers was talking about, we met there at the property, Mr. Dowd was supposed to be there too, he did not show up. So, Mr. Adams did his test or whatever he was doing. I contacted him about six weeks later, and he told me that he had contacted Mr. Dowd, and said, as far as he was concerned we was doing nothing wrong. So, I continued once again. Well, I really didn't continue, I had fill still there. In the next couple of years I had some other city officials come out there. They wrote me up for having fire wood on the ground. You're supposed to have it 18 inches off the ground, so, I put it up 18 inches off the ground, and then the told me to push the rest of this fill over the hill. So, I pushed it over the hill, because that's what I was told to do. I've been there for 27 years, I've tried to do everything that everybody's asked of me to do, and I would never intentionally do anything wrong. You know, if we've done something wrong, I'll fix it the best that I can. I hope that we have enough common sense to realize, as what these pictures have shown us and everything, that it is still draining back there. Like I say, it was about six feet deep just earlier last week, and it's already down to a foot. Water does run around the embankment there. I hope that if nothing else, that we can get down there and maybe clear out some of this lumber that's in the way and get a ditch going through there, and I think it would drain it. The last thing that I want to do is damage any of your property or anything. I try to be a good neighbor, and that's what I'm here for is to, I'm going to do whatever you guys tell us to do. That's what I've been doing for 27 years, and, you know, up until now I've been never told that we've been doing anything wrong. I don't know if the reason why the Department of Natural Resources didn't tell us to plant any trees or anything, but, I told him, as soon as we get this thing done, that's what I would like to do, is plant some trees, have a little picnic area out there. Our intentions were never to sell it or anything, we just didn't want anybody else to buy this property. So, that's why me and Gary Feldmann went in and bought it together. I wonder about some of the rules here. I really don't know. I'm a silly ol' man here, but it's to me what I call creek bottoms. You know, it floods every year several times. It recedes back into Pigeon Creek and everything. To me, I just, like I say, I guess, I'm silly, but I question how come if the city ordinance, weed control and the wood that's on the ground back in that area is not under the city ordinance for those things, then why should the natural surface waterway be. I'm just kind of confused on this, because to me it's nothing but creek bottoms. It was not that, you know, just not that good of property there. So, I felt like we made it into a little something.

President Nix: Sir, could you pause just a second here while we change the tape?

Gary Mason: Sure.

(Tape change)

President Nix: Okay.

Gary Mason: The only other thing I would like to add is that the majority of this fill on my property was done decades ago. You know, it's just, I can't believe now that somebody's going to tell me that I have to dig it up. So, yes?

Commissioner Musgrave: You said that you had contact with various city offices, and, do they have jurisdiction here?

Gary Mason: The city? Yeah, I mean, we're in the city, if that's what you're asking, yeah. I mean, I'm going to assume that Mr. Dowd contacted other people and they came out there, you know, to inspect it, once again. Like I say, the thing they wrote me up on was that I had firewood on the ground. According to city ordinance, you're supposed to have your firewood 18 inches off the ground. So, now it's on a metal rack, behind my house, it's not on the ground anymore.

President Nix: Excuse me, do you remember what departments that were out?

Gary Mason: They was testing for the West Nile virus at that time.

President Nix: The Health Department, so, okay. But, as far as the drainage issue, did anybody specifically from the city say—

Gary Mason: No, like I say—

President Nix: It was more about firewood being off the ground and the health issue with West Nile and those types of things?

Gary Mason: Yeah, I mean, they told me to push the rest of it over the hill.

President Nix: But, nobody addressed any kind of drainage issues at all?

Gary Mason: No. No, like I say, all I've, like I say, I've tried to accommodate whatever persons have come back there, you know, and that. Whatever they've asked me to do, I've tried to do, you know.

Commissioner Musgrave: Your neighbor said that he sent you two letters. What was your response to the letters?

Gary Mason: I only received one letter. That was in March of 2002. I did contact an attorney at that time. In fact, I was, my parents, one of them had passed away, and I was in the process of doing their stuff, so, I was talking to them about it. They told me the last thing to do would be to write a letter, to put it down in writing, and that if I could work it out with them, to go ahead and work it out, but this was not only me, it was Mr. Feldmann, and I don't think that me and him could ever get on the same page with this, at that time. To be honest with you, I just let it go. You know, I didn't bring in anymore fill, you know, I did not contact him on that.

Commissioner Musgrave: One more question, do you know on what grounds the Sheriff told you to cease further fill?

Gary Mason: Well, we couldn't quite figure that out. Like I say, we're, you know, I'm just a working, you know, person, and I didn't know. It scared me to death. I've heard of this natural waterway, so, I mean, I'll be honest, when I first heard about it, I was scared. So, Mr. Feldmann went out there, and he did clear off the trees that was on the pipe, and at that time we did stop bringing in fill. But, then, like I say, it was about six months later when I met with that Department of Natural Resource gentleman, and he told me we was doing nothing wrong. So, then some other people did bring some more fill out, because over the last 25 years people had kind of gotten used to bringing, you know, solid fill out there. So, then that's what I was told to push over a couple of years later. Thank you.

President Nix: Any other questions? Thank you. Sir, if you would state your name and address for the record please.

Gary Feldmann: My name is Gary Feldmann. My address is 2621 Glenn Avenue.

President Nix: Thank you.

Gary Feldmann: I would like to make a correction that I've lived at that same address since 1980, January of 1980. Me and Mr. Mason bought those homes, by coincidence, at the same time. Because, the mother lived in my house, and the daughter lived in his house, and they bought a house up in Newburgh.

President Nix: Thank you.

Gary Feldmann: But, I went through a divorce in 2001, and I had the house put solely in my name. So, that might be why. I really don't have a whole lot more to add than what Gary said. He pretty much summed it up as far as we've been going through this all these years, and everybody that's come out to address this situation has basically said we ain't doing anything wrong. Then all of a sudden, right when we're basically almost done, well, we are done now, for sure, but, now we've got to dig it up. It just doesn't make sense why it came to this point, and took so long to get to this point when you had a county sheriff out there, which should have contacted somebody with the county, the right authorities at that time, I would think. I mean, he acted like he knew what he was talking about. He put a stop to it, like Gary said, he scared us enough to stop us, until we found out, you know, Gary tried to call him and he never answered his call. So, I mean, it's just been a mess. Personally, I would love to get down there and clean the brush and the trees out of this existing ditch, and, I believe that's really all it's going to take to get the water flowing better. I would like to have that opportunity.

President Nix: Sir, when you say existing ditch, are you talking about around the perimeter of where the fill was put in?

Gary Feldmann: Yes, because there is water flowing through there.

President Nix: It's made a waterway, for all practical purposes, because the water can get through?

Gary Feldmann: Yes.

President Nix: Okay.

Gary Feldmann: I believe that will take care of the situation, and, if not, I'm willing to even do some digging down there to make sure it gets off of Mr. Dowd's property.

President Nix: Sir, is that—

Ted C. Ziemer, Jr.: Can I ask, Mr. Jeffers, if you could come forward at the same time maybe. You're gonna give the Commissioners two thoughts here, one on removing the fill, and another one on putting an alternate route for the stream. Would that be essentially what he is talking about?

Bill Jeffers: Yes, I believe that is what he's talking about.

President Nix: Does this come off, where the green and the white just follow kind of along east-west?

Bill Jeffers: What we're all talking about actually, is starting over here on Mr. Dowd's property, where we've shown you stagnant water standing. Mr. Dowd brought some photographs, the reason I imagine he didn't show them to you is because they look just like the ones I showed you earlier. And, as he pointed out, this lake, this large lake here drains right here out of this spillway, and runs along the outside of Mr. Mason's property and around to this point, and then that water needs, you know, this area needs to be cleaned out so the water can continue around the outside of the fill and rejoin with the watercourse. Because, digging through 15 feet of fill would result in a ditch 15 feet deep, if you had three to one side slopes—

President Nix: And 150 foot wide.

Bill Jeffers: —you're talking 100 feet wide.

President Nix: Right.

Bill Jeffers: It totally, I mean, I apologize to Mr. Ziemer for coming up with a half million dollar price tag, but what I forgot to do was divide the inches into the feet when I was calculating.

Ted C. Ziemer, Jr.: Right, but you got it corrected.

Bill Jeffers: I got that corrected, it's down to about \$75,000, but it would take about 600 loads, tri-axle loads, 600 tri-axle loads to be removed at \$150 an hour. You're still talking—

President Nix: And, when you consider that, are you, because I haven't cumed it, but are you saying everything from there to the north would have to come out? Are you saying cut a ditch and leave everything else in place?

Bill Jeffers: There's the possibility that we could simply put an excavator up on this fill bank—

President Nix: Whew!

Bill Jeffers: —and reach over 15 feet and pull the debris out of the toe of this slope, and clean out this area, because it's really only about, it appears to be somewhere between one and two and a half feet that you would have to clean out to get this area to drain around.

President Nix: How stable is that, how is that, what kind of slope does that fall on?

Bill Jeffers: I don't know.

President Nix: Is it a 45 degree angle?

Bill Jeffers: It's a fairly steep angle here, but how stable it is, you would have to have a soil analysis done.

President Nix: But, you would need to pull some of that back so that you could cap it. So, you wouldn't have—

Gary Feldmann: (Inaudible) concrete keep from washing out.

President Nix: Okay.

Bill Jeffers: Why have other agencies, other municipal agencies not told Mr. Feldmann and Mr. Mason about the drainage statute? The drainage statute took effect in 1996, and some of the other agencies are not yet up to speed, and just don't know to tell them. Why are we telling them now? Simply because this statute covers the obstruction of watercourses, and, so, we're obligated to move forward with it.

President Nix: Mr. Feldmann, did you have anything else at all?

Gary Feldmann: I guess not, if nobody else has anything to ask me.

President Nix: Questions? Thank you.

Gary Feldmann: Thank you.

President Nix: Okay, Bill. Wait, we've got one more remonstrator here.

Susan Harp: Susan Harp, president of the Oak Hill Neighborhood Association, but I also live right there. So, that's my house, this is my lake, and this is the dam, and this floods here. I kind of feel like the water flows more this way, but it does all flood. It comes up to the top of my dam, and it has come into my lake, until we put a little check valve on it. So, my position in this is kind of two fold in that moving into, building that home in 1990, and then very soon after that becoming active in the neighborhood association, I had neighbors call me whenever something bothered them, that they didn't want to address it themselves they called me. One of the complaints was a lot of the trucks on the road. I know we had talked to Gary about it, my husband talked to him, and, you know, you try to appease the neighbors, so, he backed off on some of the trucks coming in and dumping. We knew that he was wanting to fill that land in, because it was unusable as it was, and he had hoped to build something on there. So, in 2002, Mr. Dowd came to the Oak Hill Neighborhood Association meeting and asked, presented this problem, his concerns, and at that time the association agreed that he did have a rightful problem, and that he had to file something at that time and it would cost \$100, and the association membership who were present agreed to give him that \$100 if he chose to do that. He had to get a petition. I personally, as president, did not enter into that, because as also an abutting neighbor I just felt that it was best I stayed out of that.

Ted C. Ziemer, Jr.: That time?

Susan Harp: That was in 2002 when he first did that, October 6th. October 6th was when he came to the Oak Hill meeting. Then, as I looked back and read in my minutes, because time does pass, in November we had not heard anything more about it, the next mention I have of this in my minutes was in April 6, 2003 where a neighbor on Trail Drive had noticed that some water, we'd had some heavy rains, was standing up. Some of the people on Trail Drive had complained. Through the years after that, Mr. Dowd had contacted me once, I told him that I would prefer not to, as president, I really did not have the time to go out and seek petitions for such, but that as, per the previous agreement, Oak Hill would still fund him \$100 to file whatever he needed to file. Then this past summer he had sent out a letter, because it revived again, and I just basically did not have time to deal with the issue at the time that it came out, and through the past I felt like that nothing had really transpired as far as actually any filing of any complaints being filed. But, we did have, Phil Bruner from, the Conservation Officer, come out as one of the first steps. Phil took some pictures and I have those, because he gave them to me because he submitted these to the Department of Natural Resources. We also had Joe Potts, because Steve and I were working on the combined sewer overflow at the time, and, as we said, there was an overflow area there. So, he came out and looked at this, but, it really, as we said, the Department of Natural Resources wrote it off. They didn't do anything about it. So, that kind of left our hands that whatever they said, that was what was to be. That's where we kind of left it as an association, that if the Department of Natural Resources said they had no problems with it, then there were no problems. But, I will tell you that Pigeon Creek does flow back up in where that red line is. Pigeon, where you see the bottom of my house, you see Pigeon Creek right there, Pigeon Creek, when it gets high, it comes back up in there and fills that up all the way to the top. So, I think that we may have here a problem of lack of communication between neighbors, maybe, through the years. From an association standpoint, looking out for streets that would be impaired by hauling all this stuff out, I would like to see something worked out that they make a drainage ditch, versus having them remove all of this. I say that from the association standpoint that our streets are in need of repair, and they would really be in need of repair if we have all those truckloads of stuff hauled out.

President Nix: You would be at the road hearings then. No wait, this is city though, isn't it?

Susan Harp: This is city. No, this is city, and it did come to you—

President Nix: Okay.

Susan Harp: —because of this. But, you know, I would like to see that it could be worked out in a good way between the neighbors. I do believe that if we could get down in there and move some stuff, I personally would never put an excavator on that and reach down in there. I would go down in there and try to pull stuff out myself, because I just feel like with the flood water as much as it comes up and down it might not be good, stable soil. But, that's just because I live there and that's what I think.

Ted C. Ziemer, Jr.: One question, you mentioned that Pigeon Creek comes up to where your lake is.

Susan Harp: Right.

Ted C. Ziemer, Jr.: But, that hasn't been affected by this fill in anyway? I mean, that looks to me like—

Susan Harp: The only thing that it—

Ted C. Ziemer, Jr.: I mean, that drain is there—

Susan Harp: Right.

Ted C. Ziemer, Jr.: —and it's, that is unimpaired, isn't it? From—

Susan Harp: It's unimpaired—

Ted C. Ziemer, Jr.: Yeah.

Susan Harp: —except for the fact that when Pigeon Creek rises, all that goes here—

Ted C. Ziemer, Jr.: Yeah.

Susan Harp: —it can't go as far as it used to, because it used to go way back up in here and fill. It would be high, as Mr. Mason said. It would be very high.

Ted C. Ziemer, Jr.: Uh-huh.

Susan Harp: So, now, it can't go up that high, so, it stops about right here. So, the brunt of that water fills up Pigeon Creek higher—

Ted C. Ziemer, Jr.: I see.

Susan Harp: —going down the road. That is with many developments. I might add that, this was brought up, Mr. Jeffers is so kind to keep us informed of things in our neighborhood. We've had another case of, I forget how many loads of asphalt that were dumped along the creek on Lake Drive. Troy may have even heard about that one. It's been dumped there for years. It was when they were doing the Weinbach section. The company was going and dumping the asphalt along the creek bank. Also in that case the Department of Natural Resources has not made a final ruling, to our dismay. But, we thought, you know, maybe, people who need to fill in, there is a reason they need to fill in, but there needs to be an ordinance where you have to get a permit of some sort, meet with people such as Mr. Jeffers, the Building Commissioner, and get a permit so that everybody knows where you're dumping so things like this don't come up and bite you after the fact. So, that might be another good ordinance.

President Nix: Thank you, Mrs. Harp.

Susan Harp: Yeah.

President Nix: Any questions? Mr. Jeffers? I've got, before you present your closing here, I would like to, just a couple of questions. If this were to be rerouted, more than likely there would need to be some engineering, some professional engineering take place, is that your, would that be something that you would think would have to happen?

Bill Jeffers: Yes.

President Nix: I guess, that's one question. Okay, the second question is, it doesn't appear that DNR is all that interested in this waterway or this flow line, if you will, would they need to be contacted if that, in fact, would take place?

Bill Jeffers: You really know how to ask the questions, don't you, Mr. Nix?

President Nix: It's my job.

Bill Jeffers: Yeah, okay. Well, with this document they closed the case, but you can be sure there's a catch 22 when it involves someone else, the case will be re-opened.

President Nix: We've been there before, haven't we?

Bill Jeffers: We've been there many times before. I would expect someone may make a call, and here comes another guy with a, from a different bureaucracy, or a different level of bureaucracy with another idea of what permit we should have applied for.

President Nix: And my third, and, hopefully, last question, there would have to be some easement work to be done? Because this basically covers three pieces of property. I mean, if it's as close as it appears on this, or could it be done all within the confines of the Mason-Feldmann and whoever owns that pie-shaped, could it all be done within the confines, with the exception of maybe a little bit of work up on the Dowd, on the south end of the Dowd property there?

Bill Jeffers: I'm truly thinking from how close to the top, I mean, what you're seeing there is the outline of the top of the embankment, and you know it has some sort of slope since it's 15 feet tall. Even a two to one slope it would be 30 feet out from that white area into the wooded area.

President Nix: The concern I have is construction debris, especially the stuff that was put in there, what I understand, the type of material, you're not just going to pull it out and just replace it with dirt. You're going to be taking some things out that are going to be rather bulky.

Bill Jeffers: I believe some of what you take out will be very large, bulky pieces of concrete and other debris.

President Nix: Okay.

Bill Jeffers: And, I, to go further with your question, I truly believe that much of the work, or at least 50 percent of the work will occur on the Dowd and Kemmerling properties, and the resulting channel would be at least half on their property and half on the Feldmann and Mason property. So, it would require the consent of the petitioners, as well as the respondents.

President Nix: One more and I'll shut up. How much engineering would have to take place to, I mean, would you have to do calculations all the way back up to any watershed to this drainage ditch? In your estimation.

Bill Jeffers: I think it would be fairly simple we would set some grade, set grade out there and determine how deep the water is standing on Mr. Dowd's property, and match that grade with the undisturbed watercourse over here. Then the contractor

could use a laser to stay on grade. That part would be relatively simple. I think the complicated part of the engineering would be to ensure that work surfaces were stable, the soil stable enough to put vehicles and equipment on that embankment and work. Because that embankment is going to have to be pulled back to some extent just to clean up the face of the slope and keep things that are on the face of the slope from tumbling down. It's going to need to be just, you know, cleaned up and stabilized some.

President Nix: And that material could be managed on site somewhere then for all practical purposes?

Bill Jeffers: I'm hoping that all that material could be disposed on site, rather than hauled off.

President Nix: You've got the floor.

Bill Jeffers: Rather than go through all four of these points, I did turn those in to you by e-mail. Simply say that in the words of the, in the language of the statute itself, the County Surveyor, upon investigation, finds an existing obstruction in a natural surface watercourse in the location alleged by the petition, and the County Surveyor reports the existence of that obstruction to the Drainage Board. That's the sum total of my finding, at that point. I gave you some estimated costs. Those are just right off the top of my head. I consulted with one professional engineer on that. They're based on hourly rates and the tonnage we anticipate. The estimated cost of restoring the watercourse would be \$48,000 to \$50,000. The estimated cost of rerouting the watercourse around the toe of the slope, and partially on the petitioners land and partially on the respondents land would be somewhere between \$6,000 and \$10,000, not including engineering or soil borings or such as that.

President Nix: Right.

Bill Jeffers: Just the work.

President Nix: Mr. Dowd?

Thomas Dowd: I just had—

President Nix: Could you step up, you need to step up to the podium please.

Thomas Dowd: I just have a concern about, I've already got a bunch of dead trees on my land from this problem here that, you know, I didn't cause, and now we're talking about rerouting the creek, I guess, or the drainage ditch personally through my land, and there's a bunch of thick trees back there. We really love the woods. We like our privacy. It's a beautiful woods. A lot of its been destroyed. That was all woods there where all that fill is dumped there. I think the key thing is too, you've got that sewer line going through right here, so, this stuff runs right up to the sewer line, above ground sewer line. I'm very concerned about that thing getting busted and having a huge mess back in the woods there. So, I do feel that some of that fill will have to be pulled back, and I really don't want a big creek and a bunch of more trees of mine taken out through there, because we've already had enough damage to that. You know, I want to see, I just want to see the problem get alleviated. You know, it's a health hazard, it's a concern, the neighbors are concerned as well. That's all I've got.

President Nix: But, you wouldn't necessarily have a problem, if this was rerouted, as long as it doesn't affect your property?

Thomas Dowd: If it's rerouted, as long as it doesn't affect my property, that's fine, and they get the water drained off of my property, that's great. Then the only other thing I would say too, is that we're talking about how the creek does rise, right back now, right now there's a lot of water right back in here, and, then again, the problem is after the creek recedes then we've got a huge pool of water back there. That stuff's gotta drain.

President Nix: Well, and if this was accomplished, that would take care of that problem. Because you would have a good flow, as the water in Pigeon Creek starts down—

Thomas Dowd: Then the water will flow out. I did have one picture, and that's the other reason that I wanted to come up here. If I could present this to you. This kind of gives you a little, just a little different view from what Mr. Jeffers had. This shows, this is taken from my property, and that's, you can see how it kind of slopes downhill. (Inaudible). It's just right off the sewer line.

Madelyn Grayson: Can I keep those for the record?

Thomas Dowd: Yeah, you can go ahead and have that one.

Bill Jeffers: My take on that was that Mr. Dowd would not consent to the work taking place on his property. Is that your impression?

Commissioner Musgrave: He's nodding his head yes.

Bill Jeffers: Okay.

President Nix: So, basically, what would happen then is that everything would have to be pulled back from the property line and then started from that point then, is that correct?

Bill Jeffers: Right.

President Nix: Is that the way you see that?

Bill Jeffers: So, the cost estimate would fall somewhere between the \$10,000 and \$50,000, because of the amount of, because of the volume that you would have to remove, and the hours it would take to remove them. I would have hoped that there could have been a compromise, but, apparently, that's not the case.

President Nix: Mr. Ziemer?

Ted C. Ziemer, Jr.: Well, let me just tell the members of the Drainage Board what your options are. First, under the statute you need to make a finding, you've got to find three things to find in favor of the petitioner. You've got to find, number one, that there is an obstruction of the natural watercourse, that that exists. Number two, you've got to find that the removal of that obstruction would promote better drainage of the petitioners land, that would be Mr. Dowd's land. Number three, that that would not cause unreasonable damage to the land of the respondents. So, you've got to find all three of those things to be able to find for the petitioner. Excuse me, if you

don't find those three things, then you find against the petitioner, and the petition is denied, and the matter rests where it is. Mr. Dowd could do whatever he wants to do on his property to alleviate the situation, and the respondents could do whatever they want to on their property. That's if you denied the petition. You have further the option of finding, well, no, if you find for the petitioner, that is you find those three things exist, and you find for the petitioner, you next need to consider whether the obstruction was intentionally placed there by the respondents. That is what the statute says;

"The board shall determine, based upon a preponderance of the evidence, whether the obstruction of the drain, or natural surface waters, was created intentionally by any of the respondents."

That's really a fact situation for you to find, but intentional, you know, you don't know whether when they put the fill they were intentionally trying to obstruct the stream, or they were intentionally trying to raise the level of their land and inadvertently obstructed the stream. I don't know, but you must make a finding whether you think they intentionally did it or not. If you find that they intentionally did it, then you must order the respondents to pay to repair the problem. If they won't do it, then the county will do it through the County Drainage Board Fund, in which there are no funds, as I understand. But, the county would do that, and then bill the cost of that to the respondents, and if they didn't pay that, you would sue them as any other private citizen would sue on a contract. If you find that the obstruction was not intentionally placed there, then the petitioner is to repair the obstruction. In that case it would be, he has the right, that gives him the right to go in and remove the fill, or do whatever is necessary to solve the problem, but at his expense.

Commissioner Tornatta: Is that mandatory at that point?

Ted C. Ziemer, Jr.: Yeah, if you make these findings.

Commissioner Tornatta: Okay.

Ted C. Ziemer, Jr.: So, number one, you have to decide whether your going to side for the petitioner or against him. To decide for the petitioner you've got to find those three things; a watercourse exists, that an obstruction has been placed in the watercourse, and that the removal of the obstruction will not necessarily, what is the words, I think it's important, unreasonably damage the land of the respondents. So, if you make that finding, you find for the petitioner. The next finding you have to make is whether you believe he did it, the respondents did it intentionally or not. If you believe they did it intentionally, then it's for the respondents to repair. If you believe that they did not do it intentionally, then it's for the petitioner to repair. That's what the statute says. Then, if anybody is dissatisfied with the finding of the Drainage Board, they can take it to court.

Commissioner Musgrave: That was one of my questions. So, there is an appeal process from this ruling?

Ted C. Ziemer, Jr.: Certainly.

President Nix: The, I lost my train of thought.

Commissioner Musgrave: I'm sorry.

President Nix: That's okay. It happens. That happens in old age. Can you define "intentionally". I mean, they intended—

Ted C. Ziemer, Jr.: I could certainly come up with cases, and that would be the most professional way for me to define "intentionally", but I can tell you "intentionally" means to, number one, know that, in my mind, to do this intentionally, you have to know that the natural drainage course exists, and that by putting this obstruction in place you're going to obstruct the natural drainage course. If you didn't know that it was there, you could not intentionally obstruct it. If you knew it was there, but didn't think your fill was going to intentionally obstruct it, then that wouldn't be intentional. But, I'm not going to say, sitting here this afternoon, without looking at some cases, how a court might find is the definition of "intentional" in that case.

President Nix: Thank you.

Ted C. Ziemer, Jr.: I will suggest, that, obviously, the petitioners and the respondents are free to try to work out this situation. Mr. Dowd, while you are dead set against having anything done along the edge of your property, obviously, they are very hopeful they're not going to have to spend \$75,000 to remove fill that's been there for the last ten years, almost. Maybe there is something that the petitioners and the respondents could work out among themselves, and then the Drainage Board would be delighted, if that were the case.

President Nix: Mr. Dowd? Could you step up to the podium please? I'm sorry, I hate to do that, but for the record.

Thomas Dowd: I don't want to see anybody spend \$50,000 doing this, but I want the problem fixed, and I didn't cause the problem, and it is a big problem. What I would ask is if there's anyway we could do this, you know, right here is where that sewer pipeline is, okay? Is there anyway that they could bring in a backhoe and just dig out right along there, maybe even put a pipe in to run it over to there, you know, that would suit me fine.

President Nix: I'm just wondering, Mr. Dowd, if that takes place to minimize the amount of work they would need to come on your property a little bit. I don't know what kind of area we're talking about, but to, I mean, would you be agreeable to meet with them and try to get, try to work this out?

Thomas Dowd: I would like to try to work this out. My other concern is that after they're said and done, and they say everything is fine, you know, what if I've still got, what if it's still backed up there?

President Nix: I think, at that point, we would need to address that. Because, you know, things always happen, you know, but, it would be great if you and your neighbors could sit down and try to work something out. I don't know if we need to get that in some kind of a legal document, or some kind of agreement?

Ted C. Ziemer, Jr.: No, I think you would just take this under advisement—

Commissioner Tornatta: Right.

Ted C. Ziemer, Jr.: — and see if they can work something out. If they can, it's solved. If they can't, they have to come back, and then you'll have to, eventually, make a finding.

Commissioner Musgrave: Mr. Dowd and Mr. Feldmann, would it be acceptable if we took this under advisement and asked you to come back to our next meeting, which I believe is in three weeks.

Ted C. Ziemer, Jr.: No, excuse me, the next meeting is next week. It's February 6th that we're not having one.

President Nix: We don't have a meeting-

Commissioner Musgrave: We don't meet the fifth week in January.

President Nix: – it's the fifth Tuesday.

Ted C. Ziemer, Jr.: Oh, that's right, that's next week.

President Nix: So, we don't have a meeting for three weeks.

Thomas Dowd: When is the meeting? I'm sorry.

Commissioner Musgrave: Let me pull up my calendar. While I'm pulling it up, can she change the tape?

(Tape change)

Ted C. Ziemer, Jr.: So, that gives you roughly three weeks to–

Bill Jeffers: While you all are contemplating setting a new, or contemplating tabling this, I would like to bring yours and your attorney's attention to subsection 18. Because after listening to your attorney's, kind of his definition about what's intentional and what's not intentional, because I hadn't looked at it that way. I always thought intentional was, well, they knew they were bringing the stuff in there, and they meant to do it. Whether they knew it was a watercourse or not, they meant to implement this fill.

President Nix: And, that was the reason for my explanation of intentional.

Bill Jeffers: I mean, I'm not a lawyer. So, I just thought, well, it was a willful act. So, it was intentional.

President Nix: Okay.

Bill Jeffers: However, after listening to a more astute definition of intentional–

Ted C. Ziemer, Jr.: Thank you, Mr. Jeffers.

Bill Jeffers: Well, that's why you make the big bucks. And, having thought that unintentional was just natural, you know, just, oh, a tree fell down there. But, now that I listen to that, I would want to bring your attention down to this subsection 18, where if you were to find for the petitioner that all this is an obstruction, you know, the first three things that your attorney pointed out, and that removal of it would cause better drainage, but you find that it's unintentional, then you can direct anyone among group (c) down here, the petitioner, the respondents and the County Surveyor, you can direct them to consult together and come up with a solution.

Commissioner Musgrave: That's my motion. I would like to do that.

Ted C. Ziemer, Jr.: That's what we're doing.

Bill Jeffers: But, you don't have to wait three weeks. You can do that right now, can't you?

Commissioner Musgrave: That is what I would like to do, and I would like them to come back in three weeks, on February 13th and let us know your progress. Hopefully, you'll have a solution.

Ted C. Ziemer, Jr.: Mr. Jeffers? What they don't want to do today is, that would be making a finding, and in finding that it is unintentional, or finding that, in fact, they're finding for the petitioner, which means they have to find that this won't cause unreasonable damage to the property of the respondents. So, they would rather not make any finding today, if the petitioner and the respondents are in a position to work this out. If, by three weeks from now, you come back to us and say that you can't work it out, then you would put the Drainage Board in a position of having to make a finding, and they'll find whatever they find.

Bill Jeffers: Okay.

Commissioner Musgrave: I can go either way at this meeting, go ahead and table it and let them have three weeks, or if they other two Commissioners would prefer to make a finding, I could go that way.

Commissioner Tornatta: The only trouble I have right now is the fact is that I don't know if I could totally give all three yes' to the petitioner, because I think that that would unreasonably damage what has been filled to that property. Mr. Jeffers, I don't know if, do you think that that's, at that point, that that would, because you've been out there, I wasn't able to get out there, would that damage the property as it sits?

Bill Jeffers: To cause the total removal of everything it would take to create a 100 foot wide channel, I think would seriously detract from the value of the property as it is today. Because it's a nice, flat piece of property now. I know what they did, they did. The state legislature has put you in the position of Solomon, put me in the position of prosecutor. We don't like it, but we do the best we can, I think following Mr. Ziemer's advice is your best path.

Commissioner Tornatta: Well, I, from what I've heard today, I think that we do have some willing souls to at least look at trying to come to some type of compromise. In the event that this couldn't come to a compromise, then I think we could see this back before this board and we could make a finding and let the chips fall where they may. But, as I see it today, if we have two willing parties, or three willing parties in this intent, then I would like to see them try and work something out before coming back to this meeting, and then we can address something if that does not happen.

Commissioner Musgrave: So, the motion is to table?

Commissioner Tornatta: I make a motion that we table.

Commissioner Musgrave: And, I'll second that.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed?

Commissioner Musgrave: But, I would like to make a further motion that they come back on the 13th, hopefully, with an agreement, or with a progress report, if they don't have an agreement.

Commissioner Tornatta: I second that.

President Nix: All in favor?

All Commissioners: Aye.

Gary Mason: When we're talking about coming back in three weeks, I mean, we're not going to have this solved then, but we're going to hopefully discuss and come up with game plan.

President Nix: Sir, if you can come up with a plan that you all are agreeable, you come tell us that—

Gary Mason: Okay.

President Nix: —and, basically, all bets are off then.

Gary Mason: Alright, alright.

President Nix: If you will.

Gary Mason: Alright, thank you.

Gary Feldmann: We don't want this water back there either, we just keep getting shut down every time we try to make progress—

President Nix: Right.

Gary Feldmann: —and then we're stuck, you know.

President Nix: Okay, thank you very much, gentlemen.

Gary Mason: Thank you.

President Nix: Mr. Jeffers?

Bill Jeffers: Well, I think it's a real positive thing that you got three guys talking right here that weren't able to talk before they arrived. So, that's a good thing.

President Nix: Good.

Bill Jeffers: They are talking now over here off camera. That hasn't happened before.

**Supplemental Agreement No. 1: Clark Dietz:
Pond Flat Main Ditch Reconstruction**

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

Bill Jeffers: Yes, sir, I have a supplemental agreement with Clark Dietz that your attorney has reviewed and given his blessing to. I would like for that, that's for Pond Flat Main, it's a first amendment—

Ted C. Ziemer, Jr.: Madelyn, you have that, don't you?

Madelyn Grayson: I've got three copies of it.

President Nix: Okay, I'll entertain a motion.

Commissioner Tornatta: And a second.

Bill Jeffers: Then, I have a whole—

President Nix: Hold, whoa, just a second.

Bill Jeffers: Excuse me.

President Nix: Just a second.

Commissioner Musgrave: You make the motion, and I'll second.

Commissioner Tornatta: A motion and a second.

President Nix: All in favor?

All Commissioners: Aye.

Ditch Maintenance Claims

Bill Jeffers: I have a big gob of claims for maintenance to regulated drains and other work that's been done on our county ditches.

President Nix: I will entertain a motion that we approve those.

Commissioner Musgrave: Motion to approve.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: Thank you.

Commissioner Tornatta: Thank you for the effort, Mr. Jeffers.

Public Comment

President Nix: Now is the time for public comment. Is there anyone here that wishes to address this board at this time? Seeing none. I will entertain a motion to adjourn.

Commissioner Tornatta: Motion to adjourn, second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you folks.

(The meeting was adjourned at 5:40 p.m.)

Those in attendance:

Bill Nix	Cheryl Musgrave	Troy Tornatta
Bill Jeffers	Ted C. Ziemer, Jr.	Madelyn Grayson
Thomas Dowd	Gary Mason	Gary Feldmann
Susan Harp	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Troy Tornatta, Vice President

Cheryl A. W. Musgrave, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
DRAINAGE BOARD
FEBRUARY 13, 2007**

The Vanderburgh County Drainage Board met in session this 13th day of February, 2007 at 4:30 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, February 13, 2007 at 4:30.

Approval of January 23, 2007 Drainage Board Meeting Minutes
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President Nix: I will entertain a motion to approve minutes of the previous meeting.

Commissioner Musgrave: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Reconvene Thomas Dowd Petition Hearing

President Nix: Mr. Jeffers, good afternoon.

Bill Jeffers: Good afternoon, President Nix, Vice President Tornatta, and Ms. Musgrave, Commissioner Musgrave, afternoon. We're continuing, at this time, the hearing of the Tom Dowd petition that you heard at our last meeting, and decided to continue it to this meeting for the purpose of, hopefully, reaching a resolution between the petitioner and the respondents. But, first, I would ask, did everyone receive a letter mailed to you by Mr. Dowd? The greetings were Mr. Mason and Mr. Feldmann, so, apparently it was written to those two gentlemen. I was asked, since it was sent to our office and to your office that we enter that into the record.

Commissioner Musgrave: Do we need a motion for that?

President Nix: I will entertain a motion.

Bill Jeffers: Yeah.

Commissioner Tornatta: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: If anybody needs to know the content of it, it is in the record. If there's anyone on the board that wants to touch on any of those items in the letter, we can do so. Also, today, in the packet that I put on your desk, today at about 3:50 p.m.

Mr. Thomas Dowd handed me this document, with my handwriting at the top stating the time at which I received it, and rather than read that into the record, I would ask that you enter it into the record, and I will then read my summary of it.

Commissioner Tornatta: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: If anyone would like to read the message from Mr. Dowd verbatim, it is in the record of this meeting. My summary of it, it was entitled, "Agreement on key points from the January 28, 2007 meeting", which, I assume refers to the Drainage Board hearing. These are, apparently, key points on which the petitioner and the remonstrator, excuse me, the petitioner and the respondents have agreed, according to Mr. Dowd. The standing water on the petitioners land is caused by the fill material, an adequate watercourse should be created to facilitate better drainage of the petitioner's lands, the new watercourse will prevent chronic standing water on the petitioner's lands, the watercourse must be excavated on the respondent's lands, the work to restore or replace the channel must be done at the expense of the respondents. Then, there was no time line for the completion of the project that everyone seemed to agree on. There was some suggested time lines, but I did not see evidence of agreement on that. Then, there were some points that appear to be outside the jurisdiction of this hearing and this board. That would be that some material has migrated from the fill and into a sewer easement, and the petitioner represents that that should be removed. I would say only if it obstructs drainage, but that's why I say it may be extraneous to this hearing. That standing, dead trees should be felled to prevent damage to the above ground sanitary sewer line. Again, we acknowledge there are standing, dead trees that may have been the result of chronic, standing water. That was touched on in the hearing, however, their removal and disposal and their relationship to a sanitary sewer line is outside the parameters of this hearing, in my opinion. There was a note in there, indemnification of the respondents for work they may perform on the petitioner's land, or indemnification of the petitioner. Insurance agreements, so forth, who insures the workman, if they're not working for me, if they're not working for you. Okay? Then there was some mention of legal considerations between the landowners regarding signed documents that are not necessarily pertinent to this statute that we operate under. All that is what I distilled from this page quickly. There may be some other fine points I'm overlooking. So, at this point in your hearing, I think you probably want to hear from the petitioners and the respondents as to what they have agreed on, is that correct?

President Nix: That is correct.

Bill Jeffers: And they're here to tell you.

President Nix: Just, someone step forward please. If you would, state your name and address for the record.

Thomas Dowd: Sure, Thomas Dowd, 2755 Wayside Drive. We do have an agreement, as I understand it. We met on a very cold morning, Sunday morning on January 28th. I don't know if there will be an backyard barbecues or anything soon,

but we did have an agreement, we all shook hands on it at the end. It's my understanding that the agreement was this. We all agreed that the stagnant water was caused by the dumping, and that a trench, ditch, watercourse, whatever you want to call it, of adequate length and of adequate depth and width to allow the drainage of such must be dug along the side of the fill to allow the water to flow towards the creek, meaning Pigeon Creek. The trench should be similar in width and depth to the natural surface watercourse leading up to the stagnant water. Then the watercourse on the east side of the fill that leads away, again towards Pigeon creek. When the standing water can flow to the point where it does not sit 365 days a year, as it does now, the project would be satisfactory. It is understood that some water may pool in low areas of the ditch for several days after a rain or wet period, but, again the water shouldn't be there year round. In other words, stagnant water. The ditch is to be dug on the property side of Mr. Mason, Mr. Feldmann. The dumping has entered the sewer easement, which is 15 foot, again, this is an above ground sewer line here, which would have to be worked on from time to time. So, it would need to be pulled back with a backhoe or other piece of heavy machinery. So, it makes sense to do the work on their side of the above ground sewer pipe while performing this work to get the ground away from the sewer easement. The work is to be done at the expense of Mr. Mason and Mr. Feldmann. The trees on my property, which are standing in the water, were most certainly killed by the stagnant water. They represent a threat to the above ground sewer line and must be felled. Mr. Feldmann agreed to cut down the trees. I said that I wanted to be present when they were taken down. I'll help with the cutting up of the trees, after they are on the ground. So, in other words, sawing up the tree into logs and what not. The logs can remain in the woods to decompose. Mr. Feldmann agreed to sign a simple waiver for any injuries that he might incur while on my property, and I would ask that Mr. Mason do the same if he enters my property. It's my sincere hope that no one is injured at any point during this task. We did not agree on the time line. I said I'm willing to give it some time, but I would hope that all work could be done by the end of 2007. I think that would be pretty reasonable. I offered to write down the things that we agreed to so that we could sign it and date it. Mr. Feldmann seemed willing, Mr. Mason declined. He didn't want to sign anything. In the end, we all shook hands on these points, and we understood that these points would be recorded in the minutes of the Drainage Board meeting of today anyway. So, we didn't really see any reason to write it down and sign it. Any questions?

President Nix: I have none.

Thomas Dowd: Okay.

President Nix: Thank you, Mr. Dowd.

Thomas Dowd: Thank you.

President Nix: Mr. Mason or Mr. Feldmann?

Gary Feldmann: Good afternoon. Pretty much what Mr. Dowd—

President Nix: Can you state your name and address?

Gary Feldmann: Gary Feldmann.

President Nix: And your address, for the record?

Gary Feldmann: 2621 Glenn Avenue.

President Nix: Thank you.

Gary Feldmann: Pretty much what Mr. Dowd said is what happened.

President Nix: Okay.

Gary Feldmann: I mean, we're pretty much in agreement. He even agreed, I will say this, so, I guess, it's in the minutes too, he said 2007, but, you know, I don't see a problem with it, but, you know, anything can happen. You know, if the water comes up and stays up for a month or something like that, that's going to hinder us with any progress of doing it. But, I don't really see a problem with it happening within the end of this year. I think that he's the type of person that if something did happen, he seems to be a pretty reasonable guy.

President Nix: Questions?

Commissioner Tornatta: I would say that if you have any issues coming up, you know, within maybe 60 days out, you just come to this board, or maybe make an attempt—

Gary Feldmann: Meet him.

Commissioner Tornatta: —to talk with the petitioner, and then get that in some written notice to us to let us know what the outcome's going to be. Then once you complete the project, if you'll do the same.

Gary Feldmann: Get a hold of you?

Commissioner Tornatta: That would be great.

Gary Feldmann: Okay.

President Nix: Thank you.

Gary Feldmann: Is that it? Alright, thank you.

Gary Mason: Hi, Gary Mason, 2701 Glenn Avenue. I agree that there's water back there and it's as much on my property as anybody else's and want to get it off. So, I'm going to do what I can to get it off. I want to thank you all for your patience and insight in getting us together so we discussed it.

President Nix: Thank you very much.

Gary Mason: Thank you for everything.

President Nix: Any questions? Thanks.

Gary Mason: Okay, thank you.

Commissioner Musgrave: I would like the Surveyor to put this on the November agenda to let us know the status of it. Hopefully, what you'll say is that it's all done.

Bill Jeffers: That would be wonderful.

Commissioner Musgrave: Okay.

Bill Jeffers: I will do that.

Commissioner Musgrave: Thank you.

President Nix: Let me just say, I appreciate the two parties coming together and getting this worked out. This is the way things should be done. I mean, this is why we have these meetings, and also, Mr. Jeffers' participation in this to come to an agreement that maybe not everybody's happy with, but something that will work and we'll get this resolved. Once again, thank you all and thank Mr. Jeffers for his time and effort on this.

Bill Jeffers: I think it's great that the board was able to handle it in this manner, and that their legal counsel, Mr. Ziemer, Ted Ziemer, was able to nudge it in this direction. I think it works a lot better this way than to come down with a heavy hand.

President Nix: Mr. Jeffers, do you have any other business to bring in front of the board?

Discussion of Drainage Problem: Johnson Lane & Broadway
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Bill Jeffers: We do have a gentleman here, Mr. Day, from out off of Broadway and Speaker Road, in that neighborhood, who has a drainage issue he would like to bring to your attention, at this time.

President Nix: Good afternoon.

Donald Day: Good afternoon.

President Nix: Please say your name and address for the record please.

Donald Day: Donald Day, 2601 Skyline Drive.

President Nix: Thank you.

Donald Day: Last fall we had a two inch downpour, and I know we can't control Mother Nature, but it was the first that I recognized it, because I came over the hill to leave home, and Speaker Road was flooded 100 feet south of Broadway, which was going into the two homes at the intersection of Broadway and Speaker. Then we had to sit for about 45 minutes, I was about fourth in line, to leave, before the water went down low enough to where the people would let us out. There was no police or any barricade put up, it was the people standing there keeping the cars from driving through the water, because the wake would go in the house. Broadway also was full. The reason why I'm here today is this is the first opportunity that I've had to come down here to talk to you about it. Which, I, as of yesterday when I started calling around and got hold of everybody, I didn't realize I was going to open up a can of worms. That this is an on-going thing that everybody is aware of. So, I guess, right now, the main thing I would like to ask for your assistance on, is any new development in the area of Pearl Drive or any of the hills out there as far as covering up ground cover, making it asphalt or anything like that, that a strong

consideration be about the drainage. Because, yesterday when I looked in....the creek that I'm talking about is the one behind Johnson's Lane. Yesterday when I went down there to look at it, because they had mentioned was there any clogage or anything like that. And, I went down there and it was about four foot down from the top. This afternoon when I left at 1:00, we've had less than nine tenths of an inch of rain, as of 1:00 this afternoon, according to my rain gauge, and the creek was full. It was only a couple of inches down from the top from coming out of its bank, the water. Now, this bank floods Daniel Wertz's back parking lot, soccer field. I've noticed for a long time that water stands back there, constantly, year round on that lower part of the field that's on Daniel Wertz property. If there's some way, shape or form that we can get the city to do something in that area to help alleviate something, when we have these larger rain spells this year, somebody's going to be in trouble. There's going to be some houses flooding. Plus, the fire department gets flooded out. Last fall there's no way that the volunteer firemen can drive into their station without going through two, three foot of water to get to the fire truck. So, the main thing is, my concern is when we have these downpours it's usually during a thunderstorm and if they're needed, we're going to have a long delay for them to walk back, wade through the water to get to their fire truck to get it out. That's all I have.

Commissioner Tornatta: We talked yesterday--

Donald Day: Right.

Commissioner Tornatta: --and I think that Mr. Jeffers might be able to give us a little indication on Johnson Lane at Broadway, what that culvert looks like, and, you know, what type of repairs, but we have done a study of Carpentier Creek and that is one of the points that we've addressed.

Donald Day: Right, when I was on the volunteer fire department back in the 70's, we had a floor drain that drained into that creek back there. That was before sewers come in. Now that, back then that floor drain was a good six foot from the bottom of the creek. Now yesterday water was standing in it, I can't say how low the bottom was, but the water level was only two foot down from that floor drain, where it empties out into there. Today, like I say, this afternoon when I come in, I was shocked to see how much it was full. The other drainage areas that run under Speaker Road, they were about 18 inches to two foot below their banks, along with the ones coming from Middle Mt. Vernon. But, that's just a valley, and there's a lot of hills around there that feed into that. So, that's....because, Carpentier Creek doesn't help us out anything down there. Where it goes down Union Township, I guess, and meets up or something like that, it might. But, we also catch city sewer water in there. Because that night last fall the sewer at Broadway and Red Bank popped its lid and water was running across the street into a ditch, down into the Johnson Lane ditch. So, that's the main thoroughfare for a lot of that water from Pearl Drive, Middle Mt. Vernon, Outer Broadway before you get up over the top of the hill. That's a main concern, and somebody needs to look at it, because if eight tenths of an inch or an inch of rain fills that ditch up, when we get our gully washers this summer, somebody's going to be in trouble. There's going to be some flooded houses. I thank you.

President Nix: Thank you.

Bill Jeffers: Yes, I spoke with Mr. Day yesterday on the telephone for quite a while, and suggested he call the County Commissioners and ask to be put on your agenda

either in the Commissioner meeting or in this meeting. I'm glad to see that the response was positive to that. With regard to his comment that county officials have known about this situation for a good deal of time, yes, indeed. In the early to mid 80's there were some problems just east of Johnson Lane in front of the Sunoco station, which is now the fire station to which he refers. The volunteer fire station was a Sunoco station at that time. I was asked by the County Commissioners, and I don't even think I was Chief Deputy yet, I think I was still an Instrument Man or Party Chief, something, running the survey crew, to go out there and look at that and find out whether it was in county right-of-way or city right-of-way. It's actually inside the City of Evansville, but, as you know, the County Commissioners are in charge of culverts, road culverts and so forth under the Bridge Fund. So, I went out there and crawled through that culvert, and it was a homemade box structure made of timbers and concrete blocks and what have you, just kind of, fairly well put together when you consider it's still there 20 years later, but ramshackle and undersized and not constructed according to any engineered design. Okay, that comes down and empties into this creek that Mr. Day is talking about, and it carries the branch of the creek that drains his neighborhood up there by Speaker Road, and brings it down to the main branch, which comes through, drains everything from Pearl Drive. He was talking about all that new hard surface up there at those shopping centers around Wal-Mart, excuse me, yeah, Wal-Mart, Lowe's, all that, drains down through this main creek, comes through Kuester Field and under a county bridge that was built by the state in 1927, when that was a state road out to Mt. Vernon. So, these are all old, in need of repair, and when I spoke with your County Engineer, John Stoll, yesterday, or it might have been this morning, he confirmed that your consultant is reviewing that particular bridge in the new bridge inventory, and will probably have a recommendation for the repair or reconstruction of that bridge for you by the end of the year. When you do it, of course, would be on your schedule. Now, I'm talking about the bridge under the city road, not the structure that runs in front of the homemade structure in front of Sunoco. But, they all come together at this one point, and at that point it's just a mess. So, yes, we've known about it for some time. Mr. Day says, or is there any questions on that point?

President Nix: Just curious, are there considerations taken when this bridge is being designed for flows of water, hydraulic consideration at all? Is that part of the equation? Mr. Stoll would probably have to answer that.

Bill Jeffers: He probably will have to answer that in more detail than I, but, yes, whenever they build a new bridge it's always a consideration, the hydraulic capacity is always a consideration. There is data available from a study to—

President Nix: Let me just ask it a little different way. Will this improve the situation in your estimate?

John Stoll: Like Mr. Jeffers said, the homemade structure is off the right-of-way. There are legal issues that we have to get resolved with the County Attorney as far as how to approach this. So, if the size could be increased underneath Johnson Lane, yes, it would improve. But, given the fact that everything, the culvert under Johnson is tied to the homemade culvert in front of this old Sunoco station, which in turn is connected to the county's bridge under Broadway Avenue. It's, there's no record of any plans, there's no record that shows who actually made these alterations. It's collapsing right now out in front of the Sunoco station. So, it's an issue that's going to have to be dealt with. It's just unknown as far as how big we can make the structure given the fact that downstream is off public right-of-way.

President Nix: Okay.

Bill Jeffers: I would like to point out that when we did make our report to the County Commissioners back around '84 or '85, whenever it was, it was noted that that structure was off the right-of-way, and that's why it was never pursued with county funds. With regard to lesser rains now causing increased flooding downstream, I imagine there is some truth to that. I don't doubt Mr. Day's word on that. We do know that, and Daniel Wertz soccer field being flooded, we do know that when Daniel Wertz school was being constructed back in the mid, early or mid '80's, that the city acquired right-of-way for this ditch, or this creek that runs through there along the back side of Daniel Wertz and the creek to which Mr. Day refers as being bank full today, and spilling out into the soccer field. The city acquired right-of-way and went in there and excavated that ditch from Broadway all the way down to Nolan Avenue, which is the county line. That was done by the city in the early or mid '80's. It hasn't been cleaned out since, and there is substantial sediment accumulation in that ditch. We have, we do know about that from complaints we've had from property owners on Johnson Lane. We also know about it from an American Consulting Engineer study that was done, what, four years ago or so? That particular study has actually evaluated this entire creek from Bayou Creek, down in the county, all the way up through the city, and then back into the county, and up Middle Mt. Vernon Road, and up to Pearl Drive. So, that entire stretch of creek has been studied, and there are specific recommendations by American Consulting Engineers, but, as you probably know from having read that report, and it's on file in Mr. Stoll's office, that those recommendations, to effect those recommendations is an expensive proposition, and it's not a legal drain, there is no money available in your budget. I don't know that there's any money available in the city's budget at this time. We've been referred to federal money, like from the Corp of Engineers and so forth, but that doesn't seem to be forthcoming. So, really it's an issue of where's the money?

Commissioner Tornatta: Mr. Jeffers, from what I'm able to understand, even if we went through and spent the \$13 or \$14 million that it would take to work on all these recommendations, if the river rises, you're back to being flooded out.

Bill Jeffers: If the river rises to the type of elevations that it historically rises to, then you would have all that tail water sitting out there in this flood plain, and then if it rains today, with the ground saturated as it is today, and the sub-ground, you know, with the sub-soil frozen and nowhere for the water to absorb into, yes, you're in one heck of a fix.

Commissioner Tornatta: Right, and—

Bill Jeffers: Regardless of how much money you spend. That was an issue that I pointed out in, not in great detail, here nor to Mr. Day, but, with all these new hard surfaces, yes, there's additional runoff. We have detention facilities up there that catch that runoff, but once those detention facilities are bank full, after extended rainfall, and the ground is all frozen and wet, then every drop of rain that hits any surface up there is coming right down this valley.

Commissioner Tornatta: And the only way to prohibit the water coming back is to extend the height of the levee, and here again that's another—

Bill Jeffers: That's a Corp of Engineers issue. They would have to extend the levee, put in their pump stations and their check gates and all that type of thing, that's correct.

Commissioner Tornatta: So, let me make a recommendation. You normally do that, but, I would like to recommend that this board look at working with Mr. Jeffers and Mr. Stoll on addressing the problem, first, at Johnson's Lane and Broadway, and then from there we can bring back to the board what we found, and potentially come up with a remedy.

President Nix: Is that a motion?

Commissioner Tornatta: That's a motion.

Commissioner Musgrave: I'll second it, but I want to know how you feel about that?

Bill Jeffers: I feel that there's plenty of information in the American Consulting Engineers study for us to glean good information from and bring it to you. I think, also Mr. Stoll can reinforce this, whether it's true or not, he can tell you. No, I mean, he can you whether it's true or isn't true, but, it's my belief that the bridge inventory that you're conducting right now will also come up with information that we can use at that location. I'm not familiar with what's going on there. So, Mr. Stoll would have to confirm.

President Nix: Okay.

Commissioner Musgrave: When did you want him to report on this?

Commissioner Tornatta: Well, what my thought is in the next few weeks, possibly, we're going to get the Beam Longest report on the bridges, or is that possibly a little longer?

John Stoll: The last time I checked with them they said it was going to be about two or three weeks. So, I would suspect by the middle of March we should have at least the draft.

Commissioner Tornatta: Right.

John Stoll: So we should be able to get something scheduled.

Commissioner Tornatta: So, sometime potentially next month we will have, been able to evaluate that piece of information, look at the American Consulting and Engineering information that they have had out for the past few months, which that intersection has a monetary figure attached to it, but we'll have to go with the bridge report and then kind of bring it all back.

John Stoll: I didn't budget any money for replacement of the structures under Johnson and Broadway for 2007. So, depending on what Beam Longest and Neff recommends, it still might have to wait until '08, because we just won't have the money available this year.

President Nix: Okay. The motion has been made and seconded. All in favor?

All Commissioners: Aye.

President Nix: Opposed?

Bill Jeffers: I would just say that John Stoll's workload that you have—

Commissioner Musgrave: It's all my fault.

Bill Jeffers: –that is all your fault, is such that I would think that I should pick this up and bring it back to you. I mean, I will, obviously, go to John for the information, but, I think that I probably have more spare time to work on this than John does at this time. As you know.

President Nix: Thank you very much, Mr. Jeffers. Do you have any other business?

Bill Jeffers: No, sir.

Public Comment

President Nix: Now, is the time of the meeting for public comment to this board pertaining to issues from the board. If not, I will entertain a motion to adjourn. Wait, wait, I'm sorry. We've got one here. You've got to be quicker there.

Commissioner Musgrave: While he's coming up I will note that the other evening I was responding to some e-mails, and I responded to John, I mean, to Mr. Jeffers, and it was like 6:30 or 7:00 and low and behold both he and Mr. Stoll are responding to me. So, I don't think either one of them knows the meaning of the words free time.

Lee McClellan: My name is Lee McClellan. I'm with Morley and Associates, 230 Second Street, Suite 500, Henderson, Kentucky, 42420. I'm here on behalf of our client, Chambers Properties, LLC. They have developed a 15 unit town home project at the southwest corner of Green River Road and Hightower Drive, in the Keystone Subdivision, just south of the Keystone Development, single family homes. We took the project to both sub review and site review, site review was on the 5th of February of '07. We have submitted the SWP3, the storm water pollution prevention plan to Mr. Mike Wathen, the county's erosion and soil conservation specialist. He has approved it. We have sent the notice of intent to IDEM. What I'm respectfully requesting is that the board approve these drainage plans, which will allow Mr. Jeffers to then sign off at the site review approval process, and also with the Building Commissioner so that Mr. Chambers can go ahead and pull his permits and begin his project. While Bill is showing you those plans, for your information, you do have a road widening plan of Green River Road on that section of Green River, and also raising of the bridge on Pigeon Creek. As you can see on that plan there is a shaded area on our east side of the project, that corresponds to the right-of-way taking that will be necessary for the development of your Green River Road plans. So, we have received those plans from Mr. Stoll, and that is the best location that we can define at this point, because the right-of-way has not actually been purchased. Are there any questions that I can answer to the board?

President Nix: I guess, this may need to come from Mr. Stoll, but if the right-of-way exceeds these limits, are we still okay?

John Stoll: The right-of-way should not exceed that. I've asked DLZ to go back and take a look at it to see if we can reduce it.

President Nix: Okay, but you're comfortable that what's here right now is–

John Stoll: Right, they didn't put any new construction within the right-of-way the county has to acquire.

President Nix: Okay.

John Stoll: So, from that perspective it's okay. Ideally, if the right-of-way already existed in advance of their project, it would be better, but, we're just not in a position where the right-of-way's been secured as of yet. There are some storm sewer alignment issues that I've asked DLZ to take a look at in hopes of being able to pull that right-of-way further away from the end of that cul-de-sac, but that hasn't been determined as of yet.

President Nix: Okay. Mr. Jeffers, have you had a chance to review these drawings?

Bill Jeffers: Mike Wathen has already reviewed those?

John Stoll: Yes.

Bill Jeffers: Yes, I was waiting for Mike Wathen to finish his review of the storm water pollution prevention plan, which he has, and for John Stoll to talk to them about the right-of-way for your new road. Yes, I have reviewed these a couple of weeks ago. They have been through all the rest of the process, the sub review and so forth, as described. And, the plans comport with the drainage ordinance for the county, and the County Surveyor recommends approval of the final drainage plans for Keystone Town Homes at Green River.

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

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: Thank you.

President Nix: Is there any other business to come before this board? If not, I will entertain a motion to adjourn.

Commissioner Tornatta: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 5:04 p.m.)

Those in Attendance:

Bill Nix	Troy Tornatta
Bill Jeffers	Ted C. Ziemer, Jr.
Thomas Dowd	Gary Feldmann
John Stoll	Lee McClellan
Others Unidentified	Members of Media

Cheryl Musgrave
Madelyn Grayson
Gary Mason
Donald Day

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Troy Tornatta, Vice President

Cheryl A.W. Musgrave, President

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
FEBRUARY 20, 2007**

The Vanderburgh County Drainage Board met in session this 20th day of February, 2007 at 4:35 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, February 20, 2007 at 4:35.

Additional Public Comment from 2/20/07 County Commission Meeting

President Nix: Before we start with Drainage Board, we had one item on public comment. I'll turn this back over to Commissioner Musgrave.

Commissioner Musgrave: Yes.

President Nix: From the past meeting.

Commissioner Musgrave: I'm sorry. I didn't see that you wanted to speak. Could you state your name and address for the record?

William Rainey: My name is William Rainey. I live at 2005 Selzer Road. I did put my hand up, but I was not recognized, but, that's okay.

Commissioner Musgrave: Sorry.

William Rainey: I won't take but just a minute. On October of 2006 I had come before the County Commissioners with a petition signed by myself, the people on Selzer Road, the people on Outer Broadway and Short Selzer requesting that the County Commissioners come up with some kind of something to help us out with the problem of dogs running loose, people being bit, and just virtually all kinds of problems. I asked the County Commissioners to please come up with something to help us out. Pass a law or something. The Sheriff's Department cannot help us. There is no laws in the county that says people have to keep their dogs on a leash or inside of a fenced yard. I have talked to the Sheriff's Department several times. There's still no law. I hate to bring this up, I've got a cousin that's a Sheriff in Posey County, according to him, the whole county has a law, a leash law or fenced in law. All the dogs in that whole county have to be on a leash or fenced in. Why can't Vanderburgh County do that? I mean, we've got 187,000 people walking around here in this county alone. We're talking about this greenway coming up, I live on Selzer Road, Selzer Road butts into Burdette Park. We're going to have people walking these trails, all these dogs that I'm talking about are within barking distance of that trail. I would hate to see that trail of laughter turn into a trail of tears, just because we're not going to do something about animals running loose. I mean, it's getting to be, the people that I've talked to out there where I'm at right now said, "We're not going to call the Sheriff's Department. We're not going to bother them. We're going to let the County Commissioners do something." Well, I've had quite a few of them call me back and say, "Hey, Bill, have you heard anything yet?" No, I haven't heard a thing. There's been no motions made, nothing. It's like we got dropped off the back side of the cliff. We would like to know, can something be done?

Commissioner Tornatta: Bill, let me jump in here just for a minute. I've had a conversation with Animal Control and with the Sheriff's Department, and, so, there is some type of lien that they think that we should at least look into and address. I did look up some definitions and codes with the city, and I don't know, and it's something we can talk about up here, but, I think this was brought in October of 2006 to the Commission—

William Rainey: Yes.

Commissioner Tornatta: —and you're probably right, we do need to address it and to look into some of the legal language and see what restraints there are from city to county. This might be another place where we can combine some of our language—

William Rainey: That would be fantastic.

Commissioner Tornatta: —to do that. So, if it's just the same to you, I would like to take this up with our attorney, go over some of it, present it to our County Commissioners in an upcoming meeting, and then see if we can't address the problem.

William Rainey: Thank you.

Commissioner Musgrave: When you came—

William Rainey: I would really appreciate it.

Commissioner Musgrave: —to speak to us in October, the city was in progress of adopting an ordinance—

William Rainey: Yeah.

Commissioner Musgrave: —and I read through part of that ordinance, and as it was proposed it was very, very strict, and very expensive, and I wanted to wait for that to play out. I believe that the ordinance they adopted was much less stringent and expensive than the one that they were proposing, but it was still very, very comprehensive. So, I was waiting for that process to go through, and I would certainly be interested in working as a team with the Commissioners to come up with something that will work well for all the residents of the county. This is a good opportunity to ask you to pull the city's ordinance and take a look at that, Mr. Ziemer, and we'll go from there.

Ted C. Ziemer, Jr.: Certainly.

William Rainey: Thank you very much.

Commissioner Musgrave: Thank you.

William Rainey: Appreciate it.

Commissioner Tornatta: You're welcome.

Commissioner Musgrave: I'm going to turn this back over to Commissioner Nix.

William Rainey: I will be checking back with you.

Commissioner Tornatta: We'll be here.

William Rainey: Thank you.

Approval of the February 13, 2007 Drainage Board Meeting Minutes

President Nix: Mr. Jeffers, good afternoon.

Bill Jeffers: Good afternoon. Would you like to approve your minutes? I believe—

President Nix: I'm sorry.

Bill Jeffers: —your Recording Secretary has some in front of you.

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

Commissioner Tornatta: Motion to approve minutes.

Commissioner Musgrave: I'll second.

President Nix: All in favor?

All Commissioners: Aye.

John's Corner Subdivision Drainage Plan
--

Bill Jeffers: Okay, I've set on your tables, in front of each of you, a copy of the drainage plan for John's Corner Subdivision. It's in Darmstadt, right smack in the middle at the intersection of Darmstadt Road and Boonville-New Harmony Road. It's a three lot subdivision on the northwest corner of that intersection, catty corner from Old National Bank, and north and across the road from, it used to be called Sherbrook's Village, I'm not sure what it's called now. I think it changed ownership. It's a very simple drainage plan. Basically, it remains the same as what exists today. There are no plans for improvement. It simply is a situation where the owner is realigning the lot lines so that lot one becomes a large, marketable lot. If you look at lot one there's an existing house on it at the north end of lot one, and previously all the south end of lot one was in a, over here combined with another area that is now lot two. So, in order to make lot one marketable, they changed lot lines. That required a major sub. A major sub requires a drainage plan, and what I'm saying here is basically until they go to constructing new buildings and parking lots, there's no need for a new drainage plan. At the time at which they come in for permits to build a new building, say on lot one, then they would have to have a drainage plan to handle the increased runoff. Or, if they had, if they paved the lot back there on lot two, they would have to put in some surface drains to pick up the water off the paved lot and so forth. So, at this time, the County Surveyor recommends no change in the drainage plan, to adopt it as is, shown on this plat with the comments I made.

Commissioner Musgrave: Motion to adopt the recommendation of the Surveyor for John's Corner.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: I'm curious, Mr. Jeffers, the zoning for this, what is it zoned now? Do you know off hand?

Bill Jeffers: I believe you all, did they rezone this?

Bev Behme: (Inaudible. Comments made away from microphone.)

Bill Jeffers: It remains part R-1 and part Commercial. I think the staff found it zoned properly to move forward, and it will come to Area Plan Commission—

President Nix: I was just curious.

Bill Jeffers: —at the next meeting, you know, as a subdivision actually.

Darmstadt West Number Two Subdivision Preliminary Drainage Plan
--

Bill Jeffers: The other drainage plan is for a two lot subdivision. The reason it's a major subdivision is they're extending the right-of-way from Boonville-New Harmony Road southward to a cul-de-sac to serve lot one. This one is called Darmstadt West Number Two. Very simple, again, it's just a realignment and subdividing of a parcel so that the existing home and garage remains on lot one, and lot two become marketable. Again, the reason it's a major sub, rather than a minor two lot sub, is because there's an extension of county right-of-way here that requires a new road be built, and that requires a public hearing. The drainage plan comports with the requirements for a preliminary drainage plan. The County Surveyor recommends approval of the preliminary drainage plan at this time. Mr. Fred Kuester, who is the engineer who designed the drainage plan, is in the audience if there is any questions. I don't know if there is any remonstrators. If you approve this drainage plan it will move forward to Area Plan Commission at their next meeting.

President Nix: Is there anyone here that wishes to speak to this issue? If not, I'll entertain a motion.

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

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Discussion of Changing a Private Drain or Creek into a Regulated Drain

Bill Jeffers: The only other item I have at this time is that one of the Commissioners, Commissioner Musgrave, asked me to do a little research on changing a private drain or a creek or a waterway into a regulated drain so that it could be maintained by the county. We've had people come forward in the last several years, particularly

in the last few months, and talk about creeks that are all grown up with trees or obstructed by one thing or another, and how do we go about turning those into regulated drains so the county maintains them, the same way we do the ones on the east side and far north side. So, I put a packet on your desk for you to look through over the next week or two. It goes through the statutory sections on how to convert a private or mutual drain into a regulated drain, whether that request be made by one owner, section 19 talks about if one owner makes that request. Section 54 you get into if construction is needed to make a substantial improvement to the creek or the ditch, how you go about doing that, how many people need to petition the board or the board itself can petition, like the County Commissioners could petition the Drainage Board because a conversion to a regulated drain would serve the public interest, like a highway. The School Board could do it. The municipality could petition us, etcetera, it goes through all that. It talks about how the Surveyor's inspection and report goes, and how the board considers the findings and so forth. I just thought I would put it in front of you and let you read it, rather than discuss it at this time, because it's, you might want to consult with your attorney. It does require that the petitioner employ an attorney, because that attorney has to identify every parcel of property in the watershed, and each parcel, each property owner receives a notification of the hearing by return receipt requested. That gets expensive, especially if we're talking about Carpentier Creek, you might be notifying several thousand parcels. So, anyway, I put that in front of you. If you wanted to discuss it now, we can, or, if you would rather bring it up at a later meeting.

President Nix: We'll discuss it at a later meeting.

Bill Jeffers: Okay, and that's all I have, unless you have something further.

President Nix: Thank you, Mr. Jeffers.

Public Comment

President Nix: Now is the time of the meeting if anyone would like to speak to the board about anything relating to drainage. Public comment. If not, I will entertain a motion to adjourn.

Commissioner Tornatta: So moved.

Commissioner Musgrave: Second.

Bill Jeffers: Thank you.

President Nix: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:45 p.m.)

Those in Attendance:

Bill Nix

Bill Jeffers

Bev Behme

Members of Media

Troy Tornatta

Ted C. Ziemer, Jr.

William Rainey

Cheryl Musgrave

Madelyn Grayson

Others Unidentified

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Troy Tornatta, Vice President

Cheryl A.W. Musgrave, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
FEBRUARY 27, 2007**

The Vanderburgh County Drainage Board met in session this 27th day of February, 2007 at 3:54 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, Tuesday, February 27, 2007 at 3:54.

Approval of the February 20, 2007 Drainage Board Meeting Minutes

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

Commissioner Tornatta: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

Buckingham Woods Subdivision: Preliminary Plan

President Nix: Mr. Jeffers, good afternoon.

Bill Jeffers: Good afternoon. I understand we're in a hurry today, so, I'll move right into Buckingham Woods Drainage Plan, because I do have specs that have to be advertised in the paper and opened on April 6th. So, if we get down to the last few minutes, those have to be done. Buckingham—

Ted C. Ziemer, Jr.: Excuse me. It can't be April 6th, right?

Madelyn Grayson: It says April 3rd on the notice.

Bill Jeffers: April 3rd, I'm sorry.

Ted C. Ziemer, Jr.: Okay, alright, okay.

Bill Jeffers: Are we going to count that ten seconds?

Ted C. Ziemer, Jr.: We won't count anything, as long as you have it right, that's all.

Bill Jeffers: Gotcha. Buckingham Estates is located on Old State Road, north of Eissler. Eissler would be down here, okay? It's labeled Buckingham Woods. This is north of Eissler Road. It's a relatively small subdivision, one entrance road, two cul-de-sacs. There's Eissler Road right there on your orthographic photograph. This came before the Drainage Board several years ago under another name, and, basically, this is a reworking of that same plan. You see the lots and the layout, there's one creek that runs through the subdivision, proposed subdivision, from north to south, in this area. There will be a detention basin on this lot here. The reduced

flow rate will discharge from that lot at this point, and then trace down through the creek, until it passes under Eissler Road at a county bridge right here. As I said, the detention area right here will control the increased runoff and release it at the ten year storm rate at this point right here. The plan has been reviewed by the County Surveyor and found to comply with the drainage code for the county. The recommendation is to pass it. I anticipate that there may be some persons in the audience who would like to comment.

President Nix: First, questions from the Board? Is there anyone from the audience that would like to speak to this issue? If you would, when you address the podium, state your name and address for the record please.

Bill Mattingly: My name is Bill Mattingly, 8015 Old State Road. I'm just south of that line right there.

Bill Jeffers: You can use this pointer right here.

Bill Mattingly: That in there. The creek he's talking about runs down through me right there. I got the only driveway that goes across that creek. I think it's about right there, with a three foot culvert in it. It probably goes over the, over my road about three to four times a year from the drainage that's there now, you know, because, I don't know, back when they, they did Deerfield up in here and everything, they didn't, that was all (Inaudible) field, you know, and now it's all mowed grass, and all that comes down through there. He was talking about the last go around we had on this, I had to, the County Engineer and I walked this whole thing, and he couldn't believe the amount of water that came down. This goes way up. I've got a picture of it here, of all what that drains. I don't know if anybody wants to see it. From Mt. Pleasant Road all that, all this area right here, all drains right down through there, comes down here. Then that meets the little creek he was talking about underneath Eissler Road which goes back through Strawberry Hill and catches 41, the creek down 41. We have all this new building out here, and across 41 and all that ends up down underneath Petersburg Road to an area that's all dammed up. The last go round on this other subdivision had like 86 signatures against that, but they were worried about drainage. I don't know if that means anything now or not. It was kind of short notice, we got the letter on this yesterday, you know, so, it's kind of hard to go around and talk to people.

Commissioner Musgrave: Do you want to go back to the podium?

Bill Mattingly: Of the drawing that they sent us, you know, I didn't see anything other than a little lake is what it said. I didn't know if there was any specifications out on that?

Nathan Mominee: My name is Nathan Mominee--

President Nix: Step up to the podium.

Nathan Mominee: My name is Nathan Mominee, I'm representing the engineer from Sitecon.

President Nix: Sitecon, okay, go ahead.

Nathan Mominee: We're going to put in a wet detention basin that's going to take the 12 acres of developed area and hold that flow to the ten acre, or the ten year undeveloped flow.

Bill Mattingly: Is that the same flow that's there now though?

Nathan Mominee: Well, we're going to allow the upstream—

Commissioner Tornatta: Use that pointer if you would.

Nathan Mominee: We're going to allow this 29 acres that is upstream, and we're going to catch it in a pipe here, a 100 year pipe, with an overflow that will take it through the site here. So, the 29 acres of upstream will flow as it has. The 12 acres of developed area is going to be detained right here in this detention basin, and released at the ten year undeveloped rate. So, the water he should see downstream will actually be at a lower intensity, because we're going to be detaining this to a ten year undeveloped rate.

President Nix: Okay, and along with, in other words, the numbers you've run say that, theoretically, the flow should be less coming across this property once this is developed?

Nathan Mominee: He should see lower intensity. So, the flow, we're going to hold it back. So, there will still be an increase in flow, but because we're holding it in the detention basin, he'll see it over a longer amount of time. So, it will flow at the ten year undeveloped rate.

Bill Mattingly: On three lots there, from your little drawing here, the little thing that....you might have a better one.

Nathan Mominee: I have a (Inaudible). I'll show you, sir. This is the 29 acres, and we're going to catch, that's what this line represents here.

Bill Mattingly: Right.

Nathan Mominee: That's going to catch this off site flow, and we're going to carry it through this pipe, 100 year sized pipe, with an overflow, and it's going to exit into the natural stream.

Bill Mattingly: This is a retention pond on three lots then?

Nathan Mominee: On three lots, but it's going to detain all of the water, basically, from this bold line here, up to here, it's all going to drain into this, be caught in the street and conveyed through concrete pipes, and all this water is coming to there, this water, it's going to flow into here. This street is going to be captured here. This street is going to be captured here, and all these storm pipes and ditches flow into this basin, where they will be detained. It's detaining this entire 12 acres and this area up here.

Bill Mattingly: Okay.

Nathan Mominee: So, it should be an improvement from what you've seen in the past.

Bill Mattingly: Okay.

Nathan Mominee: As far as flow intensity.

Bill Mattingly: And the contractor that's putting that in, the excavating contractor is?

Nathan Mominee: Right, and we'll have to do as-builts, and that will all have to be approved.

Bill Mattingly: And the people that end up buying the houses have to take care of that? Is that what that agreement, is that what that little bitty fine print will say?

Nathan Mominee: Well, there will either be an association that is required to maintain the drainage, or the developer will have to maintain it.

Bill Mattingly: Okay.

Commissioner Musgrave: Mr. Mominee, I'm not sure your firm was the engineer on the last set of plans that came through—

Nathan Mominee: No, we were not.

Commissioner Musgrave: —okay, then this question is for Mr. Jeffers. Mr. Jeffers, how does this plan differ from the last plan? And, specifically, did the last plan have the 100 year pipe and the above ground retention?

Bill Jeffers: Yes, the last plan was very similar in it's overall concept and followed the same rules, the same code, had the same capture and release rate, that type of thing. There is probably a difference in the layout of the lots. There may be a difference in the number of lots. The market's changed—

Bill Mattingly: It's about the same amount of lots (Inaudible).

Commissioner Musgrave: This plan generated eighty some signatures in opposition last time, correct?

Bill Mattingly: Right.

Commissioner Musgrave: And it has not materially changed then, is that what you're saying?

Bill Jeffers: Not really. No, it's a similar concept. In fill development, taking a wooded, this wooded acreage and turning it into residential lots with new county streets. Same concept, probably slightly different layout. It's not unusual to have neighbors object to infill development. I mean, we see that frequently. Whether you have 80 signatures or, in this case, possibly didn't have time to circulate a petition. There was quite a lengthy discussion about it the last time.

Commissioner Musgrave: They were approved last time, correct?

Bill Jeffers: I don't recall—

Bill Mattingly: Yeah, they were approved.

Bill Jeffers: –the developer dropped the–

Bill Mattingly: They couldn't get an easement for his (Inaudible). Apparently they did get it, I assume.

Bill Jeffers: I don't know. A lot of these questions could be answered between now and the next review. I'm approving, I mean, I'm recommending approval of the conceptual, preliminary plan. If there is some details to be worked out between now and the next meeting, when the final plan comes before you, which will be in another three or four weeks, after Area Plan Commission meeting, then we could work out a lot of details between now and then.

Commissioner Tornatta: Does lot number 28 affect the drainage plan? Are they planning on building on lot 28?

Bill Jeffers: I would imagine they are going to build on every numbered lot. They would like to build on every numbered lot.

President Nix: Then the idea would be that, more than likely, the owners of 27, 28 and 29 would maintain this lake then?

Bill Jeffers: If that, under the ordinance you have a choice of having plan A, which is a homeowners association, where all the lots chip in for the maintenance of the storm water facilities. Or, plan B, where just the homeowners on whose property the facilities exist do the maintenance. Most developers choose plan B, because that establishes an escrow account that guarantees the pipes and the outfall structures to be repaired by the county, should they fail. We hold that money in escrow in the Auditor's office. So, most developers pick plan B, because it's kind of like an insurance policy.

Commissioner Musgrave: Well, on the basis that there's plenty of time to continue the discussion between now and that time it comes back to us, I'll make a motion to adopt the recommendation of the Surveyor.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: I guess, there possibly would be a better way to notify the adjacent property owners a certain number of days ahead of time. If the board wants to take that up at a future meeting to establish some criteria for notifying the adjacent property owners and giving them time to come to the Surveyor's office. You know, the notice, I believe, I read a notice the other day and I could not believe that the notice that was sent out did not say plans are available for viewing at the County Surveyor's office. It really should say that. We should instruct whoever down at the Area Plan Commission that dictates the language on those notices to include in there, "plans are available for viewing at the Surveyor's office", because each time they come before you, the remonstrators tell you what we got was such a little, reduced plan we couldn't make heads or tails out of it. I couldn't either, even with a magnifying glass. So–

Commissioner Musgrave: Would you like–

Bill Jeffers: –in all fairness, I think the remonstrators should be notified a week or so ahead of the meeting that plans are available for viewing. Just like road plans are when you have a road hearing.

Commissioner Musgrave: Do you need us to do something formal in that regard, or will you approach Mr. Mills on your own?

Bill Jeffers: I'll go to Mr. Mills first and if we can't resolve it in some fashion, I'll come back to you on, I guess, it will be the 13th of March and let you know. I'm sure, it's just something that hadn't occurred to somebody down the line. Mr. Mills is relatively new in that position, those notices have been going out for a while, he probably just used an old notice from a previous administration.

President Nix: Okay. Thank you.

Bill Jeffers: Uh-huh.

Bill Mattingly: One day notice is kind of tough.

President Nix: It is.

Bill Jeffers: I didn't think it was a one day notice. I mean, when he said that, that's kind of "bing", you know.

Bill Mattingly: Well, I got it yesterday.

Bill Jeffers: That's pretty tough.

President Nix: Mr. Mattingly, thank you for your time.

Commissioner Tornatta: Thank you.

Bill Jeffers: So, did you all have time to vote on that one? I'm sorry.

President Nix: Yeah, we did.

Bill Jeffers: Okay.

Preston Oaks Subdivision: Preliminary Plan

Bill Jeffers: Preston Oaks is your next one. It's on North St. Joe Avenue. It's north of Glisson's Auto Salvage Yard, and it's just a long row of eight lots that I believe you rezoned a week or two ago. You had a rezoning hearing and there were remonstrators here that may have enlightened you with regard to some of their objections about traffic, I believe. I wasn't here, but I'm sure drainage might be an issue tonight. It's a very low, flat area. Back in this area it's only 378 feet above sea level. The plan intends to raise it to a minimum 380 for the houses. Most of this row of houses that exists today out there are built about 380. So, these houses should be built about the same elevation. All the water currently collects and runs, generally, across the flat area, due west, until it gets about here, and then it cuts across these last two lots on Lexington Street, cuts across this corner right here into an existing trace, or whatever you want to call it, you know, just a water trace, and that runs out about 280 feet to Locust Creek, from this point right here. We might

get a larger picture and you can see Locust Creek. Yes, there are drainage problems in this area because it's so flat, but this drainage plan, as I've outlined and highlighted for you, shows that it collects the water into a common swale along the north line of the project, and runs it out into a detention basin that will be built at this area, it will be a wet pond, it will release right at the corner of the project into the existing water course, which, as I said runs about due west about 280 feet, right along this alignment to Locust Creek. Again, the County Surveyor has reviewed the plans, reviewed the calculations, found them to comport with the drainage code for the county, and recommends approval of the preliminary plan for Preston Oaks, and, again, I do anticipate that there may be members of your audience here today that would like to comment.

President Nix: Thank you, Mr. Jeffers. Is there anyone here that wishes to speak to the preliminary plan for Preston Oaks Subdivision? Please step forward.

Mike Gaddis: I won't need that.

President Nix: State your name and address.

Mike Gaddis: My name is Mike Gaddis, 2600 Lexington Road.

President Nix: Thank you.

Mike Gaddis: First of all, it's a wetland, is what it is. When it rains, very little, the whole area is just, I look out my back door and it's just, water is every place. The next thing I want to say, I'm not a very good speaker, but the detention pond, to me, we have so many mosquitos now, when they put a pond there, that is, I can't even go out in my backyard hardly in the summer time because it's so wet out there. I think with the pond, it's just going to help the mosquitos. After it rains real hard, all the ditches around there fills up with water. So, where is the detention pond going to go when all the ditches are full but to back up? The way I see it, I don't know much about those, but that's the way I see it. They've got to back up, and the water is at my yard now, right at my fence yard when it rains real hard. It's just a wet land. In the summer time when it's dry, what, the water is just going to lay there and stagnate, I would think, you know, and, again, I just wondered who's going to take care of this? In a couple of years it's going to fill up with sludge and trash and stuff like that. I know of another one in another complex that someone was telling me they had, they found trees and everything pushed over into the pond, which, you know, because they don't clean it up. I don't know if they have something to circulate the water in those, or if it just lays there. To me it's just a mosquito nest, in a wooded area like that. I know this is not the right thing to say, but one morning I'm going to wake up probably and those duplexes are going to be there, and I'm going to see them and I'm not going to like it. That's all I have to say. Thanks.

President Nix: Thank you. Mr. Jeffers, well, someone else wishes to speak.

Bill Jeffers: Pardon me, I put the names of the owners on the lots in case you want to see where Mr. Gaddis and this lady live.

Naomi Gibbs: My name is Naomi Gibbs. I now reside at 2911 Westbrook Court. I own the last house on Lexington on the left. Locust Creek does flood, and it has come up into my yard. Now, Mr. Flowers come to my house after you already had two meetings on building this, and I never was notified, wanting an easement off the

back corner of my lot. I want to know what an easement is meant in this? Does that mean he has control of the property or what?

President Nix: Well, I would say that that would depend on what the easement is going to be used for. Mr. Jeffers are you familiar with that particular issue? Is there someone here from Morley that...okay.

Bill Jeffers: Ron London is here and can speak to some of these things, but, I would assume that there would have to be water discharged from the detention basin across the corner of Mrs. Gibbs' property, right here at this point. There is a ten foot easement there in the adjacent subdivision, but that ten foot easement isn't specifically a drainage easement. However, there is a watercourse there, that existed there for quite some time, and the plan clearly shows that they want to discharge the drainage basin into that existing watercourse.

Naomi Gibbs: Because I have lived there and I've had that water come up into my yard within, I would say 15 feet of my house, when the creek overflows. Now, I'm like Mr. Gaddis, if I see that there's going to be a pond there, and say you get a hard rain and that pond is full, and then the creek comes up and overflows, is that not more water going in there? And, it is just loaded with mosquitos. I could never sit out in my yard.

President Nix: Please state your name for the record, and who you're with.

Ron London: My name is Ron London with Morley and Associates.

President Nix: Thank you.

Ron London: We did some research on Locust Creek. FEMA has done a detailed study along the creek there. The 100 year flood elevation is at the elevation of 378, and we have our plans to show that the minimum finished floors for any of the buildings out there would be at 380, which would be two foot above. We have provided the retention basin, and we're also providing, in the back of the lots, along the, the ones along the left hand side of the cul-de-sac, we will be placing a concrete ribbon which will help as far as getting the water to drain and having a constant elevation at the bottom of that swale. All of that will be going into the retention basin, which does handle the 25 year storm.

Naomi Gibbs: Okay, if I don't give my approval for an easement off of that property, how are they going to get that water to flow? I mean, right now I am renting the property and they have the option to buy. It's not going to affect me personally, but those people were my neighbors for over 15 years there. I still know a lot of them. I just want to know how this is going to affect them?

President Nix: If we could get Mr. London to come back up.

Ron London: There's an existing ten foot easement that runs back in the back there, and according to our plans we do have a plan that works with that area there as it is today.

President Nix: Mr. Jeffers, if you would, he had just stated a minute ago that you weren't for sure whether that is a drainage easement.

Bill Jeffers: It's just labeled ten foot easement.

President Nix: Is that acceptable?

Bill Jeffers: We'll have to work that out with legal staff, as to whether it conveys the right of discharge of water. There would be an opportunity to acquire, if it doesn't. There would be an opportunity to acquire an easement on the west side of the project line, and bypass the property in question. Basically, my review is of a plan, to determine whether the plan will work if it's implemented. There may be some legal questions about the easement that have to be resolved. If they're not resolved, the plan can't be implemented. But, if the plan is implemented, I believe it will work. It does comport with the drainage code. I would like to point out that all this area that lies below 378, basically this area in here, has had water stand on it, as this lady has told you. That's absolutely true. The creek does overflow and back into that area. There is water out there today, standing along this fence line right here. I don't know the last time it's rained, but it's been a few days. There's water standing here several inches deep. I don't know if it would be classified a wetland, I believe this out in here is a wetland for sure. I believe DNR would call that a wetland. I'm not sure, these are all planted row trees right here. But, as Mr. London told you, he's going to build this area up two and three feet higher so it matches the built up area over here. That would force all of the water back into the swale that he has designed and carry it, even slowly, in a westerly direction, and hold it in this holding tank that he has designed until it's able to be released. Yes, when the creek comes up, water stands there. If it rains while the creek is up water will stand there. When the creek goes down, the water will drain away.

President Nix: As it does right now?

Bill Jeffers: As it is now, and as it will be in the future, and these trees will be cut down, because these people, there's one tree designated as a championship tree here.

Naomi Gibbs: The big oak?

Bill Jeffers: They intend to preserve that, that tree right there will be preserved. It's a large oak tree. It's been identified, and it will be preserved. The rest of those trees, most likely, will come down so they can build the duplexes. So, it won't be a wooded, wet area any longer. It will be a built up, dry lawn, except for that one tree. I imagine, of course, all of these trees come down to build the street. There may be some trees left in this area, but it's a little higher.

Commissioner Tornatta: Question?

Bill Jeffers: Yes, sir?

Commissioner Tornatta: Will this new plan, and maybe this is a question for someone else, will this new plan alleviate some of the water issues in those areas where they are now?

Bill Jeffers: I believe the new plan will alleviate a lot of standing, stagnant water that's there now, but, as this lady pointed out, when the creek comes up, the water comes up. So, that's the same as anything in this subdivision that's affected currently by high water and the creek. That's what, when you build in a low, flat area, adjacent to a flood plain, the flood plain actually comes up into this lady's yard, but doesn't come up into this project we're considering. The flood plain just barely cuts across the corner, but doesn't touch the corner of the project.

Commissioner Tornatta: But, will the detention pond help alleviate some of that water drainage—

Bill Jeffers: Yes, sir, I believe it will.

Commissioner Tornatta: —that was in the area that maybe they're referencing? Potentially, would get the water out so it would deter the mosquitos from the back of their yards?

Bill Jeffers: Well, I'm not sure about that. It won't pick up, it will pick up the drainage from the project, from within the project limits where water currently stands within this red rectangle, this project limits, it will pick that water up and hold it in that detention basin, which has to be, because it's a wet basin, has to be a minimum of four feet deep. Now, that's not mosquito breeding habitat.

Commissioner Tornatta: Right.

Bill Jeffers: So, the water will be all dry, pulled out of this area and conveyed to that holding area, which should not breed mosquitos, and we do have a requirement in our drainage code that water quality must be preserved in a wet basin like that. So, if they do have to add a fountain to do it, they have to add a fountain to do it. You have floating fountains now that are relatively inexpensive that control those kind of conditions, keep the water aerated. If that's required, and if that becomes an issue, I'll put it in the requirements for the drainage plan before it comes back before you for final approval. If you want an aerated system, if you think that's what it takes to get the water quality, that's what it will be. That last one we looked at was adjacent to one that Buddy Baurer built several years ago, I can't think of the name right off the top of my head, there's a fountain in there off Eissler Road, because the pond is small, it needed a fountain to keep the water aerated. We required it, he put it in, everybody's happy. But, in answer to your question, Mr. Tornatta, I do believe that this plan will raise the elevation of these building lots in such a way that the water will be drained off the backside, down the swale and into the pond that will hold it, thereby drying up the shallow standing water that's out there today. That's the kind of water that mosquitos breed in.

President Nix: Mr. Jeffers? Oh, excuse me.

Commissioner Tornatta: No, I was just going to ask—

President Nix: Go ahead.

Commissioner Tornatta: —Ms. Gibbs, does that help answer some questions for you?

Naomi Gibbs: No, I want to know when you build that up, that's not going to push the water into those lots on Lexington?

Commissioner Tornatta: No. In fact, if you can go out to some subdivisions and maybe if you can, even in your neighborhood, if you go out and look at the subdivision, the back of the subdivision will actually have a swale in between the houses. That is going to carry all that drain off to the detention pond and then off to the natural waterway.

Naomi Gibbs: Well, another, the mosquitos is a lot of the concern, because Mr. Flowers told me, he's the one that come to my house and informed me of all this, that if it still stays mosquito infested, and he's gearing this to 25 to 55 and up seniors. I would hate to see them in a mosquito infested area.

Commissioner Tornatta: Right. There again, I think that that individual might want to go and take care of some of those issues himself, if he's selling those lots in such a way that would bring him a profit. He's going to try and maintain those to the best of his ability.

Naomi Gibbs: Okay, but, like I say, I'm not going to live there. I live at another house, but I am in the process of wanting to sell my home there.

Commissioner Tornatta: Well, one of the things that we try and do in these meetings is to find out from the Surveyor, from the engineer, what types of plans he has, if they have thought of these certain plans, I mean, they are trained to do that, and they are very good at it. So, in this instance they are going to build it up to a lot that's even with the houses that are on Lexington, but there will be a point to where the water will drain off in between the houses on Lexington and the Preston Oaks, and then that will be forced out into the waterway, and into the Locust Creek.

Naomi Gibbs: Okay, because, now on the back lot of my house there is a sewer cap, how will that affect that?

Commissioner Tornatta: That's an engineer question. Do you have a, Mr. London?

Ron London: I believe she may be talking about the sanitary sewer system.

Naomi Gibbs: Yes.

Ron London: They are just going to tie laterals into that to tie into for the buildings back there.

President Nix: The question is, it's not a storm sewer, it's strictly sanitary? Those aren't combination out there?

Ron London: That's correct. It's strictly sanitary.

President Nix: This would have no affect whatsoever on that.

Naomi Gibbs: Okay.

President Nix: Now, if it was a combination, I could see your concern.

Naomi Gibbs: Okay, thank you.

President Nix: Thank you. Anyone else here who wishes to speak to this issue? Mr. Jeffers, anything else at all?

Bill Jeffers: No, I continue to recommend it, and we'll bring it back to you in a more refined form and address some of the questions that your remonstrators have pointed out to us.

President Nix: If we could, just when you do, if we could have a spot, I don't know how much trouble it would be, an elevation across this on Lexington there, just to verify. I don't know how much trouble that is.

Bill Jeffers: Spot elevations on the homes on Lexington?

President Nix: Yes, Lexington.

Bill Jeffers: It appears that this one will actually be about six tenths of a foot lower than the homes on Lexington, but we will give you some spot elevations.

President Nix: Don't go to a whole lot of trouble, just like Commissioner Tornatta said, we want to make sure we don't end up doing something that's going to cause—

Bill Jeffers: Exactly.

President Nix: The elevations need to be fairly close, so.

Bill Jeffers: They are actually upstream, in relationship to Locust Creek, they are actually upstream of this location. So, the one's on Lexington should be a half a foot higher.

President Nix: Okay.

Bill Jeffers: Yes, we'll give you some spot elevations to verify that.

Commissioner Tornatta: Move approval.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

Permission to Advertise Notice to Bidders: Ditch Maintenance

Bill Jeffers: Okay, I had brought some slide shows as part of my Surveyor's report, but in order to get out of here by 5:00, I would still like to show them to you, but I want to do the clerical work first so that we can advertise our notice for bidders in the newspaper a couple of times, and publish our specifications, which I've given to you in the yellow folder, and pay the claims to the people that we owe money to, and then we'll come back to the slide shows, if we have any remaining time. I put on your desk a notice to bidders, it's in the hand of your recording secretary, I've signed it, and I'm asking for Bill Nix, President, Troy Tornatta, Vice President, and Cheryl A.W. Musgrave, Member to authorize this with their signatures to be advertised in the newspaper twice. It's the exact same form as we had last year that you approved, with changes made to reflect the appropriate dates. We will be opening bids on April 3rd. Did I get it right this time?

Ted C. Ziemer, Jr.: Yes.

Bill Jeffers: I keep wanting to say April 6th.

President Nix: I would entertain a motion.

Commissioner Musgrave: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Receive Specifications for Annual Ditch Maintenance

Bill Jeffers: Then you may read the specifications, they are pretty much in final draft form, we might find some typos or whatever in here that we'll clean up before the first time it's advertised in the newspaper, it will be ready to go. But, at this time it is, to the best of our knowledge, ready to go. We ask that you receive those.

Commissioner Musgrave: Motion to receive.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: If after you are finished perusing those, you don't need them, we could use those and send them out to the contractors and save some money on printing. Thank you.

Surveyor's Report on East Side Urban Drain & Eagle Slough

Bill Jeffers: Okay, Charlie Alvey, the Chief Deputy, has prepared for you a slide show, which is part of our annual report this year on the East Side Urban drain, and we are specifically concentrating on the portion of the drain known as Hirsch Ditch, also known as part of the Wabash-Eerie Canal, because it contains the pipe at Morgan Avenue that we're wanting to replace. We're trying to make our regulated drains adequate to carry the 100 year flow rate, under 100 year flood conditions in Pigeon Creek, and we're planning to reconstruct a portion of the regulated drain, as we'll point out as we move through the slide show. We'll be looking at East Side Urban regulated drain, and specifically the old Wabash-Eerie Canal, which is currently known by us as Hirsch Ditch. Our project limits for this particular project began at Green River Road and Morgan Avenue intersection with pipe number one. We have had American Consulting Engineers, who have changed their name to Structure Point, study this area all the way up through the sixth pipe. Well, actually they studied it all the way to Burkhardt Road, but we're going to talk about what we found in these six pipes. As you know, this is the pipe conglomeration that we're wanting to replace at Green River Road and Morgan. This pipe on your far right, actually just drains the road system for Green River Road. It's not part of our regulated drain. It empties into our regulated drain. This corrugated metal pipe is one of the pipes that comes in at an angle from the other side of the road. We have no idea what's going on up underneath the road there and why it takes these angles.

It did not follow the set of plans that was developed for it in 1978. For some reason, I guess, when they got up underneath there, they ran into some utilities and it ended up like this. Also at a lower elevation than the other pipe, which is a concrete pipe. Next slide. That's a close up of the metal pipe. Next slide. That's a close up of the concrete pipe. You can see that both of them are somewhat obstructed. I believe they're undersized. Right now the engineer is telling us somewhere between a nine by nine and a ten by twelve box to replace this. This is the upstream end of the pipe, it's at some crazy angle that you can't hardly see here, but this is really a 45 degree angle coming off that drain, rather than in straight alignment like it should have been. So, it's not taking as much water as it could. So, that structure number one needs to be replaced, and we've talked about that at great length with INDOT, and we continue to await the final design from our consultant. The next pipe is pipe number two, it's up here in front of Kight Home Center, underneath a railroad spur. The railroad spur, they say, is still active. You can see water standing in it, half full all the time, because it's obstructed. Next slide. This is the downstream end of it, and you can see water is obstructed not only in the pipe, but at some point downstream something's holding the water back up in that pipe. Next slide. What was identified as holding it in there is some silt bars that are in there, and I thought that was on a slide, but it might be on the next one. Anyhow, that pipe needs to be cleaned out, as well as the ditch downstream of it. Pipe number three, you can see it's, this is the downstream end, this is the old Complete Lumber store, which I believe is a kitchen design store now. This is the type of obstructions we find all the time where construction in this heavily developing area has released rock, silt, what have you into our ditches, and it's accumulated in silt bars like this, sediment bars. It's holding the water back in these pipes half full. That's just some construction debris that blew in there. Next slide. At the upstream end of the pipe, same thing, it's just, they're all obstructed, they need to be cleaned out. Next slide. Pipe number four is up here at, it goes into a warehouse between the Complete store and whatever store this is. They say it's still active, I have my doubts, but that pipe at least is less than half full. So, it's not as severely obstructed. Next slide. The upstream end is, all this rip rap that was slurried and has fallen down in front. Next slide. Pipe number five is under the entrance to the new Home Improvement Warehouse. They moved from this building here, they moved over to this building so that they have frontage directly on Morgan Avenue, rather than have to enter off this spur of Oak Grove Road. I guess they have higher visibility here and a nice warehouse. So, that's their entrance, it's not as obstructed, but you're not getting full flow in that pipe. The channel needs to be dressed up. Next slide. Next slide, Charlie. Upstream end has the same kind of problems. It's got a sediment bar sitting in front of it, and some rocks tumbling down in front of it. Okay, pipe number six, I'm hoping we can remove this one completely. It's one of the biggest problems out there. It's on an abandoned railroad spur owned by Norfolk Southern. Let's take a look at that pipe, Charlie. You can see the railroad spur, the rails have been partially pulled out, up here they don't exist at all. So, it's not going anywhere. Railroad ties are gone, the pipe is half full of water all the time. Let's take a look at the upstream end. All this stuff has been pulled out at one time or another. We've gotten dump truck loads out of the front end of this pipe. This is the first one downstream of the developing area, and it catches most of it. We've gone out there and pulled two or three dump truck loads at a time out of that pipe.

Madelyn Grayson: Excuse me, Bill, can we change the tape real quick?

Bill Jeffers: Sure.

(Tape change)

Madelyn Grayson: Thank you.

Bill Jeffers: Okay, the Morley study that the Commissioners commissioned a couple of years ago for the entire flood plain out there says that each one of these pipes is a nine by six plate arch. You can see that they're not, the water stands like that all the time, they're not utilizing half of that square foot opening. Our consultant who we hired to specifically study this area down through here and give us recommendations on how to convey a 100 year flow through here, has said that indeed those are six by nine pipes, and they're very hard to measure because they are, you know, full of water most of the time, that that's an eight foot equivalent diameter, and that could handle a substantial amount of water and we shouldn't be having any flooding problems. That they were designed to handle the 100 year flow, and that if we make some improvements they might be able to come out here and verify that that will, without much expense, handle that flow. So, their recommendation is that we clean out the obstructions that we've shown you here today, clean out the pipes, and then come back and measure them and examine the internal condition of those pipes, see if they're, they were put in around 1979, to see if they have deteriorated to the point they need replacement, or whether they could just be fixed up, or which ones need to be replaced and which ones need to be fixed up and left alone. So, in these specs we have specifications for doing just that, cleaning out those pipes. We feel this is one of our major issues this year because of the development of your TIF zone, is drained by this area, and we want as rapid a development of that as we can get, so that we don't want people being apprehensive about flood insurance or flooding issues. Okay? I'm going to skip real quick to the next slide show, well, we'll go back to that some other time, that's a different issue altogether. This one is on Eagle Slough which is the ditch that drains pretty much the whole southeast side of Evansville. It's the regulated drain that passes through the area that you're looking at, the 72 acres you're looking at to possibly purchase from the state. It drains K-1, K-2 and K-3 pump stations. There are existing obstructions and structural concerns associated with this, according to our consultant. There is an inspection and maintenance access issue. It's hard to get in and out of some of these places on a regular basis to either examine their condition or to have emergency responses to something that might cause flooding. The consultant is also doing a storm water quality evaluation because of all the urban runoff that comes out of those pump stations. We are developing a long range plan, including recommendations, cost estimates and permits that are required for regulations and so forth. This is the very upstream end of the ditch. You can see it just runs through some corn fields east of Green River Road. It's just a farm ditch at that point, but as you move down through the wooded area, and this is similar to the area, the 72 acres you're looking at, it becomes a rather large drain. We've tried to maintain the vegetation on both sides natural, but accessible, and to keep the trees somewhat back from the top of the banks. We're restricted as to what we can do to remove trees anymore, because of DNR regulations in the wetland, but this is fairly suitable for embankments in a rural area. It's not so bad. However, it's also a good habitat for beaver, who like to go up in here and cut these young willows and drag them down here and make beaver dams. That's one of the main problems we're experiencing, and one of the main concerns for the levee corporation and for the storm water task force and for the property owners who have property back up in there that have experienced serious flooding. Then we have areas where there is rip rap available for persons who may be trapping or fishing, and they take it off of your bridge revetment, say at Weinbach Avenue, they take the bridge department's rip rap, and move it downstream a little bit and make a crossing so that they don't get their feet wet when they go fishing. So, sounds funny, but these things have to come out too. Okay, Charlie, and they do collect debris. This is another

beaver dam. You can see we've tried to keep the vegetation back as best we can, the woody vegetation that beavers use, but they are industrious animals, and they will travel several feet to get suitable material to build the dam.

Ted C. Ziemer, Jr.: Do they travel by that canoe?

Bill Jeffers: That's one of the only ways we can get in there to inspect that area. Okay, here is K-3 pump station, this is a river gauge here. There's K-3 pump station, this drains all that area around Lodge School and into Lodge Avenue, all that. The beavers have gone up into that lateral and built a fairly substantial dam. The County Highway Department took that out a couple of years ago, and here it is back again. That backs water up against this flat gate, and, that's not so much of a problem until the sediment continually settles out and blocks the flat gate. So, this will be part of our removal. We will take on the responsibility of removing this beaver dam on a regular basis, and possibly hiring a trapper to remove the beavers and relocate them in a more suitable environment. This is just downstream from the same location. It shows that the beavers are also active in the main channel. Yet another beaver dam, we're just trying, I think we're trying to reinforce that there's a problem with beavers, okay. Okay, our structural concerns are limited, basically, to local spot improvements here and there. There's a few places in the drain that do need embankment improvements or need additional rip rap around the bridges to replace rip rap that's been removed either by the strong flow of the creek, or physically removed by persons. We do have an issue with maintenance and inspection access. We hope that that 72 acres, if it ever comes to fruition, will give us more access to an area, particularly along the U.S. 41 right-of-way, where we do have significant obstructions to the levee pump station, and that just coincidentally happens to be one of the hardest places for us to access with equipment. Our preliminary recommendations have come from the consultant. Our on-going beaver population control, storm water quality monitoring is recommended for the areas that are being discharged out of the urban area in the city, and also there appears some illegal dumping that has gone on that we are probably going to have to clean up, not associated with the 72 acres. It's more up around Weinbach, and it appears to be agricultural herbicides, pesticides, we haven't specifically identified what they are, but they are in barrels. We want a hydraulic analysis to evaluate any pending issues that might affect the storm water task force that the city has going. Hopefully, nothing that we maintain is restricting any flow out of the city. We want to take care of any issue that would leave anybody with any concerns in that regard. So, we will be pursuing that with specifications later this summer, because we don't have the final recommendations on that. I just wanted to bring it to your attention as part of my report.

Commissioner Musgrave: The funding issues, do you have funding to cover these? Or will you have to seek funding?

Bill Jeffers: We have a fairly good source of funding through our annual assessment on this drain, because so much of it is urban, in the city, that we get a substantial, I think we get \$30,000 a year in assessments that should go a long way towards that. Do, does anyone else have any other questions about our report? There will be a written report follow this, probably after road school, when we come back after road school we'll have a written report.

President Nix: Thank you, Mr. Jeffers. That was very enlightening.

Approval of Ditch Maintenance Claims

Bill Jeffers: The only bit of information I have, or business I have is the claims for the maintenance operators who have finished their work, and it has been inspected and approved by us.

Commissioner Musgrave: Motion to approve the claims.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: Then, I'm at your service should you have any questions about anything we're doing.

President Nix: No other business at all then?

Bill Jeffers: No, sir.

President Nix: Questions?

Commissioner Tornatta: I was going to say, before we get out of here, not to confuse two meetings, but do you think we could, I would like to recommend that we send a letter to the County Council so that we get a, get one of their members to be at our department head meeting.

Commissioner Musgrave: I can go ahead and write that letter.

Commissioner Tornatta: Okay.

President Nix: Do we need that in a motion?

Commissioner Musgrave: Is that a motion?

Commissioner Tornatta: I make that in the form of a motion.

Commissioner Musgrave: I'll second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Mr. Jeffers, thank you.

Bill Jeffers: Yeah, I'll see you guys at road school. Have a safe trip up there.

President Nix: Thank you. Is there any other business to come before this board? If not, I will entertain a motion to adjourn.

Commissioner Musgrave: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: You all have a good evening.

(The meeting was adjourned at 4:49 p.m.)

Those in Attendance:

Bill Nix	Troy Tornatta
Bill Jeffers	Ted C. Ziemer, Jr.
Brenda Jeffers	Bill Mattingly
Mike Gaddis	Naomi Gibbs
Others Unidentified	Members of Media

Cheryl Musgrave
Madelyn Grayson
Nathan Mominee
Ron London

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Troy Tornatta, Vice President

Cheryl A.W. Musgrave, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
MARCH 13, 2007**

The Vanderburgh County Drainage Board met in session this 13th day of March, 2007 at 4:47 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 13, 2007 at 4:47.

Approval of the February 27, 2007 Drainage Board Meeting Minutes

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

Commissioner Tornatta: So moved.

Commissioner Musgrave: I'll second.

President Nix: All in favor?

All Commissioners: Aye.

Kolb Ditch Evaluation & Improvement Recommendations

President Nix: Mr. Jeffers, good afternoon to you, sir.

Bill Jeffers: Good afternoon, Commissioner Nix. Last year we employed Wessler Engineering to take a look at Kolb Ditch and give us an evaluation of its condition, and produce some recommendations for its improvements. That's not the map on your desk, that may be a later discussion, but, today we have Brian Mundy, who's a civil engineer from Wessler, who will give you a five minute quickie on the evaluation of Kolb Ditch and some recommendations for its improvement over the next several years.

President Nix: Thank you.

Brian Mundy: Thank you. I'm Brian Mundy with MD Wessler. We were hired about nine months ago, like Bill said, to evaluate Kolb Ditch. The goals of our evaluation were to take a look at the structural conditions of Kolb Ditch from Covert Avenue to the Ohio River levee system down by Angel Mounds, to propose some conveyance and stability solutions, to propose some best management practices, or BMP's, for improving water quality and removing sediment from the drain, and then to develop a long range plan to implement our recommendations, and then to also look at cost implement requirements. We broke this project down into five areas starting out, because we knew that we wouldn't be able to fund the whole project at one time. So, area A goes from Covert Avenue to Seasons Ridge Boulevard, which is basically the entrance to Price Park. Area B goes from Seasons Ridge Boulevard to the entrance at Eastland Estates, which is, basically, through Price Park. Area C goes from Eastland Estates, through Audubon Estates, and terminates at the spillway into Audubon Estates lake. Area D encompasses just the lake itself. Area E is Audubon Estates lake to the Ohio River levee system. This photo here shows the general

condition of the drain. This is looking northwest from Seasons Ridge to Covert Avenue through a farm field. You can see this is, this was taken in, I would say July of 2006, and you can see there's water standing there in a relatively dry period of the year. That's typical throughout the drain. You can see there's been sediment build up and that sort of thing. This is looking from Seasons Ridge across through Price Park, and you can see that the ditch is wet through there, there's been water standing, there's been complaints of mosquito infestation through this area when the kids are out there playing soccer and things. This is looking at Eastland Estates Subdivision, just a typical culvert under one of the subdivision streets. You can see there's sediment build up at the entrance to that culvert, which is typical throughout the entire drain. Area D is the Audubon Estates lake. This is one area that we took a hard look at. As you can see, the rip rap there, the top, depicts about where the high water line used to be years ago. Now, what has happened is, we think the lake has started to leak through the bottom, and it's going down. There's been people that have built docks. This is kind of a temporary dock, but around the lake there is sort of permanent docks that are now unusable because the water is, you know, six or eight feet lower than what it used to be. This is the lake outlet into the box culvert that goes under I-164. As you can see there is quite a bit of erosion through there. What's happening is during, whenever it actually rains, as flat as it is out here, because this lake is down so far, water is actually flowing backwards into the lake and causing this to erode out. There is also, up to the, back to the north you can see that ditch that's coming in there at the top of the picture, there's, some water was diverted when the interstate was built, because the subdivision was split in half, and there is a lot of water that's coming down that ditch there that's turning and actually coming into the lake because of the lowered elevation of the lake. This is just, this photo here is just a picture of Area E, which is off of Pollack Avenue. There's another farm field there with a lot of sediment that's getting into the ditch and clogging it up. This is just a look at the culvert that's coming under Pollack Avenue. This is between Pollack Avenue and the levee system. You can see the typical sediment build up throughout that area also. Also, just to show you, we took a couple of photos when we had the big storm back in 2006. We went out there, and this is some typical flooding that you saw along the ditch. Of course, all the streets in the subdivision were flooded also. Probably, no matter what we do to the actual drain itself, we're not going to eliminate flooding in this type of a rain, but, I thought it was a nice photo to show what it looked like out there. This one here, if you remember the boat dock with the paddle boat from the previous slide, this is what the lake looked like that day that we had all the rain. Actually, it's up about two feet or so higher than what it should be, but the lake does fill up during a high rain event. So, some of our preliminary recommendations, Area A, which is from right at Covert Avenue, we recommend grading that to flow back to Covert Avenue and into the City of Evansville storm sewer system, which is the way it appears that it was meant to be in the beginning. Then, install a filter strip along both sides of the drain to help catch some of that sediment before it gets into the drain, and, hopefully, keep that open at an estimated cost of \$25,500. Recommendations of Area B, we can grade a portion of that through Price Park to flow northwesterly back to Covert, which is about halfway through Price Park. The remaining area will drain on through Eastland Estates and into the lake at Audubon Estates. Then, also, we recommend installing a storm water pond at Seasons Ridge Boulevard, between Park Street and Seasons Ridge to serve a couple of purposes, to remove sediment from the water, and to, it serves as a best management practice for mosquito control. Area C, reset the culverts under Glenmoor and Ridgeway. There's a couple of culverts through those subdivisions that when they were put in, they weren't put in at a proper elevation, and they are adding to the problem. You have very little fall through this entire project area, and it's important to have these culverts on the right grade to allow the

water to drain out. Also, we looked at putting in (Inaudible) retention areas which are just aesthetic areas to help remove sediment out of the storm water to enhance the look of the area, to maybe give the residents something to want to take care of, rather than put their yard waste and things in. The estimate for that area, Area C, is \$104,500. Then the big thing, the lake, we looked at two things in the lake, to seal the lake and bring it back up to the elevation that it was when it was constructed. There are basically two methods we looked at sealing the bottom using Bentonite. One method is called the sprinkle method, where you basically go out in a boat and sprinkle the Bentonite across the entire surface and it falls down to the bottom and seals the cracks, hopefully. The other method is called the mixed blanket method, where you actually drain the lake, we go in, we take out all the sediment and then we mix the Bentonite in with the soil. That will provide a really good seal. As you can see, the sprinkle method is \$95,500, where the mixed blanket is \$131,900. So, there is a substantial cost increase to draining the lake and doing the mixed blanket. Then, Area E, we looked at that area, and, basically, all that really needs to be done through there is it needs to be regraded. We need to install a filter strip through the farm field to take the sediment out, to help keep it from clogging up. Then we recommend putting another storm water pond between Pollack Avenue and the Ohio River levee, just to give a little bit of extra storage through that area. The estimated cost of that section is \$89,100. So, basically, what we're looking at for the entire project, using the....keep going, keep going, keep going, there you go, using the sprinkle method in Area D, the entire project you're looking at about \$392,700, where the mixed blanket method you're looking at about \$429,100. So, we've put all this together in a preliminary report that I've delivered to Bill for his review. Then, once he finalizes it and gives me his changes, we'll be putting it together to deliver to you for your reading enjoyment. So, that's all I have. If you have any questions, I would be happy to try to answer them.

President Nix: Thank you.

Brian Mundy: Okay.

President Nix: Questions?

Commissioner Musgrave: I do have a question for the Surveyor Jeffers. So, how much of this do we have funding available for? I mean, what's the level of funding that we have?

Bill Jeffers: Our level of funding at the present time, and before I tell you what that is, let me reinforce that the way we have assessed since I came to work in 1981, was based on how much it cost to spray the bottom of the ditch and sterilize, kills the cattails, and so forth, spray herbicides on the side banks to keep the horse weed down and that type of thing, and send a mower through there once or twice a year to mow satisfactory at the end of the season, to mow down all the noxious looking weeds, and because it's a residential area, keep it somewhat groomed. And, at this point in time that costs us in the neighborhood of \$8,000 a year. So, our total assessment for the year is \$9,000 every year. The reason, and because we are very frugal with our applications of spray and mowing, we were able to accumulate a surplus in that account sufficient to hire a consultant to come in and give us some ideas about what really is needed to convert this regulated drain into a properly operating drain. I'm sure, as we went through the slides you saw areas that had been the subject of many complaints over the years from the Audubon Lake Owners Association about the condition of their lake being five feet too low, all the pipes that come in from the street system are caving off, and there's erosion all around the

lake. We've spent about \$20,000 on that lake in the last ten years. Actually, the lake itself, our entrance into the lake, where our drain comes into the lake and leaves the lake is our responsibility. The lake itself is the responsibility of the homeowners association, and we are just trying to assist them with an evaluation of what it needs. I was working as Chief Deputy Surveyor when Audubon Estates was approved for drainage plan, and we recommended at that time that the lake be Bentonited and sealed, because it's a huge sand pit that was used as a borrow pit for the construction of I-164. Our recommendation was not followed, and the lake now leaks, and that's the result is what you see. So, I guess, what your question is, how long will it take us to accumulate \$392,000 at \$9,000 a year? I'm sure, you have a calculator up there and can tell me that answer. What I would like to point out is that several of the recommendations that are being made by Wessler, which have been enumerated by Brian today, are recommendations that we probably should enter into partnerships with the Parks Department to complete in Price Park, with the homeowners association in Audubon to do their lake, and so forth. That a lot of his recommendations have to do with water quality, and when we establish our storm water, I don't know what you guys are going to do about the Rule 13 stuff, or you may have a storm water utility in the future. Or you may have assessments for that in the future, like other communities have. Some of the money could come from there. Additionally, some of the culverts that need to be reset are in Price Park, and the Parks Department contractor set them too high. Then there are others that over a period of time need some adjustment that may fall under the Bridge Fund, I'm hoping. So, I think it will be a combination of funding, some creative funding, maybe some grant, seeking some grants, maybe some partnerships with other entities, state, federal and local to get some of these things done. I just wanted to put in front of you what we feel is what's really necessary over the next ten years to bring the entire system into a better condition.

Commissioner Musgrave: I've heard discussion that came up as a result of the hearings that the city is holding talking about the southeast side flooding, and there are some comments made by folks who are suggesting that the city will implement a, some sort of taxing district to deal with those problems. Would these costs be appropriately included in such a taxing district?

Bill Jeffers: To some degree with this particular ditch, I think so, because it drains Audubon Estates, I mean, Arcadian Acres, excuse me. It drains some areas of Arcadian Acres that had been subject of the Storm Water Task Force planning. But, not so much to the same degree as say Eagle Slough, which drains the entire southeast side. I would be going after funds for Eagle Slough from federal funds, or whatever funds are available, because that drains more of the area of the city that's adversely affected by flooding.

Commissioner Musgrave: Would you inquire with, I don't know who's leading that task force, whether or not they are considering a taxing district for water issues? And, whether or not it will be asked to be joint in anyway? Because if it is, then your \$9,000 a year will never address this problem, and I'm not sure how else it would get done.

Bill Jeffers: Okay. I'm on that task force, I'll eventually have the chance to broach that subject when they start talking about funding.

President Nix: One question, and I know unless it's all completed it's probably not going to do us a whole lot of good, but the culvert or whatever structure is

underneath 164, is it in decent shape? Or is that, because, I mean, that kind of turns into a state issue, doesn't it?

Bill Jeffers: The culvert itself is in decent shape.

Commissioner Nix: Okay, so that, there's not necessarily a problem?

Bill Jeffers: But, what the state did, what INDOT did by diverting the water in such a way, they are, they have reversed the flow of water into our system in such a way that it has damaged us. We just need to get something worked out down there. I would like to include them in the discussion. I had hoped when I started all this, there was a bill in front of the legislature that if we could determine the viability of a drain over a 20 year period, and then determine how much money was needed to bring that drain into total operating condition at the end of that 20 year period, we could then set the assessments based on 20, I mean, 20 one year increments to pay for that. But, that bill has now been taken out of consideration. So, it's not, it's no longer an option this year.

President Nix: And, once again, that's a long term deal there.

Bill Jeffers: Right.

President Nix: I mean, because—

Bill Jeffers: Right, and it's not available at this time—

President Nix: Right.

Bill Jeffers: —because they took that off the table.

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

Bill Jeffers: Thank you.

Report on Broadway/Johnson Culvert/Creek

Bill Jeffers: You had asked for a report on Broadway and Johnson in response to a citizen complaint. John Stoll has that for you at that time, if you wish to receive it. Thank you, Brian.

Brian Mundy: Thank you. Take care.

Bill Jeffers: This is a report that John sent to me (Inaudible). I will give you a hard copy, in case. Do you need an extra one?

John Stoll: One of the things that will need to get resolved out there is just legally what the county can and can't do. There are a number of problems with a structure that is located off the city's right-of-way for either, for both Broadway and for Johnson. It's located on private property. I've provided you with a copy of the most recent survey that was done out there, and it does show that the concrete block and timber structure is located outside of the right-of-way. The County Attorney will have to just give us some guidance as to what the county's obligations are, what liabilities we have, and things like that. The Beam Longest and Neff inspection report does

recommend replacement of the Broadway structure for next year. I believe they estimated 380 something thousand dollars, 386. So, that will be a number we would have to put in next year's budget, but that does not include all the off right-of-way issues that have to be resolved. As far as Johnson Lane is concerned, it's a dead end road, and that will dictate, we'll have to do something quickly as far as getting the new structure installed. That's why we were looking at pre-cast box options. The American Consulting report for the Carpentier Creek watershed had evaluated a 20 by eight foot box culvert. That caused 1.75 foot drop in the upstream flood elevation, so, there is a significant improvement. The question then becomes how to deal with everything that is located off the city right-of-way for Broadway and for Johnson. That's what I'll have to get with the County Attorney on, to see where we go from here.

Commissioner Tornatta: Real quickly, we did talk about the major influx of water is when the river rises, and at that point you have no gain.

John Stoll: Right, you would have a gain for upstream waters coming down, but when the river comes up and nothing is flowing, then you really aren't going to improve things substantially.

President Nix: John, do you know about what level the river has to be at before that takes place?

John Stoll: Off the top of my head, no, I don't.

President Nix: Okay, I didn't know if that, because there's a way we could look and see how much time of the year that would actually occur then.

Commissioner Tornatta: I think that's the issue, as it stands is, it's not necessarily the fact that the river comes up at any certain times or what have you. Obviously, this would help out to alleviate some of the waters, but it is the fact that when it does come up, you're at a crisis situation. What we don't want to send out is that we're going to alleviate this problem, because the river dictates the problem.

John Stoll: Another problem too is, the culvert under Johnson is significantly smaller than the next culvert up, actually, the next structure upstream is a bridge on Rollet's Lane. So, it's passing quite a bit more flow, gets to Johnson Lane and then it's choked down. Once that culvert can't handle it, it's my understanding that water then goes out of the banks and down Johnson Lane. We can increase the size of the Johnson Lane culvert, subject to what happens off the right-of-way, but then once that continues to the east, it then makes a, basically, a 90 degree turn to the south, and that ditch is not in good shape either. So, there's not a whole lot on right-of-way that can be done that can resolve these situations.

Commissioner Tornatta: Which brings us to the point, then do you excavate the ditch to a certain point to Bayou Creek in order to keep those levels as low as possible?

John Stoll: I didn't put all of the American Consulting recommendations in that hand out. I can get you everything, but the dredging of Bayou and Carpentier Creek was a multi-million dollar project, if I remember correctly. Another option they had recommended was cutting a new channel out to the river, rather than trying to upgrade the existing one, simply because the cost for the dredging, as well as the environmental permit issues that would come into play were substantial. So, I can get you the rest of those options, they just aren't included in what you've got there.

President Nix: Would there be a way to tell, like when you're looking out, I don't want you to spend a lot of time on this, but, to tell that three months out of the year the river is at a certain height anyway, and when it rains there's no place for the water to go? I would like to have that understanding that, or, I mean, is it just at a certain point? I mean, I'm sure at a certain elevation, when it rains, everything is full and there's no place for it to go. Is that once a year, twice a year? Is it for two months? Is it—

John Stoll: I'll have to look through that report again and see if it addresses anything like that.

President Nix: Because it seemed like when the neighbors were here, was it, I guess, a month or so back, it seemed like it was a whole lot worse when the river was up. I think one of you two addressed that at that time, that, you know, you can't make the river go down to let the creek, to relieve the creek. I mean, it's not possible.

John Stoll: Even separate from that issue, I mean, even though the river will control the drainage, but we've got two sub-standard structures out there, one on Johnson Lane and one on Broadway. So, we'll have to replace those anyway. So, independent of how much drainage improvement you're going to see by replacing those structures, those structures are in bad enough shape that they were recommended for replacement. So, we'll have to replace them, it's just how much drainage benefit anybody will see out there. So, we'll have to do some work regardless. It just may not provide the benefit the residents are wanting to see.

President Nix: Okay, fair enough. Thank you.

John Stoll: You're welcome.

Bill Jeffers: I'm going to say something briefly before I go, I forgot earlier, when Commissioner Musgrave asked me, and you guys probably already know this, but for those viewing at home, the \$9,000 we collect per year on Kolb Ditch is a drainage assessment for the spraying and mowing and maintenance of that ditch. That comes from the individual parcels that drain into the ditch. So, if we were to raise that assessment, every parcel would have to pay a proportionately higher amount. It's a user fee. So, that's why we've kept it very low, and just kept the spraying and mowing our main focus. When we get into something that's going to cost several hundred thousand dollars, you can see that the five dollar assessment that a parcel pays every year, for the \$9,000 total, that five dollar assessment could be \$50 or \$100, or \$300 or whatever, depending on how high we went. So, I wanted to throw that out there. As far as dredging the tributary from Broadway down, I put a map on your desk, aerial photograph, at the north end is Broadway, at the south end is Bayou Creek, and it shows that there's a total of about 5,000 lineal feet of that creek that would have to be dredged. Most of it, well, all of it is in the flood plain, most of it is inundated when you get up around 372 or so. I'll have to check and give you a figure on the river stick, in other words whether that's 38 feet or 42 feet on the river guage. That's what you're wanting to know, and that's what I'll have for you next week.

President Nix: Yeah, in relationship to elevations up there.

Bill Jeffers: I'll have that for you next week.

President Nix: Alright, thank you.

Bill Jeffers: In the meantime, I want you to consider that 2,600 feet of that is in the city, that's from Broadway to Nolan, and 2,350 is outside the city, the remainder that goes down from Nolan to Bayou Creek. So, you have approximately 4,950 feet, or I'm calling it 5,000 feet, by the time you do your blending. The entire creek is tree lined, as you can see from the aerial photograph, and it has limited access for equipment to get in to do the dredge work. Both banks are tree lined and present severe access and working area restrictions. Once you're in there, you can't swing your bucket, because there's a tree right here and there's a tree right there. So, you can reach out and dip the silt out of the ditch, but you can't swing your bucket to get rid of that bucket load of silt. So, I did a tree count using that aerial photograph, I zoomed in and there's approximately 30 trees for every 100 feet that would require removal to provide work space. So, every 100 feet out of that 5,000 feet you would have to remove 30 trees, which comes out to a minimum 1,500 trees would have to be removed just to be able to get in there and swing your bucket. Some of those trees have fallen down, so I was able to measure them using the, you know, the digital measuring stick, because they are laying flat on the ground, the shortest tree I saw was 30 feet tall before it fell, and the tallest was 110. So, we're talking about some mature trees would have to be removed, you know, up to 100 feet tall. So, I'm estimating minimum tree removal at \$100 per tree, just going in there and sawing them up and grinding them up and letting them haul the fire wood out, it's still going to cost you \$100 a tree.

Commissioner Tornatta: Now, where's the good news?

Bill Jeffers: Pardon me?

Commissioner Tornatta: Where's the good news?

Bill Jeffers: The good news is it's only \$150,000 to remove those 1,500 trees. Then your sediment removal I'm estimating at ten dollars a foot, dipping it out and then being able to deposit it on site. Not hauling it away. Hauling it away would be \$20 a cubic yard. So, just taking it out and moving it and spreading it right there on the bank, I'm estimating ten dollars a running foot, or \$50,000. Coincidentally, that comes out to \$200 an hour for five, 50 hour weeks. Which, I think is about right for that kind of work. This doesn't include any easement purchase, because there are no easements in the county for this ditch. It's not a regulated drain. It's a private creek. Doesn't include any crop damage that someone might pursue, erosion control planning that the state's going to require, maintenance of erosion control efforts, permits, mitigation. You're working in a wet woodland, you're going to have to mitigate the loss of those trees. Then the seeding of the banks, etcetera. So, it would be a substantial project, and if I could just go out and do it with no permits and none of today's type of restrictions, I could do it for you for \$200,000. But, as you'll find in American Consulting's report, the environmental considerations and mitigation and everything is going to be considerable.

President Nix: Okay. Thank you.

Ditch Maintenance Claims

Bill Jeffers: The only other item of business, and I will get you that figure on what the flood water does next week. I have no other business except for claims for work that's been completed on regulated drains. Your recording secretary has the paperwork in front of you, and I would ask that you approve those claims.

Commissioner Musgrave: Motion to approve the claims.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Any other business?

Public Comment

President Nix: Anyone here from the audience that would like to speak to the board about items pertaining to drainage? If not, I will entertain a motion to adjourn?

Commissioner Musgrave: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 5:20 p.m.)

Those in Attendance:

Bill Nix	Troy Tornatta	Cheryl Musgrave
Bill Jeffers	Ted C. Ziemer, Jr.	Madelyn Grayson
John Stoll	Brian Mundy	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Troy Tornatta, Vice President

Cheryl A.W. Musgrave, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
MARCH 20, 2007**

The Vanderburgh County Drainage Board met in session this 20th day of March, 2007 at 3:45 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 20, excuse me, Tuesday, March 20, 2007 at 3:45.

Approval of March 13, 2007 Drainage Board Meeting Minutes

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

Commissioner Musgrave: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Tim Major Mini Storage 2007: Expansion of Existing Operation

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

Bill Jeffers: Good afternoon, Commissioner Nix, and other Commissioners, staff. We just have one drainage plan today, which is Tim Major Mini Storage. It's an expansion of the existing mini storage. You can see on the aerial photograph, on the left is the existing mini storage, and then there's a rock parking lot with some RV's in it there. Okay, he's going to expand that over into this square area that looks like grass. That's all going to be pavement, with two more buildings, and a paved parking lot in between the buildings for the RV's. Okay, we allow detention in a parking lot, so long as it's not deeper than six inches. He's going to detain in that parking lot, and then it will discharge into the lake, which is the dark rectangle with the boat dock. All of the water will go to that lake, and then it goes out to Pollack Avenue through a 12 inch pipe. So, the existing drainage system is in place. Basically, what we're doing is causing him to hold all his water from going onto the residences to the south. I can't think of if that's Caze Avenue, or, I can't remember right now. But, anyway, that street to the south, those residences will be protected against any additional storm water. It will all end up in that lake. So, I've reviewed the plan and recommend approval of—

Brenda Jeffers: Earl.

Bill Jeffers: Earl Avenue. I recommend approval of Tim Major Mini Storage expansion.

President Nix: Questions or concerns from the board?

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

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

<p>Letter to DNR: CSX Railroad Expansion Hearing Letter to State Regarding Pipe Sizing at Morgan and Green River</p>
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Bill Jeffers: Okay we had some correspondence I sent to Ms. Simpson of DNR. They are having a hearing next Monday. I sent you all an e-mail on that hearing they're having over at the Browning Room regarding three bridges for the rail line expansion you were talking about in your earlier meeting. It goes over Pond Flat Main, Pond Flat D, and Rexing Creek. They're proposing just to extend the existing abutments and plop down their new rail line on top of it. All three of those waterway openings are currently undersized, and we have a study to show that the main one, on Pond Flat Main, constitutes an obstruction that causes flooding of farm fields, and backs water up to Highway 41, and possibly on back up towards Peck Road and, is that, Baseline? Yeah, Baseline and Peck there's some flooding up in there. So far our study basically shows that it raises the elevation of the flood water about a foot. So, we're pushing for those waterway openings to be enlarged when they build their new bridges, for them to expand them. I don't know if we're going to be able to do it or not. The railroad doesn't, or generally is able to show that if they're not raising the flood greater than it is today, they generally get by with it. However, as you know, you're spending several million dollars to raise a bridge over Pigeon Creek—

Commissioner Musgrave: Right.

Bill Jeffers: —12 feet.

Commissioner Musgrave: Are you going to have somebody at that meeting, even though (Inaudible)?

Bill Jeffers: I could have one of the Chief Deputies at that meeting, if you would like.

Commissioner Musgrave: I would, because it seems like we're going to have to apply some pressure for this.

Bill Jeffers: But, I have, as, you know, you've got a copy of what I sent, and that goes into the record. I asked them to put it in the record as if it were presented at the meeting. They said they would. But, I will send a Chief Deputy, if you would like.

President Nix: Okay.

Bill Jeffers: It will be at, what did I say, 4:30, Monday afternoon? Or 4:00, Monday afternoon in the Browning Room.

Commissioner Musgrave: And, the public's welcome to attend that, and to discuss—

Bill Jeffers: There will be some farmers up there—

Commissioner Musgrave: Okay.

Bill Jeffers: –who are very concerned about their farm land. But, as I pointed out in the letter, there's other industries in that area that are affected, and other public property; the state garage, the volunteer fire department, factories.

Commissioner Musgrave: Is this all part of the new, expanded siding that CSX was just telling us about?

Bill Jeffers: It's, that's, you had your meeting with the representative from CSX?

Commissioner Musgrave: Yes.

Bill Jeffers: It's that siding he was talking about, yes.

Commissioner Musgrave: That was Mr. Brian Glover, and he's the Supervisor of Public Affairs and Safety. If anybody wants to call him, that's 502-815-1835. CSX is proposing an expanded siding that would go from Baseline, over across Stacer Road, and they're saying that Stacer Road would begin suffering lots of stopped trains on it, the way Baseline currently does. So, these culverts are part of that plan?

Bill Jeffers: Yes, Ma'am.

Commissioner Musgrave: Okay.

Bill Jeffers: I noticed that in your meeting they were even possibly encouraging the Commissioners to consider closing Stacer Road. I'm sitting here thinking, well, here you have the police, the State Police post is right there at the end of Stacer Road, and that's their first chance to get across the railroad tracks to respond to anything over towards St. Joe or Owensville Road.

Commissioner Musgrave: I was interested that they were suggesting that they could pay us \$55,000 to close this road, and that we could use that to build an overpass, when overpasses cost around three million dollars. So, I would be agreeable to closing the road if they gave us three million dollars to build the overpass, but that's the only way I'm agreeable to closing it. But, he did go on to say that they could go ahead and put that siding there and stop those trains on there at any time that they felt that they wanted to. I know Commissioner Nix tried to convince the gentleman that if they put their sidings south of Baseline Road that they would be impeding no crossings. But, I got the impression that they would look at that, but that their decisions have all been made.

Bill Jeffers: Well, they do have an engineering department that generally, somehow or another, gets what they want.

President Nix: Yeah, I just think we need to–

Bill Jeffers: But, I'm not going to give up without a fight.

President Nix: Commissioner Tornatta is going to be working with this Mr. Glover over the next few weeks, and maybe a few months, and we'll address it. I'm comfortable that the right thing will come out of this.

Bill Jeffers: I guess, sometimes I get a little hot under the collar. I try not to, but, sometimes I do when I see the county is told to spend millions of dollars raising bridges two feet above the base flood elevation, which in your case is going to be

12 feet on Green River Road. It's quite an expense, and it extends the time that Green River Road will be closed, and, yet when we're out in the middle of nowhere, on a railroad track, even though backing that water up will adversely affect, substantially, you know, properties and public facilities, they don't seem to have to do it. I don't, and it's the same Division of Water that makes the rules. I just don't, but, I don't want to get too far into that. I've posted my objection to it, and I will have someone at the meeting.

President Nix: Thank you, Mr. Jeffers. Then, I also sent you a copy of a letter that I sent to John Stoll recommending an eight foot by 12 foot box culvert with wingwalls at Green River Road and Morgan Avenue for the Hirsch Ditch, Wabash-Eerie Canal, whatever you might wish to call it. For that state project at that location. I was recommending leaving the eight foot diameter corrugated metal pipe in place off to the side as an auxiliary.

President Nix: Okay.

Bill Jeffers: That's been forwarded to the state representative, Bart Mueller. I forwarded to him and to Imtiyaz Dalal, who is the engineer with their consultant.

Ditch Maintenance Claims

Bill Jeffers: Other than that, I have some claims for maintenance to regulated drains, and to other contractors who have finished their work. I've signed those claims. The work has been inspected and been passed. I recommend paying those claims.

Commissioner Musgrave: Motion to approve the claims.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: I have no more business, unless you have something.

Public Comment

President Nix: Is there anyone from the public that would like to comment? There's nobody here, so, I don't guess so. I couldn't see behind you there, Mr. Jeffers, excuse me.

Bill Jeffers: I do take up quite a bit of the view.

Commissioner Musgrave: Motion to adjourn.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: We are adjourned.

(The meeting was adjourned at 4:55 p.m.)

Those in Attendance:

Bill Nix	Troy Tornatta	Cheryl Musgrave
Bill Jeffers	Kathryn Schymik	Madelyn Grayson
Brenda Jeffers	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Troy Tornatta, Vice President

Cheryl A.W. Musgrave, Member

(Recorded and transcribed by Madeyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
APRIL 3, 2007**

The Vanderburgh County Drainage Board met in session this 3rd day of April, 2007 at 4:02 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, Tuesday, April 3, 2007, it's 4:02.

Approval of March 20, 2007 Drainage Board Meeting Minutes

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

Commissioner Tornatta: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

Permission to Open Annual Ditch Maintenance Bids

President Nix: Mr. Jeffers?

Bill Jeffers: Good afternoon. Our first order of business today is to open the bids that the Auditor received on our behalf from all the various prospective contractors who would like to do work on our legal drains.

Commissioner Musgrave: Motion to open the bids.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Ted C. Ziemer, Jr.: Are you going to have your gal come down here and write this stuff down? She did that for me last year, because there's so many of these. Or somebody did from your office, didn't they?

Bill Jeffers: Yes.

Ted C. Ziemer, Jr.: Could she do that?

Bill Jeffers: Okay. Is it 4:30 yet?

Ted C. Ziemer, Jr.: No, it's 4:00.

Bill Jeffers: I'll just lock my office, and have her do that.

Ted C. Ziemer, Jr.: Okay, it's a big help.

Bill Jeffers: Right. (Bill Jeffers makes telephone call.) Can you lock the office, or have somebody from the City Engineer's office sit there and answer the telephone, and come down and assist Mr. Ziemer with the....he would like for you to write the bids down on that spreadsheet, because it will go a lot quicker if we do that. Thank you. Thank you. While we're waiting for the bids to be entered into the record, we can proceed with the drainage plans.

Arlington Heights: Preliminary Drainage Plan: Deferred

Bill Jeffers: The first one, Arlington Heights, has been, there's been a request to remove that from the agenda, and move it forward a couple of weeks. The developer has had a recent operation, and was unable to meet with or notify the adjacent landowners, and would like to notify them, and give them a chance.

Commissioner Musgrave: Move approval to table this for a week.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: And, are we having drainage board meetings all through, are we having Commissioner meetings all through April?

President Nix: There will be one every week, every Tuesday in April.

Bill Jeffers: Then, that developer will be able to make the next Area Plan Commission meeting.

President Nix: That's fine.

Bill Jeffers: Okay.

Preston Oaks: Final Plan

Bill Jeffers: The next drainage plan to take under consideration is Preston Oaks. It's a final drainage plan that you considered as a preliminary plan earlier. It's on North St. Joe Avenue, north of AAA Auto Salvage Yard. On your overhead projector you can see an outline of Preston Oaks. It's simply a long row of residential lots, R-2, planned for duplex units, two dwellings per lot. It has an entrance road off of Charlotte Street, it then turns and runs west to a cul-de-sac, and there will be a pond at the end of the cul-de-sac to capture all the increased drainage run off and hold it in that pond until it's discharged from the northwest corner of the project and into a little channel that runs back to Locust Creek. Last month we had held up approval of the final drainage plan until the developer acquired a drainage easement from the adjacent landowner for the discharge point to make sure there was a sufficient easement. I think there was a ten foot easement, and they needed a little bit wider than that to improve it. The erosion control plan has been approved by Mike Wathen at the County Engineer's office. Both the developer and the developer's engineer are in the audience to answer any questions. They've brought their two good looking

kids with them to observe our proceedings. I have suggested that, because of the location of the pond in, near, you know, near the flood plain, and in a wooded setting, where the ground is very flat, that they should consider a fountain, if you'll remember, for water quality. While it's not a requirement of the drainage code to have a fountain, per se, it is a requirement for them to maintain water quality. There were some remonstrators, or residents adjacent who had apprehensions about mosquitos. So, at this time it's still my suggestion that they put a floating fountain, or a stationary fountain of some sort, but I would only require it if water quality degraded to the point of needing it. In other words, I don't think I should insist upon it until the water quality is such that it proves a necessity. So, I'm entering that as a suggestion. I've talked to the developer about that on the telephone and told him I would like for him to agree that if the pond develops into an algae covered pond, or any water quality issues arise, or mosquito issues, that he would install a fountain of some sort for water circulation.

Commissioner Musgrave: Mr. Jeffers, I serve on the Area Plan board, as do you.

Bill Jeffers: Yes, Ma'am.

Commissioner Musgrave: And I listened to a lot of the neighbors concerns about flooding and water and drainage. Is it your impression, or your considered opinion that this plan will alleviate the concerns that were brought up during those meetings?

Bill Jeffers: Yes, Ma'am, and to address those concerns more specifically, there will be a watercourse from the middle of these two large lots, and it's my understanding that someone out here on St. Joe Avenue wants to purchase a portion of those lots for a buffer zone, and that the developer is working with that landowner, who, I believe, lives in this home here. There will be a watercourse that gathers all the water from this low lying area, and carries it due west along the north line of the project, and into the pond. That would also capture any run off from the back yard of the adjacent, existing homes that now flows out into this open field. It would capture that and also take it to the pond, which is sized adequately for that watershed. Also, each home, and the drainage plan points this out, each home must be a minimum two feet above flood plain elevation, even though the flood plain terminates back here at this corner. These homes are not required to elevate above flood plain elevation by code. The developer has agreed to do that, and that is shown on the plan, two feet above the 100 year flood. The same as if they were in the flood plain. Then, I asked the engineer to show that that elevation of those homes would not be higher than the existing homes to the north. But, that being because the water flows to the south, you don't want the homes to the north to be higher than the homes, the homes to the south being higher and shedding water back that way. His plan also shows that they run between a foot and a foot and half lower than the homes to the north, while still being two feet above flood plain. So, therefore, I think he has not only met the requirements of the drainage code, he has exceeded the requirements in order to attain conditions that you and other Area Plan Commission members were concerned about in relationship to what the adjacent landowners had brought forward.

President Nix: Thank you. Do you have a question?

Commissioner Tornatta: I was just going to say, considering the opinion of the Surveyor, and all the concerns that you've had, I would like to make approval of the final Preston Oaks.

President Nix: Before we do, if we could, is there anyone in the audience that wishes to speak to this final plan for Preston Oaks? If not, the motion is on the floor.

Commissioner Musgrave: I'll second the motion.

President Nix: All in favor?

All Commissioners: Aye.

Shoe Carnival Executive Offices: Revised Plan

Bill Jeffers: Okay, the second and only other plan that I have to bring before you tonight is a revised plan for Shoe Carnival executive offices, located in Cross Pointe development. I believe it's 6C, I know it's section six, but, I think, alphabetically it's also 6C. But, you know where it is, out there off of Cross Pointe and Columbia. You're familiar with that. Our aerial photograph, of course, from 2004 or 2005, doesn't show the extension of Cross Pointe, but you know that it's since been extended up into the Hirsch property, and that your TIF plans are to extend it to Oak Grove. But, this here is Cross Pointe, and this is Virginia, it goes back into the apartments and around to the Ford dealership. This is the termination of Columbia Street. It will eventually go north of these apartments and back over to Sam's Wholesale Club. The project we're talking about is located on these three or four lots right here. But, the plan I have in front of you only shows a portion of this central lot and this lot, because that's the parking area for the executive offices. The issue that we're looking at here is that a 36 inch pipe drains these lots, this street, and angles through this parking lot and then takes not quite a 45 degree turn, and goes into a lake that's located up here, the detention lake, before it releases into Nurrenbern Ditch. Now, if you'll turn to the sheets I have attached to your agenda, you will see that we require manholes to be provided as access to any continuous underground storm sewer system, specifically for the purpose of inspecting and maintaining that system, and that they'll be provided, at various points, and one of those points is where an abrupt change in horizontal alignment occurs. The reason for that being that a lot of times, especially with smaller pipes, you might have debris accumulate at a bend in a pipe, and then the manhole give access for maintenance personnel to go down in there and remove pieces of lumber, straw that may have come off a recently mulched new development, pieces of plastic, whatever, styrofoam bats, it's usually associated with construction. Okay, the issue here today is that the developer, Woodward Realty, who is doing the construction, overseeing the construction for the Shoe Carnival development, wishes to have us approve an alternate plan for a manufactured pipe elbow. The pipe elbow has been manufactured at M&W Concrete. It was manufactured under rigorous specifications. Those specifications are on your desk as a shop drawing. I called out there and the mesh that, when they cut a pipe and expose the mesh and then angle it so that it becomes an elbow, and I'm sure Mr. Nix is very familiar with this process, then they either tie the reinforcing wire and rods together, or they weld them. In this case, M&W welded those wires, and they welded in additional wires for reinforcement, then they regouted the elbow and made it an integral, one piece structure. This is acceptable to any Department of Transportation specifications. The reason for doing this, obviously, is it saves some expense, it eliminates an unsightly manhole in the middle of their lawn. This is outside of the parking area, so, it's not, cars aren't parking on top of it. It would be just sticking up there in their landscaping and so forth, and I don't know if you've noticed, but as this has gone forward, Shoe Carnival is very interested in a nice appearance. They are doing a lot of landscaping, and

they are building a berm around their property for sight and sound barrier, etcetera. Now, you probably will ask, how will someone access that pipe elbow? Because, if something were to get lodged in there, obviously, they will have to access it. It's 19 feet from that elbow out to the flared end section that empties into the lake. The invert elevation of the flared end section is at or above pool elevation, so, there is not standing water in it. Someone could simply crouch down and not exactly walk upright through a 36 inch pipe, but it's large enough to, I mean, it's as large as a manhole would be, and it's 19 feet back in there from the flared end section to the elbow. So, that's there proposed method of accessing it for maintenance and inspection. I would like to go a step further and say that because it's on commercial property, it will be 100 percent the responsibility of Shoe Carnival or any heirs or assigns who later come into possession of that property to inspect and maintain that structure. It will not be the responsibility of the county or any other municipality that might come into jurisdiction at that point. I'm sure that the developer is aware of that, and I would ask him to make his client, Shoe Carnival, aware that they are 100 percent responsible for the inspection and maintenance, and any repairs that need to be made. I say that, because this piece of property originally was developed by Regency Corporation, and they have a vested interest in unobstructed flow through this 36 inch pipe, which also drains a goodly portion of their development.

President Nix: Will that be something that will be recorded in some type of a document?

Bill Jeffers: It should have been on the plat. I have not checked the plat, but it's pretty much understood in commercial development that the single developer or the group of developers who come into possession of all of these properties that are within the plat are responsible, singly or mutually, for the maintenance of their storm water structures.

President Nix: Okay, thank you.

Bill Jeffers: I'm just making sure that that's a matter of record, and that it's understood.

President Nix: Okay. Any questions?

Bill Jeffers: The next sheet I have shows that the board has the discretionary right, or the right to a discretionary decision in this regard. By code, if you feel that the petition before you is valid and has merit, you have every right to make a discretionary decision to set aside the requirement for a manhole and have that be substituted by a 19 foot crawl way.

President Nix: Okay, thank you. Is there anyone from the audience who would like to address the Shoe Carnival executive offices revised plan? Questions from the board?

Commissioner Musgrave: I would like to make a motion to incorporate the Surveyor's recommendations, all of them that he made, including the approval and the maintenance of this drain and all its aspects.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

Permission to Advertise: Notice to Bidders: Kelly Ditch

Bill Jeffers: Another piece of business that has come forward, after I'd made the agenda, but you're not quite ready to take the bids under consideration, is it's come to our attention over the past couple of weeks, from a farmer out on the county line just south of....well, he farms both sides of Indiana 62, Morgan Avenue, and he farms in Vanderburgh County and in Warrick County, oh, say between Epworth Road and I-164, Mr. Stahl, that our ditch out there, Kelly Ditch, has pretty much filled up with sediment and cattails, out along the area where Indiana Department of Transportation has recently improved, whatever it's called, Boonville Highway, Morgan Avenue. They have also installed several new drainage structures under the highway, and under the railroad tracks into our ditch, that has contributed a lot more pressure on the ditch, and may have contributed more sediment. We have inspected it, Ms. Freeman, the Chief Deputy has inspected it personally, as have two of our inspectors from our office, and they have worked with the farmers. There's a portion of the ditch that's almost completed filled with sediment and cattails, and needs to be cleaned out. This just came to our attention this spring, and Ms. Freeman has produced a notice to bidders, and a three page set of specifications that we would like to advertise for a bidder to come dip out the silt. I ask that you approve the notice to bidders and let us proceed with that in the next few weeks.

President Nix: Mr. Jeffers, will that go through our City-County Purchasing Department then? I'm just curious as far as the protocol on that.

Bill Jeffers: This is pretty much handled between the Surveyor's office, the Drainage Board and the County Auditor.

President Nix: Okay.

Bill Jeffers: It's all covered by the drainage statute, 36-9-27, and it's the same way we did these bids over here. It's just pretty much one that should have been in that pack, but it just came to our notice in the last month, and, so, we're asking to move it forward.

President Nix: Thank you.

Commissioner Musgrave: Do you have sufficient funding to award another bid?

Bill Jeffers: Yes, Ma'am. If we don't, if the bids come in too high and we don't have sufficient funding, it will not be awarded.

Commissioner Musgrave: Okay, motion to advertise, or seek bids.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: Thank you.

Commissioner Tornatta: I have a motion to take a 15 minutes recess.

Ted C. Ziemer, Jr.: I mean, I wouldn't do that, we're just—

Commissioner Tornatta: Okay.

Other Business

Bill Jeffers: Have you all got other Commissioner business, some paperwork that you would like to catch up on?

President Nix: We'll get signatures here.

Bill Jeffers: Just let the folks at home know we're taking a brief pause. What we're doing basically is opening the bids, we have a whole lot of them, and we'll be back on, at the microphone in a few minutes.

Reading of Annual Ditch Maintenance Bids

Ted C. Ziemer, Jr.: Due to the many bids we have received for various services on various ditches, I'm going to read the names of the various bidders and then advise you that we have listed the bids for the various services on the various ditches and they are available for review by anyone who would like to do that. The bidders are; Rexing Enterprises, RR Rexing Farms, John Maurer, M-a-u-r-e-r, Union Township Ditch Association, Shideler Spray Service, Eldon Maasberg, M-a-a-s-b-e-r-g, Big Creek Drainage Association, Townsend, T-o-w-n-s-e-n-d, Tree Service, Terry Johnson, and Mark Naas, N-a-a-s.

President Nix: Thank you, Mr. Ziemer. Any questions of the board?

Commissioner Musgrave: Motion to take the bids under advisement.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Anything else, Mr. Jeffers? I will entertain a motion to adjourn.

Commissioner Tornatta: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: We are adjourned.

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

Those in Attendance:

Bill Nix
Bill Jeffers
Others Unidentified

Troy Tornatta
Ted C. Ziemer, Jr.
Members of Media

Cheryl Musgrave
Madelyn Grayson

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Troy Tornatta, Vice President

Cheryl A.W. Musgrave, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
APRIL 10, 2007**

The Vanderburgh County Drainage Board met in session this 10th day of April, 2007 at 3:55 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, April 10, 2007 at two, or excuse me, 3:55.

Approval of the April 3, 2007 Drainage Board Meeting Minutes

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

Commissioner Tornatta: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

**Surveyor's Report on Sonntag Stevens and Keil Ditch
Study and Evaluation**

President Nix: Good afternoon, Mr. Jeffers.

Bill Jeffers: Good afternoon.

President Nix: How are you, sir?

Bill Jeffers: Fine. How are you today?

President Nix: Good. Thank you.

Bill Jeffers: I was waiting for the engineer for this drainage plan on the Christian Fellowship Church expansion, and he was in the Commissioners meeting, but we don't see him now. So, I think I'll skip forward to the next item on the agenda, if that's okay? Which is the Surveyor's report on Sonntag Stevens ditch study and evaluation that's being done by J.Q. Morley and Associates. Darrell Helfert is here today to present a six or seven minute Power Point presentation to bring you up-to-date with their findings and recommendations. This is a preliminary report, and it will be followed by a hard copy report that will give us concrete recommendations on what we should do on Sonntag Stevens and Keil Ditch. This runs through the industrialized area north of Lynch Road, between Lynch Road and Baumgart. It drains that entire industrial area, plus the residential areas of Knob Hill and Melody Hills. While we have limited funds, I think the final report is going to give us, say, a five year recommendation, or five year recommended program to utilize our limited funds to bring about some recommended changes. I think you'll see the need for the improvements as Darrell presents his Power Point.

Darrell Helfert: I've just given you a copy of what you're going to see up there. So, that if you have any ideas or questions later, you'll be able to refer back to that, I hope.

President Nix: If you can, for the record, state your name.

Darrell Helfert: Oh, I'm sorry. Darrell Helfert with Morley and Associates.

President Nix: Thank you.

Darrell Helfert: We've been working on this project for a little while, and, so, Bill asked me to give you kind of a brief overview of where we're at so far, and what we are hoping to accomplish in the long run, I guess. Go ahead. As the goals were laid out to us, obviously, there's a lot of problems with some of the legal drains in the county. So, we were going to look at structural conditions as far as bridges and culverts, and even the channel itself, looking for problems that need to be addressed. We were looking at trying to come up with solutions to improve the conveyance and stability of the drains themselves, so that there won't be problems later down the road. Looking at possible types and sources of storm water pollution, which is becoming a bigger issue these days. In this area there are an awful lot of industrial complexes out there. Then depending on what kind of pollution we find, we would be recommending what kind of best management practices to be instituted in the field. Then, as far as looking, like Bill referred to, a long range plan, so, we identified the deficiencies, make recommendations, look at the permitting requirements, which will obviously be a large factor in this project, and then come up with some estimated costs. This is the basic study area, it's bounded by 41 to the west, St. George Road to the north, Lynch Road to the south, and Oak Hill Road to the east. For you not familiar, Keil Ditch runs along the railroad tracks just behind Whirlpool. Then, Sonntag Stevens runs from behind Whirlpool and then heads, basically, east up to Oak Hill Road. We've broken the study area down into five different sections. I won't read those off to you, but, basically, the first section is the residential area by Oak Hill Road. The next two sections are the main stretch from there down to the confluence with the other section of Sonntag, just west of Garrison Avenue and Hitch Peters. Then, section four is the section that runs from the Keil Ditch confluence to Lynch Road, and then Keil Ditch. To start the project off, the first thing we did was looked at the resources we had available, which included; aerial photography, U.S.G.S. maps, the county topographic maps, information on the county GIS website, and information within our own office as far as other resource materials, soil survey books and what have you. After we've established what we might be looking for out there, then we went out in the field, looked for problems with drainage structures, identified their locations, looked at the channel itself looking for problems with the stability and conveyance possibly. We're looking at the vegetation within the channel and adjacent to the channel to see if there are any particular problems with erosion or invasive species at the present. And, particularly we were looking at the potential sources of pollution, point sources which would be like pipes and culverts, and non-point sources which would be like grass swales. Then, once we had gone out in the fields and identified these, our survey crews went out and actually located them so that we could map them accurately. After we did that, we were doing more office type work, which meant that we had contacted a lot of the companies out there to see if they had plans on site for controlling potential spills, or addressing pollution problems. Some of them have storm water pollution prevention plans in place. Also, there are still prevention control and confinement, containment plans in place, but not too many of them. They are available for review at an appropriate time. We also reviewed, again, the mapping that we had available,

looking also again at National wetland inventory maps to see if there were any wetlands in the area that might be identified. Looking at the flood insurance rate maps, and then the assessment maps on the county GIS site. As I said, we were looking at the structures, in particular, and the ditch in general to see if there were any structural failure problems that could be easily identified. We're also looking at areas where there might be insufficient conveyance; undersized structures, or places where the channel has become clogged with debris or brush or what have you. We're looking at bank failure, erosion problems, sedimentation, again, vegetative cover, and possibly invasive vegetation, which would not necessarily be harmful, but could cause problems because it doesn't provide adequate stability. Then, of course, areas where there might be pollutants being discharged into the channel. The next several slides are basically kind of examples that we found out there already, structural failures are the type there, the pipes are coming apart. Insufficient conveyance, this is the bridge at Hitch and Peters Road, which to the naked eye appears to be grossly undersized, and it probably is. Bank failures occurring in a number of places out there. Erosion problems in the bottom of the channel and along the channel banks. Sedimentation is generally a problem in structures, especially if they're undersized, because the sediment, you know, the water slows down and that and the sediment drops out. Some places where there's not much vegetative cover, and, again, that's asking for erosion problems. There are areas where there are some types of vegetation which are not desirable, and they probably need to be addressed at some point in the future, and replaced by better cover. Then, like I said, there's a number of industrial sources out there where there are some obvious areas where there are pollutants being discharged. Others probably not so obvious, and they can't be addressed until we really put in some kind of sampling and testing program in place. So, as far as our preliminary recommendations, at this time, the residential area which is section one, very few problems observed there. Some minor erosions here and there to be fixed, a few culverts that probably need to be cleaned of debris and sediment. Section two, which is from that point, sorry Charlie, from the residential section east to the concrete plant that's on the site in the area, again, erosion problems, there are some invasive vegetative species out there that should probably be eliminated. A lot of the pipe outlets out there have erosion occurring around them, so there should be some kind of an armoring put in place to prevent that from occurring. Then, again, like I said, there are places where pollutants are probably being discharged, we should have some kind of sampling program put in place so that we can do some testing to determine what needs to be done for that. Section three is very similar to section two, other than the fact in this section there are a number of railroad crossings, there's a Hitch Peters Road crossing, so, design calculations should probably be done to determine whether these structures have adequate capacity. The Hitch Peters Road just, like I said, to the naked eye appeared to be grossly undersized, so, that probably will need to be replaced in the near future. Section four, again, similar to sections two and three, the biggest problem that we saw in this section is what appears to be an abandoned crossing just south of Garrison Avenue, the pipes are coming apart. There is tremendous overgrowth of vegetation there, and it's an obvious impediment to conveyance of storm water. So, that's probably something that should be investigated as far as completely removing that crossing, if it's not needed. Section five, which is Keil Ditch, it's a fairly straight, clean ditch, but it's right next to Whirlpool, so, there are some problems probably with pollutants in that area, but, nothing that was really obvious. The biggest problem there was the sedimentation and debris that was around some of the culvert crossings that should probably be cleaned out to improve their capacity. Again, probably look at the calculations to see if they're actually big enough to be there. Like Bill said, when we get the report together, hopefully within the next few weeks, we hope to have kind

of a summary of the costs, and we will probably try to categorize the things that probably need attention first, and give you kind of a breakdown based on the revenue that's available on a yearly basis, and try and give you a schedule that might be appropriate for addressing these problems over a five to ten year period. Just a quick note, we were doing this in conjunction with a company in Indianapolis, Williams Creek Consulting, they've done a lot of the work kind of geared toward the pollution aspect of things, and they've done a real good job working with us on this. So, I guess, that having been said, if there's any questions in particular anybody has?

President Nix: Questions? Thank you, Mr. Helfert.

Darrell Helfert: Thank you.

Bill Jeffers: Okay, I want to thank Darrell Helfert and Williams Creek Consulting for putting that together for us. It's a part of the County Surveyor's annual report to the board on the conditions of, in this case, Sonntag Stevens and Keil Ditch.

Christian Fellowship Church Expansion: Waterway Crossing Details

Bill Jeffers: Now, I would like to move back to Christian Fellowship Church expansion. Give us a moment to get that photography up for you. Okay, you're probably familiar with the church itself. It's located inside the yellow square shown on the aerial photograph on Millersburg Road, northeastern Vanderburgh County, between Oak Hill Road and Green River Road. The church has been there quite some time. It has a large parking lot, as you can see, and then off to the west of the church and the northwest of the church is a large, open area of land that they own and maintain with Furlich Creek running along the western edge of that land, where you see the words Christian Fellowship Church. They have already constructed a large lake that receives storm water run off from their hard surfaces and detains it before it's discharged into Furlich Creek. That was part of their previous plan. Where you see the yellow circle, up in the northeast corner of their property, they would like to place a crossing consisting of a square box culvert, I believe the size is an eight by twelve concrete box, so that they can access that farm ground to the north, which they've recently purchased. There's a farm house and some barns and other buildings there that they are going to use for storing their equipment that they use, their maintenance equipment, along with other supplies, and to utilize the farm for whatever purposes. It may be athletic fields, or whatever purposes they have. As I said earlier, their engineer is Steve Hahn, he's here, he was over talking with Mr. Duckworth about some County Highway issues. He is here now, in case you have any questions. However, the County Surveyor has reviewed the plan, it comports with all the parts of the drainage code that are applicable. The County Surveyor recommends approval of this box culvert for a permanent crossing of the ditch that you see along the north line of the property, just north of the lake.

President Nix: Mr. Jeffers, as far as maintenance on this, on-going maintenance, how will that be handled?

Bill Jeffers: The maintenance will be the responsibility of the property owner, in this case Christian Fellowship Church for as long as they should own it. It does drain a substantial area of residential subdivisions, and it is sized, that's why we're reviewing it, because it is sized to handle the same flow as if it were a commercial or residential project.

Commissioner Musgrave: I'll make a motion to adopt the Surveyor's recommendation.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: Thank you, Steve, and thank you, board.

Awarding of 2007 Ditch Maintenance Bids

Bill Jeffers: Now we move to bid letting of the recommended ditch maintenance contracts for 2007. You opened these bids last week. They were taken under advisement and reviewed by the County Surveyor's, in particular Chief Deputy Surveyor, Linda Freeman, who has prepared these two spreadsheets for you. One, the legal size sheet that runs portrait format shows you each ditch that your board and our office is responsible for maintaining. It shows you the annual assessment that will be collected in 2007 in the first column, after the name, the acreage that's in the watershed, the rate per acre, "R" means rural and "U" would be urban rate. You can see the difference there. The current balance as of March 31st in each account, the low bids for each ditch are in the next column. That was the lowest bid submitted by a responsive and qualified bidder from all of those that you opened last week. Then, an estimated balance that Ms. Freeman has determined will most likely be in the account at the end of the year after all of the claims are paid. Okay, on the sheet that you have in front of you that's landscape format, you will find a list of ditches that we recommend letting a contract on. The first column, of course, is the name of the ditch; second column is a category of maintenance that corresponds with the special provisions, that's more or less technical stuff there, and then under description, the third column, it tells you what the treatment will be; broadleaf and brush herbicide, mid-summer mowing, dormant spray in the winter to kill woody vegetation, etcetera, on down through there. That's pretty self explanatory. It tells you the lineal feet of the ditch that we are treating or maintaining or repairing. It may not be the entire ditch, it may just be a portion. So, that's why we give you the lineal feet, so you can tell. The bidder who was the low bidder, and then the per foot bid, the total bid. Well, it's bidder "A" and bidder "B" there. So, you can see if there were two bidders who was lower, and so forth. Now, I would like to give you a final report, which you will find in the three page packet I gave you behind your agenda. Basically, it's the County Surveyor's recommendations for ditch maintenance contracts to finish out the Surveyor's annual report that is due each year at this time. It reflects the maintenance repairs and other work that I feel are required to keep or restore the appropriate condition of our regulated drains within the available funds that we have at this time. So, what I'm recommending, basically, on the east side is to clean out five large culverts on Hirsch Ditch, along Morgan Avenue. You've seen that report from Structure Point, American Structure Point Consultants where they recommended that we clean those culverts and restore the flow line of that ditch so that they're more fully utilized. That drains the entire area of development west, it should say east of Green River Road between Morgan Avenue and Lincoln Avenue, including the county's TIF district. We propose to clean Bonnie View Ditch along the south side of Target Greatland to better drain Plaza Meadows, Wilson Square and the other neighborhoods in the Plaza school area. The Storm Water Task Force is looking at making some improvements in that area that depend on

Bonnie View Ditch operating in top condition. We received a request from the City Director of Transportation regarding Nurrenbern Ditch between Eagle Crest Boulevard where it enters the Dunn development area, and north to Division Street on the other side of the Lloyd Expressway, near the Town and Country Ford dealership, essentially to remove potential obstructions that have accumulated into the ditch where it passes under Vectren property and state INDOT right-of-way. Again, the Storm Water Task Force in this case has identified some problems draining the neighborhood served by Nurrenbern Ditch, and we want to insure that the problem is not in our drain. We also propose to clean Stockfleth Ditch between Lloyd Expressway and Virginia Street where several potential obstructions have been discovered, mostly including things like shopping carts, which are crammed up underneath the Virginia Street bridge at this time, some fencing and construction material that's been laid across the ditch by people who want to create a shortcut from the apartments on the east side of the ditch to the shopping areas on the west side of the ditch, and then to remove some woody vegetation before it becomes large trees. That's a result of several complaints mainly from Regency Development, they like to keep their apartment project looking top notch, and they've experienced some flooding in the parking, not in their apartments, but in the parking lots, and when we went out there we discovered that these shopping carts people had thrown in the ditch to hop across the ditch or had washed up underneath Virginia Street bridge and requires heavy equipment to remove them at this time. We also have a large surplus of funds in the William Ditch account. If you look on your sheet you'll see about a little over \$11,000 has accumulated in that. The County Surveyor has offered to transfer that money to the Warrick County Drainage Board whenever the Warrick County Surveyor completes some needed repairs along that county line ditch, especially south of Lincoln Avenue where the condominium lake embankment has been compromised by excess storm water run off from new development in Warrick County, and that also along the north side of Lincoln Avenue to the large culvert under I-164. Along this section a fenced storage yard in Warrick County has prevented proper maintenance of the drain for years, and now that is adversely affecting the condominium lawns across in our county, and it's adversely affecting the ability of the Dunn development area to drain into the ditch. So, we are encouraging, kind of like a carrot on a stick to Warrick County. They've already started with their project, and this would be another \$10,000 or \$11,000 that would help them complete it, if it benefits us. In Armstrong Township we have some ditch projects, including embankment repairs on Barr Creek, Maidlow Ditch and Rexing Creek. In Union Township bottoms we have some additional maintenance we would like to perform on Cypress Dale-Maddox, Helfrich Happe, and Kamp Ditches to remove silt accumulation and woody vegetation. What I have mentioned above is in addition to the regular annual application of herbicides and mechanical mowing. Taken all together, the recommended contracts that I've put on your desk today represent the lowest dollar bid by a qualified, responsive bidders. The work to be accomplished will leave our drains in the best serviceable conditions for the funds we have available to spend. I did receive two unsolicited bids, one on Pond Flat Main and one on Buente Upper Big Creek, and while I thank the bidders for submitting those bids, I recommend not to let the contracts on those two ditches in 2007 due to a shortage of funds in those two accounts to accomplish what we want to accomplish in the next couple of years. So, basically, I'm laying back and letting surplus accumulate. The March 2007 balance that I've shown you is \$381,448. The total contract recommended at this time, on your desk is \$100,101. So, that's covered. The estimated income for 2007, via ditch assessments, is \$181,633.31. So, we have more coming in. Remaining claims to be paid for 2006 contracts that you entered into last year, but are not quite complete at this time, \$173,700. So, our projected year end balance, without additional contracts beyond

what I'm asking for today will be, \$289,280.39. We do anticipate some additional projects over the course of 2007 for work that may be found to be needed, and for which we will develop specifications, especially related to East Side Urban Drain improvements that are under study at this time, and for projects associated with neighborhood flooding. At this time the County Surveyor recommends that the board let contracts to the respective bidders for the amounts shown on the spreadsheets in front of you for work to be completed in 2007.

President Nix: Thank you, Mr. Jeffers. Any questions from the board? I'll entertain a motion.

Commissioner Tornatta: Move approval of the Surveyor's explanation of contracts for the 2007 ditch repairs.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

Approval of Ditch Maintenance Claims

Bill Jeffers: I do have one claim to be paid that's laid on your desk in front of your recording secretary on behalf of American Structure Point Engineering, Indianapolis, Indiana, for, it's a progress payment on their study of East Side Urban drain.

President Nix: Okay, any other—

Bill Jeffers: I recommend payment of that as well.

Commissioner Musgrave: Move approval.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Any other business?

Bill Jeffers: No, sir.

Commissioner Musgrave: Motion to adjourn.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: Thank you.

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

Those in Attendance:

Bill Nix

Bill Jeffers

Darrell Helfert

Troy Tornatta

Ted C. Ziemer, Jr.

Others Unidentified

Cheryl Musgrave

Madelyn Grayson

Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Troy Tornatta, Vice President

Cheryl A.W. Musgrave, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
DRAINAGE BOARD
APRIL 24, 2007**

The Vanderburgh County Drainage Board met in session this 24th day of April, 2007 at 4:22 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: I would like to start the Vanderburgh County Drainage Board meeting, Tuesday, April 24, 2007 at, it looks like about 4:22.

Approval of the April 10, 2007 Drainage Board Meeting Minutes

President Nix: Do we have minutes from the previous meeting?

Madelyn Grayson: Yes, we do.

Commissioner Musgrave: I'll make a motion to approve the minutes.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Chadwick Estates: Revised Plat: Preliminary Drainage Plan

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

Bill Jeffers: Good afternoon. Our first item of business is Chadwick Estates. The reason it comes before you, it's a revised plat. They have rearranged the lots for a more economical layout. Chadwick Estates is in blue, it's adjacent to Chadwick Place, which remains the same. It's located on Peck Road, a half, or about a quarter to a half mile north of Old State Road. It's the preliminary drainage plan, the approval of which will allow the plat to move forward to Area Plan Commission the first Thursday of May. Or, possibly the second Thursday of May, I'm not exactly sure. I think it's the 9th. Anyhow, the County Surveyor has reviewed the drainage plan, the developer and his engineer are both in the audience should there be any questions. I do not know if there's any remonstrators. The plan previously went through preliminary and final approval with some remonstrators, but, as I said, this is a revised plat that basically just rearranges the lots. The plan, done by Morley and Associates, is found to be in compliance with the Vanderburgh County Drainage Code, and the County Surveyor recommends approval.

Commissioner Musgrave: Mr. Surveyor, just for the point of clarification, May 10th, a Thursday, at 4:00 is when Area Plan will meet.

Bill Jeffers: Thank you.

President Nix: Thank you. Is there anyone here that would wish to address Chadwick Estates revised plat, preliminary drainage plan? Any questions from the board? I'll entertain a motion.

Commissioner Tornatta: So moved.

Commissioner Musgrave: I'll second.

President Nix: All in favor?

All Commissioners: Aye.

Commissioner Nix: Thank you.

Approval of Claims for Consulting Fees: Drain Studies & Evaluations

Bill Jeffers: Our only other item of business, unless there's public comment, or questions from the board is to pay the claims for some consulting fees that are due on drain studies and evaluations. This brings us to roughly between 25 percent on some studies and 75 percent on others towards completion. We are currently negotiating with all of the consultants to bring everything to completion, and give us a prioritized list of projects, and a schedule of how to fit those into our annual assessment budget. Those claims are on your desk up here, and the County Surveyor recommends payment of the claims.

Commissioner Musgrave: Motion to approve payment of claims.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Public Comment

President Nix: Is there any public comment?

Other Business

President Nix: Any other business?

Commissioner Musgrave: Commissioner Nix, I failed to bring up the letter that I would like to write to City Clerk Matlock—

President Nix: For the parking?

Commissioner Musgrave: —for the parking meters at the Old Courthouse. If it's alright with you, I'll just go ahead and send that letter over my own signature and report back to you at the Commission meeting next week.

President Nix: Do we need a motion on that?

Commissioner Tornatta: I make a motion.

Commissioner Musgrave: I'll second.

President Nix: All in favor?

All Commissioners: Aye.

Commissioner Musgrave: I'll make a motion to adjourn.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:25 p.m.)

Those in Attendance:

Bill Nix

Bill Jeffers

Others Unidentified

Troy Tornatta

Ted C. Ziemer, Jr.

Members of Media

Cheryl Musgrave

Madelyn Grayson

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Troy Tornatta, Vice President

Cheryl A.W. Musgrave, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
MAY 1, 2007**

The Vanderburgh County Drainage Board met in session this 1st day of May, 2007 at 4:10 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

Call to Order

President Nix: We'll start the Drainage Board for May 1, 2007 at 4:10.

Approval of the April 24, 2007 Drainage Board Meeting Minutes

President Nix: I will entertain a motion to approve minutes of the previous meeting. Those were sent out last week.

Commissioner Musgrave: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Permission to Open Bids: Kelly Ditch: Additional Maintenance

President Nix: Good afternoon, Ms. Freeman.

Linda Freeman: How are you this afternoon?

President Nix: Good afternoon.

Linda Freeman: We would like to open the bids that were received. I think we received two on the Kelly Ditch project. Basically, if he opens those and they look like they're in order, I would like to go ahead and possibly award to the lowest and best bidder.

President Nix: I will entertain a motion to open the bids.

Commissioner Musgrave: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor.

All Commissioners: Aye.

President Nix: While Mr. Ziemer is doing that, you had one other item? Or, is that it?

Linda Freeman: That's it. I brought my calculator so we can just double check their math.

Awarding of Bid: Kelly Ditch: Additional Maintenance

President Nix: Okay, Mr. Ziemer, would you like to read the bids please?

Ted C. Ziemer, Jr.: Certainly, for the Kelly Ditch we have two bids, Mark Naas, \$3,009.60. The second bid is from Stemaly, S-t-e-m-a-l-y, \$12,440. That's the two bids.

Linda Freeman: In consideration that Mark Naas has done previous work for us satisfactorily, I would like to award the bid to Mr. Naas, if, it was \$1.98 a foot versus \$8.18 a foot. Yeah, you know, they got the same specs.

Commissioner Musgrave: Motion to award the bid as suggested by the Deputy Surveyor.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Linda Freeman: Thank you.

President Nix: Thank you.

Public Comment

President Nix: Any public comment? If not?

Commissioner Musgrave: Motion to adjourn.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:15 p.m.)

Those in Attendance:

Bill Nix

Linda Freeman

Others Unidentified

Troy Tornatta

Ted C. Ziemer, Jr.

Members of Media

Cheryl Musgrave

Madelyn Grayson

**Vanderburgh County
Drainage Board
May 1, 2007**

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**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Troy Tornatta, Vice President

Cheryl A.W. Musgrave, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
MAY 22, 2007**

The Vanderburgh County Drainage Board met in session this 22nd day of May, 2007 at 4:22 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, May 22, 2007 at 4:22.

Approval of the May 1, 2007 Drainage Board Meeting Minutes

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

Commissioner Tornatta: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: All the same side. Mr. Jeffers, good afternoon.

Bill Jeffers: Good afternoon, President Nix, Vice President Tornatta, Commissioner Musgrave, Mr. Ziemer, Madelyn.

Receive Comments from Property Owners in Copperfield Subdivision

Bill Jeffers: The first item on the agenda is comment from two property owners in the Copperfield Subdivision. I put that first because they had been invited to attend, or encouraged to attend the meeting last week, and we had cancelled that meeting before, or after I had published the agenda. So, they were unable to make their comments last week. So, they are back with us tonight. Mr. Richard Cobb on your left from 8611 Southport Drive, and Mr. William Terry Raley, on your right, from 8545 Southport Drive. They are owners of lot number 40 and 39 respectively. The handout I gave you shows their two properties outlined in yellow. There's a detention basin behind Mr. Cobb's house, separate from the detention behind Mr. Raley's home. You can see those two on your exhibit. There is a drainage channel between the two basins, highlighted in orange on your exhibit. Basically, that drainage channel handles the run off from an area substantially larger than what's shown on your exhibit. The entire subdivision known as Copperfield section two is outlined in yellow on your overhead map here, yet there is another section or two of the same Copperfield Subdivision, it extends substantially westward and southward, and the majority of the drainage for those two areas also passes through this ditch on it's way to Little Pigeon Creek. The ditch being in this yellow circle on your overhead photograph. Also, uphill of Copperfield Subdivision you have Deerfield Subdivision, all of which, this and Deerfield was all the Carson Estates, and when it was maintained as one large estate, most of the drainage also coming from the lakes up in Deerfield and coming through the fields that are now Copperfield, this lake here you see, all ran down where this street is now located, and through this

ditch between the two gentleman's properties. That was the natural course of the water on it's way to Little Pigeon Creek. The street system now covers that waterway and there's a pipe system underneath the waterway. It shows on your map an existing 27 inch reinforced concrete storm sewer. Basically, or in a nutshell, the conditions that generated the complaint from Mr. Cobb a few weeks ago, to which Mike Wathen and myself responded, were erosion and drainage problems in that existing ditch that have caused Mr. Cobb a great deal of expense of his time, his labor, his money, and a great deal of material to maintain that ditch as it has eroded downward over the years to it's present state of affairs. I show a little caved in area, highlighted in red on your exhibit, his immediate concern is that that eroded or caving in area will eventually work it's way back through the embankment of basin number one, the lake, and drain the lake, and also prevent his access to the grassy, park like area behind the lake. Between the lake and the creek there's a large, grassy area that he maintains as part of his lawn. So, if that erosion is allowed to continue, it will eat away at his access that he uses to get back there. In a nutshell, Mr. Raley's concerns, and I will point out that Mr. Raley has come to our office on, I believe, one or two occasions and has made other comments to me regarding this ditch and joined our viewing of the ditch. While we were out there a couple of weeks ago, he came over and added his comments and concerns. In a nutshell, and I'm sure he'll expound upon it, he feels that because all this drainage that I pointed out, which is I can't give you an exact acreage figure, but it's several acres, at least 20 draining through this area, he feels that it's more of a community issue than a single property issue, or a two property issue. Both gentlemen are seeking some sort of assistance, to what degree I'll let them explain more fully, and then I might have some follow up comments or answers to questions that you may have. The two gentlemen are here to make their comments.

President Nix: Thank you, Mr. Jeffers. Either one of you that wants to go first, that's fine. If you would, when you get to the podium just state your name and your address for the record.

Terry Raley: My name is Terry Raley, and I'm the second home on lot 39 from Richard. I brought some pictures along that might show you a little bit better of the problems we're having.

Bill Jeffers: This pointer right here is a laser pointer, if you want to point to your homes.

Terry Raley: Okay. Mr. Jeffers explained it really well.

President Nix: If you could stay right to the microphone there.

Terry Raley: Okay.

President Nix: Thank you.

Terry Raley: Mr. Jeffers explained it really well up to a point, but another problem that we do have is, let's see, right through here is another ditch that was supposed to handle some of the drainage. Well, during the construction of these homes right here, that ditch that was supposed to go into right through here to Little Pigeon Creek was diverted into this holding pond. Consequently, all of this that runs down through here, plus all of this here, it's an additional load because it's been diverted into here, this outlet right there, and there's another outlet right here, and then it goes into this ditch. So, everything up here, not only through here, but also through

here comes over this way. Consequently, Richard has lost, as you can make with some of the pictures, he has lost a tremendous amount of his yard through here, and as was stated, he is concerned with losing the holding pond and access to the back piece of property. On one visit down here, my first visit, I was told that Richard and I were ultimately responsible for taking care of any fix for this. Well, we not only have everybody in the subdivision's water running through our property, but also Deerfield, and we, I feel that's unfair for two property owners to be asked to take care of this drainage problem, that, you know, if you look at the initial plans, it should never have been approved anyway. I mean, me as a lay person can look at the plans and tell you from the get go what has, you know, what has happened will happen. It will eventually get worse. On this berm right here that this ditch runs through, there are, I would say approximately ten to 15 huge willow trees, and they're all leaning, and as you can see by those pictures, the roots, I took some, the roots are 25 to 50 percent out of the ground already. I'm talking about huge trees that are going to fall into my pond right here, which is a tremendous expense if I have to clean them up. I would say that there's four of them right now that a good gust of wind will take down. If the problem is not fixed, all those trees are going to go. I just feel again that it should not be up to Richard and I to come up with a solution to this property, since it's basically three subdivisions draining into our property. So, I think that since it is a community problem that the county ought to take care of it, and not just Richard and I, because we're talking thousands and thousands of dollars. I'll let Richard expound on this. I have to get to work. So—

President Nix: Thank you, Mr. Raley.

Terry Raley: —I appreciate your time and anything that you can do for us.

President Nix: Thank you.

Richard Cobb: Thank you. I'm Richard Cobb, and I live at 8611 Southport Drive. As Terry had stated, I think he missed a few factors that these trees could really fall on our house. I mean, you never know the way the wind blows around here. Also, I think it's a safety factor too. I'm going to give you the footage, there needs to be about 128 foot of pipe put in there and covered over to protect us. I really don't have too much to add on, like I say, I have lost a large chunk of land already, and if this keeps going I could lose all of my bank along there, and pretty soon we won't have two lakes, we'll have one big creek is what we're going to end up with. Anything that you all could do would be very well appreciated, because I don't feel like this is our responsibility. I agree with Terry, it should never have been approved in the first place. This is very hazardous. Thank you very much.

President Nix: Thank you, Mr. Cobb.

Commissioner Tornatta: Mr. Jeffers?

Bill Jeffers: Yes?

Commissioner Tornatta: Is there a neighborhood association involved?

Bill Jeffers: I don't believe there's a neighborhood association formed, and there is no escrow account established for the repair or replacement of damaged drainage facilities. You know, in some subdivisions, since 1994, we collect an escrow account for each linear foot of pipe and hold it in the Auditor's office in an escrow account, and should something deteriorate or fail or collapse, what have you, then there is

money in that escrow account for the repair of the facility. That does not exist for Copperfield.

Commissioner Tornatta: How many houses would be directly responsible for this situation?

Bill Jeffers: If it were in a homeowners association, every lot you see outlined in purple on that map. In the neighborhood of 40 to 45 lots would be a part of that homeowners association.

Commissioner Tornatta: Any preliminary estimated costs on rectifying a problem?

Bill Jeffers: I could go out on a limb and say \$50,000, because, I mean, that would seem high to many people, but you're not just talking about 120 feet of pipe, 27 to 33 inch diameter pipe, you're also talking about removing a substantial number of trees, re-excavating the trench, which is serpentine, it's not a straight trench. So, there's a lot of, like I said earlier, Mr. Cobb has expended quite a bit of material and time reinforcing the embankment with timbers and steel and rock and concrete and so forth, all that would have to be removed and carted away and disposed of. We would have to have a permit from the Corp of Engineers and the Department of Natural Resources, because over half of the project would be construction in a flood way, so, we would have to have the 401 and 403 permits, which would take some effort and 90 to 180 days to obtain from those two agencies. Then, the amount of fill, I would say a lot of that you would have to fill over top of the pipe, not only with stable back fill, but then you would probably have to place either rip rap or a concrete channel over top for an emergency overflowing channel, because that pipe would only handle a 25 year storm, and when you have all that water coming down out of this watershed during a heavier storm, this channel would still serve as the overflow. So, \$50,000 is a casual estimate. I think it's not conservative or not out of line.

Commissioner Musgrave: Do you find flaws with the drainage plan that was approved when this subdivision came through the drainage board for the first time?

Bill Jeffers: I won't say that I find flaws with it under the code and the requirements that existed in 1991, but, I will say there is room for improvement at this time.

President Nix: As in any plan from 1991 till now. I mean, there's always room for improvement I would say.

Bill Jeffers: Even today there's always room for improvement.

President Nix: Exactly. Could you verse us on our duties and obligations as the Drainage Board, I guess, so, that it's understood what we can and can't do from a perspective of—

Commissioner Tornatta: Can I ask a question that will slip in between your question, and that is, was this plan modified by the developer from what would have been approved by the county?

Bill Jeffers: I believe there were some modifications made after the approval, as I said, this exhibit I gave you is a portion of the approved plan in 1991. In other words, I cut and pasted the portion that we're talking about today. But, this is by and large the entire area of concern by the two gentlemen and by the Drainage Board and by your question, as a matter of fact. This plan was drawn by a registered engineer, it

was checked and submitted by James Q. Morley of Morley and Associates in 1991, it was approved on October 28, 1991 by the Drainage Board at that time. I asked Ms. Madelyn Grayson to put those Drainage Board minutes in your packet, but I did that late this morning, so, you're probably just now receiving them, because I had found those minutes to be relative, or relevant to our discussion. You'll look on page number one of those minutes and find that Mr. Morley at the time of submittal asked the county Drainage Board what they would like the plan to contain relative to the easement around the detention basin, and that would include this channel. What they should place on the plat? What language to place on the plat? Then, it was Mr. Morley's understanding that the Drainage Board at that time wished to see that everything is in place, yet to have it clearly understood that the Drainage Board does not go out and maintain eroded slopes, mow grass, unplug pipes, that that remains the responsibility of the owners of the property on which the facility exists, and that he gathered that from the responses of the Commissioners in the past. Commissioner Hunter commented, that is the traditional method as he understood it. On page two, Mr. Borries comments, Commissioner Borries, that, "I think it has to be conveyed to the individual property owners because as you well know we are not dealing with county property. The county cannot maintain something that is on private property. This is not county property, so, it belongs to someone else. It must be conveyed to whomever." Meaning that the notice of responsibility must be conveyed to whomever. "Unless you have a homeowners association and some kind of covenant, then I don't think any individual property owner would have the responsibility of maintenance on that." I think he means any other individual property owner than the property owner on whom, on whose property the facility exists.

Commissioner Tornatta: Uh-huh.

Bill Jeffers: You can go on and read that at your leisure, but, basically, there is no individual, or there is no homeowners association. They go on to describe what statement should be placed on the plat. Mr. Borries says that he thinks that it should be stated in very strong language, clearly understood that the potential property owner, to the potential property owner that it is his or her duty and obligation to maintain. Farther along Mr. Morley responded that the probably the best thing he could do is come up with a bold statement, etcetera, asked that the attorney assist him in that. I think he means the County Attorney, so that things don't come back like it did at Old Petersburg Place where the property owner doesn't seem to know about it. They go on to discuss that there is a lot of confusion regarding that. Apparently something was happening at Old Petersburg Place in 1991 similar to what's happening today in Copperfield. What surprises me is that after all that discussion on that date, reflected by these minutes, about wording it strongly and notifying the property owners, and even to the comment that, for example, Commissioner Hunter said that what he's really thinking about is the next person down the line. Not the original buyer, but the next person down the line, how do they find out about these responsibilities? Mr. Morley said the only place where that would occur would be if we could recreate things in the State of Indiana where the deed has to include an exhibit of the plat. Meaning that the notice on the plat would then be available to the subsequent property owner, currently this is not the case, etcetera. So, they are going on to discuss that, after all that discussion the only thing we find on the plat that Mr. Raley, or Mr. Cobb might have access to, "Individual lot owners shall maintain all easements on the lot.", and then goes on to clarify that (Inaudible-mic cutting out) detention basin or a drainage easement. So, it comes as no surprise to any of us that the property owner, subsequent property owners, unless at some point in time are shown the plat by the real estate agent that sells them the home, or unless they take it upon themselves to come to the Civic

Center and examine the plat, which is generally not made a part of the real estate deal, that they would not know of this. So, of course, when I'm out there telling Mr. Cobb and Mr. Raley that it remains their responsibility, I'm sure that their take on that was not exactly positive. Yes, there were some subsequent modifications made, I believe, to the drainage facilities. I don't know who made them. Your question, Commissioner Tornatta, was it made by the developer? I'm not sure. I assume some of it was. Basin number two, if you'll look up here, is at least twice as big as it's shown on the plan. That's this lake here. It only was supposed to cover Mr. Raley's lot and the lot immediately to the south of him. It was extended two more lots south. So, that's a modification. There's, if you look on the exhibit, there's supposed to be an equalizing pipe, called an equalizer tube, to keep the elevation of the water in both lakes the same. I cannot tell you today whether that's in there, because the area where it should be crossing the ditch, I believe has been covered up. I can't tell if it's in there or not. I believe there's been an extension made to the concrete pipe, the 27 inch reinforced concrete pipe that empties everything into this ditch, appears to have had an extension put on it. By whom, I don't know, but, it's a metal pipe extension, so, I don't think it was done by the developer. One of the gentleman may be able to clarify who did that. I don't know at what grade it is. I think this ditch was half the depth that it currently is today, or shallower, but the pipe that is extended from this concrete pipe is set at the current grade at the bottom of the ditch. So, whoever did that, must have done it at some point in time when the ditch was substantially weathered away. That was not a good idea, because that causes all the concentrated flow to be even deeper than it should have been, and, I think cause more erosion.

Commissioner Musgrave: Mr. Jeffers, may I ask a question of when these two gentleman bought their homes?

Bill Jeffers: When they bought their homes?

Commissioner Musgrave: Uh-huh.

Bill Jeffers: They could answer that.

Richard Cobb: I bought the lot and built the house myself, the first one. Mr. Raley, his house was probably three owners. What were you the third owner?

Terry Raley: Yeah.

Commissioner Nix: What year did you build?

Richard Cobb: I think I bought my lot in 1990.

Commissioner Nix: Okay, and then you built right after that?

Richard Cobb: Right away, yeah.

Commissioner Nix: Okay, right away.

Richard Cobb: And, as far as who put the additional piece of pipe in was Elpers Construction. The lot next door where he lives was vacant. You could walk across the lot at night and you could fall in the ditch. So, I told the guy buying the house, I said, why don't you negotiate getting that pipe in there a little bit farther so, you know, it's a safety feature.

Commissioner Nix: Sure.

Richard Cobb: As far as the amount of homes that we're getting the drainage from, it's far more than 40 lots, because we're getting all of Deerfield, we're getting probably 200 homes. That ditch, I would say, since I move in there and built my house, maybe is four times bigger than it was. As far as the easement of 15 feet on each side, which it's not a straight line, there's a point where it might be 60 feet wide. If that will help you in any way. If you have any other questions, I can—

Commissioner Tornatta: I just would like to make a personal comment, and this by no means has any bearings on this board. But, would like to say it seems like on October 28, 1991, they did a lot of due diligence in making sure that it was established in these notes which we just got from the Drainage Board meeting of whom was going to—

Richard Cobb: I was never notified of anything.

Commissioner Tornatta: I understand, but they kind of spelled that out in here that it is not the county's purview to come and tell each owner of a property what their obligations are for maintenance.

Richard Cobb: Yeah, but each owner doesn't have a ditch running beside his house. There's only two of us in the subdivision.

Commissioner Tornatta: I understand, but it's still not the county's, the county has no place in their by-laws by which they have to let you know that that's of a matter. That is the responsibility of you, the landowner, and/or the seller to make that available. I did see that. As far as a recommendation, I recommend that you check on getting in a neighborhood association with your neighborhood. Now, whether they are going to want to participate in something like this knowing that this type of issue is out there, I don't know. Would it potentially help their values in the future? It very well could, but these are just some things that I'm looking at. I don't believe, it's my opinion that the county has any type of obligation to this particular issue, other than to say that I believe between Mr. Jeffers and some of the whether it's connections of abilities that we have to facilitate getting some help to you, or giving some ideas to you, I think that we would be glad to do that. As far as a financial offset, I particularly would not be in favor of that at this time.

Terry Raley: Well, that's not what I wanted to hear really.

Commissioner Musgrave: You need to come to the microphone.

Terry Raley: You have, Deerfield, Copperfield one and Copperfield two draining everything in between our house, eroding property that we're paying taxes on that is going at a very fast rate. We're paying taxes on property that we don't have anymore. Now, if you guys don't want to do anything about it, we'll plug it up, because it is a safety hazard, it's washing away property as fast as we can fill the ditch. The original plan was, right here there's another ditch that may have helped that went into the Little Pigeon Creek that was diverted into here and then into our ditch. The whole plan originally was to have, there's a nice size ditch running all the way down through here that was diverted into here, and consequently right there. Now, you know—

Commissioner Tornatta: My question is, did the County Commissioners approve the correct plan? And the answer was, yes. If it was diverted, was that done by another person that you might have to take issue with?

Terry Raley: The bottom line right now, Mr. Tornatta, is, we have a problem, a safety problem, and it is not two homeowners responsibility to take care of three subdivisions drainage. Now, if you think that's right, you tell me with a straight face that's right.

Commissioner Tornatta: I'm saying, I'm saying—

Terry Raley: It's going to cost us—

Commissioner Tornatta: —you have, you have the opportunity to take issue with somebody else, or to get a neighborhood association who would do like this other association had done, is get a Barrett Law, it goes on the assessment and it's spread out over all the houses that have issue with that particular ditch. Now, that is one way to take care of that, which would lessen the cost spread across more households. But, normally how that's done is the association is developed before these problems are there, as not to go back on somebody and say that there's a problem. Although it can still be done. That's coming from me, whether that's the other Commissioners wills—

Terry Raley: You're the only one that has spoken on this. I want to hear from the rest of you.

President Nix: Mr. Raley, I guess, the concern that I have as a board member is that we never work on private property. It's something we can't do.

Terry Raley: Well, then how come we pay taxes on that private property? You all have the right to do anything on that easement you want to get done.

President Nix: That is not a public easement. Correct me if I'm wrong, is that correct, Mr. Jeffers? From the standpoint of a drainage issue that refers to this board. Mr. Jeffers?

Terry Raley: So, if it's not public, we can do away with it right?

President Nix: Well, Mr. Jeffers? We've got an interpretation on that too, we've run across this—

Terry Raley: If it's not public, it's mine. I can do anything I want with it.

President Nix: Well, do you have, it's not an ordinance, what would that be, Mr. Jeffers?

Bill Jeffers: Strips of ground marked drainage easement are dedicated for surface water or subsurface water provided, however the public utilities are permitted to cross such drainage easements with utility facilities, etcetera. In this case, the drainage easements may be used for ingress and egress and temporary staging area for work by public utilities. Those are the others, electric, this, that and the other. Then it says, specifically, that individual lot owners shall maintain all easements on their lot and not obstruct the drainage within a detention easement or a drainage easement. Not interfere with the flow of water along said easements.

In addition, keep all the detention basin and drainage easements clear of any impediments which may fall or enter therein. I feel that they're dedicated for the public use, but they remain the property of the private property owner, and remain the responsibility of the private property owner. While I may not agree philosophically with that point of view, because you're draining public streets into that easement, and in some states it may be different, but that has been the position that I was told as a Chief Deputy County Surveyor, and I've been told subsequently as an elected County Surveyor, that this is the position we take in this county, and that it's backed by state law, that none of the taxes that we collect are specifically assigned to drainage of private property, that we have no monies available to go on to drainage easements and make corrections. If the federal government were to free up some funds that could be used in that regard, they are usually sent to the city, and in the past the city had a surplus of those funds, and would ask the county government are there some areas in the developing area around the city that we may annex in the future, are there areas that need the use of these funds that we have in surplus? Now, as you know, from seeing the Storm Water Task Force operate and come up with millions and millions of dollars in needed improvements inside the city, those funds are no longer at a surplus. I don't count on them being available. But, that's what I've been told, that's been my understanding from previous County Attorneys that we do not operate on private land, that those easements remain the responsibility, and the facilities remain the responsibility of the private property owner. They shall either be maintained by a homeowners association, or by an escrow account that since 1994 we collected specifically for each subdivision.

President Nix: Any other comments? I mean, we're at a point really where I don't really know what to tell you we can do as a board, as a Drainage Board.

Richard Cobb: Well, like I say, I don't have \$50,000 to spend.

Terry Raley: And the problem is just going to keep getting worse. Do you have \$50,000 to fix something in your back yard?

President Nix: No, I do not.

Terry Raley: Most people don't.

Richard Cobb: I feel that, you know, you're dumping the problem on us.

Terry Raley: I mean, if Richard and I were the cause of this, say 50 percent of the cause, I would say, okay, it's our responsibility, but the way this was designed and the way your previous board approved it created this problem, and consequently, I mean, those pictures do not do this justice. It just looks like a little trench.

Commissioner Tornatta: We established that this has been modified from what's been approved. So, I don't put any fault on what's been approved.

Terry Raley: Well, Mr. Tornatta, if you looked at what was approved, I as a layman can look at those blue prints and tell you this would happen. I mean from here, I mean, you're talking everything, everything back in here that originally, the original plan, there is a ditch right there that was supposed to take 50 percent of this and empty it into Little Pigeon Creek, that was diverted and I don't know who approved it, but it was approved to come from down this, from all this, into here and then into

our ditch. The original plan was not like that. That is the problem. If the original plan had of been stuck to—

President Nix: Mr. Jeffers, is there any way to—

Commissioner Tornatta: Did we approve the diversion? That's the question.

Bill Jeffers: There was a plan in 1990 that included the ditch that Mr. Raley is talking about. We've lost our picture temporarily, but there was the original plan that he's speaking of, but the Drainage Board had a requirement, and that was a preliminary plan. You're familiar with preliminary plans. The Drainage Board had a policy at that time, since 1986, that all new subdivision water would go through detention. The opening remarks on that day in 1991, in the minutes in front of you, Commissioner Hunter said that Copperfield Subdivision drainage plan was approved January 28, 1991, that's the old 1990 plan that I was talking about that was brought to us to review in 1990, with the ditch that bypassed the lakes, but the approval provided for a detention plan. This detention plan is now presented by Morley and Associates for approval. Okay, so, what it's saying, basically, is that this plan that I've shown you a part of, the exhibit, shows that ditch that Mr. Raley is speaking of along the south line—

President Nix: See it here?

Bill Jeffers: —being diverted—

President Nix: It's this right here, Troy.

Bill Jeffers: —and channeled into basin number two for the purpose of creating storm water detention. In other words, as Mr. Raley said, there is a significant amount of water that was traveling out of this area that was going to be developed into another 48 lots, and that this water going directly into Little Pigeon Creek was not being detained. Because the policy required detention, this plan in front of you dated October 28, 1991, clearly shows the ditch being filled in and diverted through this lake so that it enters into detention before it's discharged into the creek. That was according to the standards at that time, and on this date, October 28, 1991, the Drainage Board discussed it and approved it in accordance with their requirements.

Richard Cobb: Without calling me, or notifying me. That is not right.

Bill Jeffers: Mr. Cobb added to my remarks that he was not notified at the time of that approval.

President Nix: Any other comments at all?

Richard Cobb: No.

President Nix: Okay. Just one real quick question, Mr. Jeffers, anything we can do at Little Pigeon to help this at all, outside this, that would help this situation at all? Because Little Pigeon is a public drainage, is that correct?

Bill Jeffers: Well, it's a creek, but it falls under the jurisdiction of the Corp of Engineers and DNR.

President Nix: Okay, it's not—

Bill Jeffers: It's not maintained by the county.

President Nix: Okay.

Bill Jeffers: And, I don't think that there is anything we can do to Little Pigeon Creek that would benefit this situation. Because this situation is caused by head water that comes out of these subdivisions on it's way to Little Pigeon Creek.

President Nix: Okay. Any other comments at all?

Commissioner Tornatta: What is the effect of that ditch that was filled in, as of right now? Do you know? Is that a natural waterway?

Bill Jeffers: Well, the rest of this plan, I gave you the pictorial—

Commissioner Tornatta: Right.

Bill Jeffers: —or the depiction part. The rest of the plan comes out on this sheet over here, it shows all of the calculations of how much water was being handled by that old ditch, and how much water was being diverted through the new ditch into basin number two. All of that is shown. I can give you a full copy of this, if anybody wanted to examine exactly how much additional water was being taken to basin number two.

Commissioner Tornatta: Essentially, basin two extends almost three times bigger than what it did on the original plan?

Bill Jeffers: I believe that the question was asked in that meeting in 1991, Commissioner Borries, "So, you're doing a 25 year storage?", meaning that you're storing the 25 year storm and releasing it at a slower rate. Mr. Morley said, "We truly have well beyond that in actual capacity. The way it's designed is almost double that, probably 35 to 40 percent more." That's with the smaller lake. Then they went and extended the lake twice that size, so, there is a substantial capacity for storage of all that water in this southern lake, which is designated basin number two. It is twice as big or more than what is shown on the plan, and what's shown on the plan was determined to have 30 to 40 percent more capacity than necessary for the 25 year storm.

Madelyn Grayson: May we change the tape real quick?

President Nix: Sure.

(Tape change)

Bill Jeffers: That doesn't negate the fact that the outlet pipe was still the same size. That's Mr. Raley's contention is that the outlet from basin number two into the creek carries a significant amount of water at a high velocity, and has caused him that erosion. We do have the storage capacity, yes, but the velocity of the water leaving that lake is significant.

Terry Raley: And the effect is—

Bill Jeffers: And that's why it needed to be maintained in a proper way to prevent the erosion.

President Nix: Okay, thank you.

Terry Raley: Like I said earlier, I have to get to work, but anything you guys can do I would appreciate it. I know that it was approved, but that doesn't make it right.

President Nix: I understand.

Terry Raley: I mean, I can look at those plans and I can tell you this would happen. I mean, you cannot have that much force coming...if you're familiar with that area out there, it is just straight downhill. It lands on our property, and as Bill said, the pipe is still the same as in the original plan. So, consequently, you're getting tremendous more force out of that pipe than originally should have been, you know, as it was in the plan. You're just going to get a lot more force out of that pipe. You have a lot more pressure behind it. That is one reason Richard is losing his bank. I would say in a matter of four or five more years, his holding pond is going to be gone, because when we get a big rain, it's like a fire hydrant shooting up against his bank, and it just eats it away. I know, maybe legally and all the gumbo jumbo you all, the county is not responsible, but you all approved a plan that was faulty, and my opinion is the county ought to take responsibility for it, not two homeowners.

President Nix: Okay, thank you, sir.

Terry Raley: Thank you.

Richard Cobb: I have one more comment. We're also getting a lot of trash off the subdivision. We get balls and all kinds of stuff. We get everything in our ditch. So, it just looks like a dump sometimes after a hard rain.

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

Bill Jeffers: Unless you have any further questions—

President Nix: Not at this time.

Bill Jeffers: —I would say we move on to the drainage plan for today.

<p>Dr. Hadad Medical Center Drainage Plan: Part of Lot 10: Waterford Place Subdivision: Columbia Street</p>
--

Bill Jeffers: Which is Dr. Hadad Medical Center, located on Columbia Street between Stockfleth Ditch and Burkhardt Road, at the end of Kimber Drive there. It's part of lot ten in Waterford Place Subdivision. You have the drawings in front of you from Bill Bivins, Accu Engineering. I've reviewed the plan and find it comports with the minimum requirements of the drainage ordinance, and recommend approval.

President Nix: Questions from the board?

Commissioner Tornatta: I would like to move the Surveyor's recommendation.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Both same side.

Receive Check from Inland Marina for Lease of Eagle Slough

Bill Jeffers: Okay, the only other item that I have to bring before you is somewhat comical to me, but here it is. There's a ten dollar check for you to receive from Inland Marina, who has maintained the Eagle Slough as the easement passes through Catfish Pond there in their marina, they've dredged it for years. But, at some point in time rules changed at DNR, and DNR said that they had to lease that 50 foot right-of-way from us in order to be able to perform that service for us. Actually, it helps them get their boats in and out of the, you know. So, we came up with, we thought it was worth ten dollars to the county a year for them to—

Commissioner Musgrave: They lease that ground—

Bill Jeffers: They lease the 50 foot right-of-way from the county in order for DNR to approve the dredging. That's the arrangement that DNR came up.

Commissioner Musgrave: Are we receiving the ten dollars?

Bill Jeffers: We're receiving the ten dollars.

Commissioner Musgrave: Or renewing the lease?

Bill Jeffers: We're receiving the ten dollars for them doing the work.

Commissioner Musgrave: And the lease is in existence and has been and has no termination date?

Bill Jeffers: It has been for several years.

President Nix: Do we need a motion to receive that ten dollars?

Commissioner Tornatta: So moved.

Commissioner Musgrave: I'll second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: Put it in the general drainage fund, because that's the only place I know to send it.

Public Comment

President Nix: Now is the time for public comment from anyone here that would like to address the board. If not, I will entertain a motion to adjourn.

Commissioner Tornatta: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Both the same side.

(The meeting was adjourned at 5:08 p.m.)

Those in Attendance:

Bill Nix

Bill Jeffers

Terry Raley

Members of Media

Troy Tornatta

Ted C. Ziemer, Jr.

Richard Cobb

Cheryl Musgrave

Madelyn Grayson

Others Unidentified

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Troy Tornatta, Vice President

Cheryl A.W. Musgrave, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
JUNE 5, 2007**

The Vanderburgh County Drainage Board met in session this 5th day of June, 2007 at 4:06 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 order the Vanderburgh County Drainage Board, Tuesday, June 5, 2007 at 4:06.

Approval of May 22, 2007 Drainage Board Meeting Minutes

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

Commissioner Tornatta: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: All the same side.

**Highway 41 Development: 16880 U.S. Hwy. 41 North:
Preliminary Drainage Plan**

President Nix: Mr. Jeffers, good afternoon.

Bill Jeffers: Good afternoon, President Nix, Vice President Tornatta, Commissioner Musgrave. Today, our first drainage plan on the agenda is Highway 41 development at 16880 U.S. Highway 41 North. It's north of Baseline Road on the west side of U.S. 41, drains into the Pond Flat regulated drain system. It's basically an old farm homestead. You may have noticed it sitting over there north of Azteca Milling in a little wooded knoll. The rest of the development is flat farmland, some of it out into the 100 year flood plain. This is in the impacted drainage area for Pond Flat drainage system, and therefore needs a detention system that will store the 100 year rainfall event and release it as a ten year pre-development, at the ten year pre-development rate into and across the farmland through a series of ditches, or private ditches, and then it arrives at the Pond Flat Main ditch. This is a preliminary plan. It was prepared for review by Bernardin Lochmueller and Associates, by Jim Farney, a registered engineer and land surveyor. He's the senior project engineer for Bernardin Lochmueller and Associates. The calculations show that the plan complies with the storm water code. It shows that it can store the 100 year rainfall event and release it at the ten year pre-development rate. That's shown on page three. The rest of the submittal is in order for a preliminary plan, which will allow it to go forward for whatever zoning and other Area Plan Commission review is necessary. Then, it will come back to you as a final drainage plan. There may have to be some minor modifications made to address certain offsite conditions that may come into play after a more thorough field review. The County Surveyor

recommends approval of what's being submitted as Highway 41 development industrial/commercial, 16880 Highway 41 North.

President Nix: Thank you, Mr. Jeffers. Anyone here that would like to address this from the audience? If not, any questions, concerns?

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

Commissioner Tornatta: Second.

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

Commissioner Musgrave: Aye.

Commissioner Tornatta: Aye.

President Nix: Both same side. I abstain.

Sunset Memorial Park: Modified Final Drainage Plan

Bill Jeffers: The only other drainage plan we have for you today is Sunset Memorial Park. It's a cemetery on the north side of St. George Road, just east of Dress Regional Airport, in the industrial area. It also borders the residential area to the east there, Melody Hills. It's part of Knob Hill. Knob Hill is that, part of Knob Hill is that forested area you see in the middle of the project. Basically, what's going on is that Sunset Memorial Park submitted a drainage plan a year or so ago that was approved, their erosion control plan has been approved, but they have since scaled back the scope of their proposed development. I believe it still includes a chapel and some outdoor facilities, improvements to their cemetery. The plan that's in front of you simply reflects those scaled down modifications, and, otherwise complies with the drainage code. The County Surveyor recommends approval of this final plan, modified plan for Sunset Memorial Park improvements.

President Nix: Is there anyone from the audience who would like to address this? If not, questions?

Commissioner Musgrave: I'll move to adopt the recommendation of the County Surveyor.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Both same side.

Ditch Maintenance Claims

Bill Jeffers: The only other item of business that I brought to you this afternoon from our office, is a file folder full of ditch maintenance claims. Regular maintenance has been performed to the ditches so far this spring, as well as some continuing

evaluations that are being made on our urban drains on the east side. Some progress payments to those vendors. They are all in order, accompanied by the required paperwork. Inspections have been made of the finished work. The County Surveyor recommends approval of those claims.

Commissioner Tornatta: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Both same side. Thank you. Is that it? I'll entertain a motion to adjourn.

Commissioner Musgrave: So moved.

Public Comment

Bill Jeffers: I don't know, but there may be members of the public here that want to make comment. I noticed two gentlemen here in the audience.

President Nix: Is there anyone from the public that would like to comment at this time? Sorry about that.

David Ellison: Can I make just a general comment?

President Nix: Yes. I'm sorry. I missed that part of the agenda here.

David Ellison: I'm David Ellison, and I'm a farmer in the area which was just presented up here on your screen. I did not object to that, because we're not against development, but, I just hope you understand that the 41 corridor does impact us severely. We farm, all of our farm ground lies around Pond Flat Main out there, and, years ago, say 15 to 20 years ago, it took a five inch rain to bring that creek up. Today it takes a two inch rain. So, we've got tremendous runoff out there. So, you know, whenever we develop that corridor, I just hope you keep that in mind. Okay. Appreciate it very much.

President Nix: Thank you for your comment. Anyone else that would like to address the board? If not, I'll entertain a motion to adjourn.

Commissioner Tornatta: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: We are adjourned.

Those in Attendance:

Bill Nix	Troy Tornatta
Bill Jeffers	Ted C. Ziemer, Jr.
David Ellison	Others Unidentified

Cheryl Musgrave
Madelyn Grayson
Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Troy Tornatta, Vice President

Cheryl A.W. Musgrave, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
JUNE 12, 2007**

The Vanderburgh County Drainage Board met in session this 12th day of June, 2007 at 4:10 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, June 12, 2007 at 4:10.

Approval of June 5, 2007 Drainage Board Meeting Minutes

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

Commissioner Tornatta: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

Solarbron Lake Reconstruction: Final Plan

President Nix: Mr. Jeffers, good afternoon to you, sir.

Bill Jeffers: Good afternoon. This afternoon we have only one drainage plan on our agenda for approval. It's the Solarbron lake reconstruction plan. You'll recall last, oh, last fall I think it was, we had asked them to repair the dam, because they are adding on some more housing in this area to the south of the dam, and the lake serves as the storm water detention for the entire development before it discharges into the University of Southern Indiana property. The dam had been breached by some of the larger storms in the last few years, approximately right here, and we asked that they repair that as part of our approval of their adding more housing. They took temporary measures over the winter that were sufficient to hold back the water, with sheet piling and so forth. You approved that. Now, they come back to you with this plan that's on your desk that is a long term solution for the problem. Essentially, reconstructing the dam. You can see the water level as it is today, after the repair they show you the water level will be essentially the same, but it will be a controlled situation where the outflow is reduced to a degree that the off channel downstream facilities can handle. We only suggest to them that when they adjust this water level, that they also in their plan make provisions for maintaining the new shore line so that it's grassy and persons can walk around it and conduct the necessary maintenance to prevent future problems that might arise if it's not maintained properly. Other than that, we have reviewed the plan, find it sufficient, and ask that you, and recommend that you approve it.

President Nix: Questions, concerns?

Bill Jeffers: Mr. Darrell Helfert is the engineer on the project who submitted it. He's here in the audience should you have any questions.

Commissioner Musgrave: I'll move to adopt the recommendation of the County Surveyor.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

**American Structure Point: Supplemental Agreement No. 1:
East Side Urban and Harper Ditch**

Bill Jeffers: Another item that I have, I don't have any ditch claims for maintenance work this week, but I do have in the blue folder between Commissioner Musgrave and Commissioner Nix, underneath the plans there, there's a blue folder, it has two original copies of a proposed agreement between American Structure Point, Incorporated, formerly known as American Consulting Engineers, who we have under contract for the study of the East Side Urban drain and recommendations, which, by the way we're already acting on some of those recommendations. We have cleaned out Stockfleth Ditch, we have cleaned out the Wabash Eerie Canal, and five of the six pipes, which effectively took the obstructions out of there, and you can now see when you go across the bridge at Burkhardt Road you can look down through there and see the water level has been lowered over a foot. We can now go in and inspect those pipes, etcetera. We're working on some of their other recommendations. However, you'll recall that earlier this year we had some negotiations with Indiana Department of Transportation and the City Engineering Department with regard to the pipe under the intersection of Green River Road and Morgan Avenue, and we are committed, to the tune of \$500,000, to replace that with a sufficient culvert that will carry the 100 year flow. That culvert is under design by engineers working for INDOT, however, part of our negotiations resulting in us committing to paying for the permitting, because the pipe was not part of the surface improvements that INDOT was going to make. It's a drainage improvement that we're requesting, so, they asked us to pay for the permitting that might become necessary for construction in the floodway permit from the Indiana Department of Natural Resources. They propose a lump sum fee of \$4,255 for that service, which is reasonable. With regard to overall section 404 permitting and 401 water quality certification that may arise with the Indiana Department of Environmental Management and the Corp of Engineers, that would cost an additional lump sum \$2,365, if it should come into play. There's still some question about whether those two permits are necessary, but that's a call that's made IDEM and the Corp of Engineers, not by us. So, the total amount of compensation under this supplemental agreement number one will not exceed \$6,200, excuse me, \$6,620. We are obligated to do this, and the County Surveyor recommends approval of this supplemental agreement and the signatures affixed.

President Nix: Just curious, where would that money come from, Mr. Jeffers?

Bill Jeffers: That will come out of East Side Urban drainage funds, which are paid by the East Side Urban drainage assessment.

President Nix: Thank you.

Bill Jeffers: There are sufficient funds.

President Nix: Questions from the board? I'll entertain a motion.

Commissioner Musgrave: Move approval.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Bill Jeffers: I will pass along to INDOT that you have approved that. They were rather antsy about us committing to that. Even though we told them we committed, they wanted to see it in this form. So, they will be happy to see that.

Reminder of Parade of Homes Event
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Bill Jeffers: The only other item of business that I have is to remind everyone here, and everyone listening that the Southern Indiana Builder's Association is conducting their Parade of Homes this week. Those homes are open to the public. Anyone who would like to see a new home built by quality builders in southern Indiana may do so. If you need any information on it, call Southern Indiana Builders Association, 479-6026 for maps of where the different subdivisions are, etcetera, and to remind the Commissioners that their banquet's tonight. It's always a good time.

President Nix: Thank you, Mr. Jeffers.

Bill Jeffers: Thank you.

President Nix: Any other business to come before the board?

Public Comment

President Nix: Anyone like to address the board for public comment? If not–

Commissioner Musgrave: Motion to adjourn.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

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

Those in Attendance:

Bill Nix

Bill Jeffers

Others Unidentified

Troy Tornatta

Ted C. Ziemer, Jr.

Members of Media

Cheryl Musgrave

Madelyn Grayson

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Troy Tornatta, Vice President

Cheryl A.W. Musgrave, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
DRAINAGE BOARD
JUNE 19, 2007**

The Vanderburgh County Drainage Board met in session this 19th day of June, 2007 at 4:17 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 19, 2007 at 4:17.

Approval of June 12, 2007 Drainage Board Meeting Minutes

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

Commissioner Tornatta: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

Freedom Life Center: Final Drainage Plan

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

Bill Jeffers: Good afternoon, Commissioner Nix. We have one drainage plan. It's a very simple plan, Freedom Life Center. It's a new church to be built on agricultural land, currently used for agricultural. I think it's been rezoned commercial/industrial, but the subdivision was never finalized. So, the church brought the property. It's north of Locust Creek, just north of Locust Creek on the west side of St. Joe Avenue near Motoux Park entrance. It's a very simple plan; a church, a parking lot, a playground, and a detention basin. The drainage plan meets with the requirements of the drainage ordinance. The Surveyor recommends approval of the drainage plan for Freedom Life Center.

President Nix: Is there anyone from the audience that wishes to address this? Any questions from the board?

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

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Ditch Maintenance Claims

Bill Jeffers: We have a folder with a few claims in it for work that's been completed in conjunction with regulated drains in Vanderburgh County. The paperwork is attached that's required by the Commission and the Auditor. The County Surveyor recommends approval of those claims.

Commissioner Musgrave: Move approval.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Commissioner Musgrave: Is that it? Motion to adjourn.

Commissioner Tornatta: Second.

Public Comment

President Nix: Wait just a second, before we do that. Is there any public comment? If not?

Commissioner Musgrave: Okay, motion to adjourn.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: We are adjourned.

(The meeting was adjourned at 4:19 p.m.)

Those in Attendance:

Bill Nix

Bill Jeffers

Others Unidentified

Troy Tornatta

Ted C. Ziemer, Jr.

Members of Media

Cheryl Musgrave

Madelyn Grayson

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Troy Tornatta, Vice President

Cheryl A.W. Musgrave, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
JUNE 26, 2007**

The Vanderburgh County Drainage Board met in session this 26th day of June, 2007 at 4:03 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, June 26, 2007 at 4:03.

Approval of June 19, 2007 Drainage Board Meeting Minutes

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

Commissioner Tornatta: So moved.

Commissioner Musgrave: Second.

President Nix: All in favor?

All Commissioners: Aye.

Midwest Automation: Lot 16 Airport Industrial Park: Revised Final

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

Bill Jeffers: Good afternoon. Before I move to the drainage plan, I would like to say to those who are viewing, it's raining pretty hard down here. I'm sure there are places in Vanderburgh County where it's raining as hard or harder. If you encounter standing water, please do not drive through it. It's dangerous. It also raises wakes that can flood, if it's deep enough it would raise a wake that would flood people's homes. So, be careful. Keep the gutters and the inlets clean, free of obstructions. If you have any problem, give us a call. The only plan I have today is Midwest Automation, lot 16 in the Airport Industrial Park on Hedden Road. Fehrenbacher Cabinets, I was waiting for some information that I was not able to obtain. That one will be coming to you next week. Next week's the fourth, the fifth of July, it will be the following week. Anyway, we're on Midwest Automation, lot 16. This is basically a reworking of a final drainage plan that's been approved. What they're doing is converting a dry basin in the southwest corner of the lot out near the street, to a wet pond. It will serve the same purpose, but it will be more beautiful to look at. Some of the neighbors, other industrial sites out there have done the same thing and planted willow trees, it looks really nice. So, I think that's what they want to do there. They've also added a couple of other extensions of the detention basin. The wet basin will be in this area right here. There's a building on this lot now. This is an older photograph. The wet basin will be here, the dry basin will be extended back around the back side of the lot, and there will be an additional dry basin up here in this corner. There will be plenty of storm water storage there. Chris Weil is the engineer who prepared the plan. He's here in the audience should you have any questions. It's basically an expansion of the existing building by Hinderliter. The plan is in order, conforms with the drainage ordinance, and the County Surveyor recommends approval.

President Nix: Is there anyone here that wishes to address the Midwest Automation, lot 16 drainage plan? Questions from the board? I'll entertain a motion.

Commissioner Musgrave: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

Ditch Maintenance Claims

Bill Jeffers: Other than that one drainage plan, I have some claims for Mark Naas, cleaned out the old Wabash-Eerie Canal for \$2,907. Did a great job. That water is flowing a lot better. Thank goodness he did it before today. Also, Mark Naas, Eastside Urban on Stockfleth Ditch, there were some complaints from Regency who owns the Kimber Lane apartments, and we went out there and discovered several obstructions. There were some shopping baskets underneath the Virginia Street bridge, some debris that had been thrown into the ditch, and some other things. He removed all of that. Terry Johnson Construction for mowing Harper Ditch. That runs out there by Normandy Arms apartments. Also Sonntag Stevens Ditch, Terry Johnson mowed that. Eastside Urban, that would be out around Summit Place, that will make the homeowners association of Summit Place happy, they got that mowed. Townsend Tree Service has applied herbicide to Eagle Slough. All of these claims, the blue claim is signed with the appropriate amount for the completion of the work, the paperwork's attached that the County Auditor requires, and the County Surveyor recommends payment of these claims.

Commissioner Tornatta: So moved.

Commissioner Musgrave: Well, I have a question, and I'll second.

Commissioner Tornatta: Okay.

Commissioner Musgrave: Now what point type is that in?

Commissioner Tornatta: Cheryl's being funny.

Bill Jeffers: Looks like we wasted some ink there with 14 point bold face type. I'll have to have that adjusted down—

Commissioner Musgrave: Times New Roman?

Bill Jeffers: –12 point Times New Roman.

Commissioner Tornatta: This is where you say, all in favor?

President Nix: Okay, I'll, the motion has been made and seconded, all in favor?

All Commissioners: Aye.

President Nix: Both same side, the ayes have it.

Commissioner Musgrave: I'll move to adjourn if you don't have anything else.

Public Comment

President Nix: Well, I'm going to ask to see if there's any public comment first. Do you have any other business, Mr. Jeffers?

Bill Jeffers: No, sir.

President Nix: Okay, is there any public comment? If not, I'll entertain a motion to adjourn.

Commissioner Musgrave: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: We are adjourned.

(The meeting was adjourned at 4:08 p.m.)

Those in Attendance:

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

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Bill Nix, President

Troy Tornatta, Vice President

Cheryl A.W. Musgrave, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
DRAINAGE BOARD
JULY 24, 2007**

The Vanderburgh County Drainage Board met in session this 24th day of July, 2007 at 4:34 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, July 24, 2007 at 4:34 p.m.

Approval of the June 26, 2007 Drainage Board Meeting Minutes

President Nix: I will, I guess we don't have any minutes from the previous meeting?

Madelyn Grayson: Yes, the June 26th minutes have not been approved.

President Nix: Okay, and I will entertain a motion to approve, and, I think you may need to abstain. Go ahead, I'm sorry.

Commissioner Tornatta: So moved.

President Nix: I will second that. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

Reorganization and Election of Officers

Commissioner Tornatta: Ted, do we need to go ahead and do the officers?

Ted C. Ziemer, Jr.: Oh, yes, of this as well. Uh-huh.

Commissioner Tornatta: Wow, this is kind of nice.

President Nix: Right now I'm the President, so, I can't do anything.

Commissioner Tornatta: I nominate Bill Nix, well—

President Nix: I don't think it really matters.

Commissioner Tornatta: Mike? Okay, Mike Whicker, I nominate you President of the Drainage Board.

President Nix: I second that. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

Ted C. Ziemer, Jr.: And then a Vice President.

Commissioner Nix: I would like to nominate Commissioner Tornatta as Vice President of the Drainage Board. I think you are already–

Commissioner Tornatta: I am.

Commissioner Nix: –but I just re-nominated you.

President Whicker: Second.

Commissioner Nix: All in favor?

President Whicker: Aye.

Commissioner Nix: Aye. Good afternoon, Mr. President. It's all yours.

Commissioner Tornatta: Wow!

President Whicker: Well, welcome. I'm looking forward to hearing your report.

Surveyor Presentation of Drainage Board Responsibilities

Bill Jeffers: Thank you, Commissioner Whicker, President Whicker. I want to congratulate you on your appointment as President of the Drainage Board. It's a very exciting, you'll find it's an exciting duty.

President Whicker: Alright. Thank you.

Bill Jeffers: My name is Bill Jeffers, Vanderburgh County Surveyor. I serve as your technical advisor. The Drainage Board is created by Indiana Code 36-9-27. Essentially, the three Commissioners, by virtue of their office, serve as the three Drainage Board members. The County Surveyor serves as your technical advisor. If you read through that chapter, it's rather long, it will probably take you three or four nights, because you're bound to fall asleep 20 percent of the way through each night. You'll find that the County Drainage Board is responsible for maintaining the regulated drains, which we have about 80 miles of regulated drain in Vanderburgh County, 20 miles of it is inside the city limits, especially on the east side, it drains about five square miles of that intensely developing commercial land between Green River Road, Washington, excuse me, Eastland Mall on out to the county line, including all of Wal-Mart, everything north of Lincoln Avenue, south of Old Boonville Highway, all that whole big, flat area. Those regulated drains are rather large. We have to keep them open so that that area drains, so it's not flooded. It does drain very well. We have contractors working on those drains spraying herbicides on the cattails and other undesirable vegetation. We have contractors mowing them periodically, especially through the residential areas. We have consultants, engineering consultants who have studied those drains to tell us what we need to do to make them better, keep them in good shape, what we need to do to reduce the flood plain out there so that FEMA doesn't raise the flood plain two and a half feet as they were wont to do in 2002, thereby creating a huge insurance burden on our commercial vendors, commercial property owners and developers. So, Drainage Board can get technical, and it can get, it is boring at times, but it serves a great purpose, and I think you'll enjoy working with your fellow Commissioners and our department. In that regard we're always available to you to answer any questions. You have a good attorney who understands the drainage law very well. I defer to

him on all legal questions, but I'll give you the layman's answers and the technical answers about what we do.

President Whicker: Okay, well, maybe I should talk to Ted, but I had some questions about the relationship between the Drainage Board and the Levee Authority. Is there any common properties owned between the two? I know, there's some areas, and correct me if I'm wrong, where the Drainage Board controls things that abut or are adjacent to Levee Authority property?

Bill Jeffers: That's correct. We have one drain in particular called Eagle Slough or Eagle Creek that runs parallel with the Knight Township levee, all the way from Waterworks Road there at the Marina, I think they call that Catfish Pond.

President Whicker: Right.

Bill Jeffers: Our drain empties into that, that's down by your LST monument. Okay, that creek then runs all the way, six and a half miles, basically, eastward to a half mile east of Green River Road. Which means it's upper most reaches are just about three quarters of a mile short of Angel Mounds boat launch. So, you get an idea of how much area that drains. It runs parallel with I-164, and I-164 basically runs along the top of the levee from 41 on east to Green River Road. There's three levee pump stations; K-1, K-2A and K-2B and K-3 that empty into Eagle Creek. So, we have to keep, basically, we're, right now we have a pretty extensive study going on to make sure that we're keeping all the obstructions out of that creek so that those levee pump stations and gates are unobstructed during the heavy rains that might, or back water that might affect the levee. There is one legal drain, regulated drain, called Aiken Ditch, which is kind of co-owned between the Levee Authority, or co-maintained let's say. The city had a substantial bond issue that widened and improved Aiken Ditch from Pollack Avenue there at Hoosier, Pollack and Hoosier where the Indian Woods planned urban development is, the apartments.

President Whicker: I'm sorry, is that close to K-3, the pump station?

Bill Jeffers: K-1.

President Whicker: K-1.

Bill Jeffers: The first one out all the way out on Calf Lane. Are you familiar with that one?

President Whicker: Yes, I am.

Bill Jeffers: Okay, from that pump station back up to Pollack Avenue, our ditch, called Aiken Ditch was widened to act as a holding area for the huge rainfall quantities that run off and have to be pumped out onto the other side of the levee. That was done through a bond issue by the city, but it was done in our regulated drain. We spray, mow and maintain that drain, remove sediment from it and so forth, but the Levee Authority also, because we only mow it once or twice a year, they like to mow it more frequently. They are on a much more frequent mowing schedule than we are. So, that's one that we more or less share maintenance on. Then, we try to work closely with Bob Mangold and his crew to make sure that where we're receiving their water in Eagle Creek is always open to receive their water. Right now we're having a problem with beaver dams. We need to remove some beaver dams

that back water up against those gates. Other than that, we don't have too much interaction with the Levee Authority. Yes, sir.

Buckingham Woods Subdivision: Final Plan

Bill Jeffers: First order of business, I put an agenda on your desk as a visual aid. We're going to move to Buckingham Woods Subdivision, which is a final drainage plan. Essentially, what we do is we have what we call a preliminary drainage plan which allows a developer to bring in a conceptual drainage plan to give us an idea of how he or she intends to handle the drainage in a new residential or commercial development, because there's accelerated run off and it has to be handled in accordance with our drainage code. Drainage Board in 1994 adopted a drainage code that requires detention so that the increased water coming from rooftops and from hard surfaces; streets, sidewalks, etcetera, is collected, carried down to a detention basin and held there and released at a slower rate so that it's released into the original receiving creek or lake or river at a gallons per minute, at or lower than the original natural condition of that land. So, that if you look at this, the natural condition of the land, as you see on this aerial photograph is a wooded, just green, wooded area. Now, this particular layout shows 35 lots, the developer since has decreased that to 30 lots for marketing reasons and building reasons, but you can imagine 30 more houses sitting in there is going to generate some additional run off. So, he collects, if you'll look on the plan in front of you, he collects that additional run off in about a 6,000 square foot lake down here in the corner of the property before it's released into this creek. You can hardly tell where the creek is, but it's the greener vegetation running through the woods here. You can see a slightly greener area running down through here. He releases it at this point right here from that large lot. The reason that lot is so large, it has a lake in it.

President Whicker: So, it's a lake, not a ponding area?

Bill Jeffers: It's a standing pool, permanently standing pool of water in this case. You can have a dry basin if you like under our ordinance, but, in this case it's a permanently standing pool of water. That is preferable to some developers, because they then have a lake front lot. So, when, the reason for a preliminary plan is because they are less costly than all the calculations and planning and man hours that go into a final plan. But, the Area Plan Commission requires at least a preliminary plan to be approved before the plat for that subdivision goes in front of the Area Plan Commission. They don't want to deal with drainage in their meeting. They want us to deal with drainage here. They want the public to be assured that the drainage is being adequately dealt with so it's not a part of the zoning or platting process. All those technical issues are discussed here. So, that's already happened, and it has been, the plat has been approved by Area Plan Commission. Now, it comes back to you for the final drainage plan, because the developer knows he's gone through zoning, he's gone through platting, he can start building now when we approve this final plan. So, he goes ahead and spends the additional money to instruct his engineer, who in this case is Keith Poff from Sitecon, in the green shirt here, who went ahead and developed all the final details that we need to ensure that this plan can be put in the ground. Not only is it in the depiction there in front of you, but I have a set of computa....you know, it's all run on computer sheets, it shows all the calculations necessary to ensure the plan works. Our drainage ordinance is about 95 type written pages long. It has all the details in it, all the charts, all the layout information, all the requirements. As I said, it was adopted in 1994. It's served us well. Anything where you establish 10,000 square feet of

new, hard surface or greater you have to come through here and run these plans through here to be approved by your board. Our office reviews the plans and comes and assures you that they comport with the drainage code, and in this case I am telling you at this time that Buckingham Woods Subdivision, final drainage plan, comports substantially with the drainage code for Vanderburgh County, and the County Surveyor recommends that you adopt this plan.

President Whicker: I understand. Okay, do we have a motion?

Commissioner Tornatta: Upon the recommendation of the Surveyor, I move approval.

Commissioner Nix: Second.

President Whicker: All in favor?

All Commissioners: Aye.

Bill Jeffers: Okay, thank you. Sorry to take up so much of your time with that explanation, but maybe the first time around it might help.

President Whicker: I appreciate it. I'm going to need your help. I'll come and see you.

Bill Jeffers: Please do.

Boren Subdivision: Final Plan

Bill Jeffers: Boren Subdivision is a one lot subdivision, which otherwise would be a minor subdivision, we would never see it here, because we don't have those come before the Drainage Board. However, Area Plan Commission required, because it sits back here off the accepted county road, and it's not connected to that county road by a 60 foot frontage, then this, the owner of this property had to acquire a 40 foot right-of-way, minimum, for a cul-de-sac less than 1,100 feet long, to make a legal connection to the accepted county road, in this case Hogue Road. Now, that's all technical requirements by the subdivision code. So, now the layout you see is a legal layout for a one lot subdivision, which if it had the frontage on Hogue Road would have been a minor sub and never would have come here. Because it will not establish 10,000 square feet of new, hard surface. They don't intend to build a road there, that is simply technical confirmation to comport with the code. It's going to remain a driveway. There's an existing home up here. They just divided off a piece of land from a larger parent parcel. It already has a lake established. There's a letter on your desk from a registered engineer, Jim Farney, from Bernardin Lochmueller and Associates. The letter looks like this. He describes the condition of the lake. He also attached, with an e-mail, onto an e-mail that he sent to me, he attached a dozen pictures showing the entire area, the lake, the condition of the lake. He certifies that it's in very good condition, it's very stable. I think I drew on your plan an arrow that basically shows a lake drains off this property and over to that larger lake, which is in the flood plain, with no problems associated with it. There's not going to be any new building. There's no need for a drainage plan other than he's sending me a sketch showing just a basic drainage pattern, but as a formality so that I can go before, come to you....I sit over here at the Area Plan Commission, maybe you'll be lucky enough to be appointed to the Area Plan Commission. It's another fun

meeting. I assure the rest of the board members that a drainage plan has been approved. It's just a technicality. So, at this time I'm asking you to allow me to give approval to the sketches and drainage plan that Mr. Farney has brought to me, because it doesn't really require that you approve a formal drainage plan, since there's not 10,000 square feet of new, hard surface.

President Whicker: Okay, do we have a motion?

Commissioner Tornatta: On the recommendation of the Surveyor, I move approval.

Commissioner Nix: Second.

President Whicker: All in favor?

All Commissioners: Aye.

Carpentier Creek Annual Inspection Report

Bill Jeffers: Today I have a couple of reports to bring to you. The first one is the Surveyor's report on the condition of the reconstructed channel of Carpentier Creek. There's a slide show associated with this report. Basically, on March 22, 2004, a date by the way, which I don't believe anyone other than Madelyn and myself were here in these chambers. I think there were other members of the board and another attorney on that date. The Vanderburgh County Drainage Board entered into an agreement with the Indiana Department of Natural Resources. This report is also on your desk if I lose you in boredom. In order to satisfy the requirements of a permit for a developer to reconstruct the channel of Carpentier Creek as it now passes through the Kohl's department store property on Rosenberger Avenue, west of the City of Evansville. In other words, without the agreement that the board entered into, DNR was not going to issue a permit to relocate this substantial waterway, they have jurisdiction. So, they kind of had us over a barrel. The agreement pertains to DNR's application number FW22706 by Dennis Owens, the developer here in the audience today. The developer of Carpentier Creek Pavilion, for which the Drainage Board approved drainage plans in 2004. The agreement requires an annual inspection and a report on the condition of the reconstructed channel, limited to the following items; mowing of the channel and the overbank areas, keeping the channel banks and overbank areas free of debris and obstructions such that water can flow unimpeded through the channel and overbank areas, and maintaining the shape and condition of the channels and overbank areas in accordance with the approved plans. Basically, this is an agreement that DNR has forced on other Drainage Boards in the state, and following the agreement, the Drainage Board then entered into an agreement with the owners and developers of Carpentier Creek Pavilion whereby they become responsible for any and all maintenance and repairs required to keep or return the channel and overbank areas of the reconstructed creek into a condition in accordance with the approved plans. The following photographs, taken a week ago Thursday, and comments address our stated obligations. Okay, let's go to slide one, the recommended, this photo was taken standing on Hogue Road bridge, looking south along Carpentier Creek towards the Kohl's entrance bridge. That's the entrance to the development. The channel is much wider than the original creek. The approved plans allowed for the passage of run off equivalent to a 100 year storm without flooding adjacent property. The as-built drawings, which I have in my office, submitted by Morley and Associates, show that the horizontal location of the low flow channel, that's the wet

area down here, varies from the proposed location for this section of the channel. Also in this slide you can see the well vegetated side banks. The grass cover is adequate in accordance with density requirements of our local code, but is not maintained in accordance with standards for a subdivision. The area should be kept mowed and manicured, the same as a lawn, or with growth no taller than nine to 12 inches in height. The young trees shown over here on the west bank, and a few of them down through here that are barely visible, were planted at the direction of the Department of Natural Resources and the Army Corp of Engineers as mitigation, and are subject to the regulations of those agencies. However, it appears many of the trees are not planted at the locations designated by the plan. The intent, as the County Surveyor understands it, was for the trees to be closer to the creek, down in this area, the greener area that's now very weedy, in order to provide shade for the waterway. Basically, what happens with the Corp of Engineers, DNR, those folks, when you mitigate for ripping out all the trees that used to form a canopy over the original waterway, they like for plantings to reaccomplish the shade that once kept that water cool, so that the wildlife habitat is the same or better than what it was before. A recent Corp of Engineers report makes specific observations and recommendations regarding the tree plantings, and the report can be appended to this report, if the board wishes to consider it's contents. I have the report here and I'll provide it. No debris or significant obstructions to the flow of water are seen in this view. Slide two is taken from the same position, but the camera has been lowered so you can see a pool of water at the end of the rip rap shoot leaving Hogue Road bridge. The slide basically shows a typical standing pool of water where velocity slows down after passing through a narrow bridge opening, and spreads out into a wider channel. That's the only reason why it's wider there. It's no big deal. Slide two shows some horse weed over here, well, right there and on this side that the County Surveyor thinks should be sprayed or mowed. Otherwise managed to prevent invasion of the remainder of the channel by these types of undesirable weeds. Slide three is taken standing on the east bank, by the Kohl's parking lot and looking across to their entrance bridge. Again, the grass cover is very dense and adequate, according to local codes, but is not mowed in accordance with our drainage code, and is not in accordance with what the County Surveyor believes was the intent of the board's agreement with the Department of Natural Resources. However, some of the recommendations in the most recent Corp or Engineer's report seem to conflict with local codes regarding the maintenance of lawns and waterways. Before we move on, there are some sycamore trees, that is a little closer to where the trees should have been planted. There are two young sycamore trees here. There's one, there's one, there's one. I believe the Corp is saying that there should be more of those, so they eventually shade the waterway. Okay, slide four shows some Canadian thistle that is invading the area. Canadian thistle is a noxious weed, very invasive and should be removed before it spreads out of control. That's this prickly looking thing here and some others. Slide five is also a close up of horse weeds. I think I've said pretty much what needs to be said about that. Other than if this were a county regulated drain, the County Surveyor already would have contractors spraying and mowing this waterway. The board may wish to consider enforcing either the requirements of the drainage code regarding subdivisions, or the weed control ordinance to have this area mowed. But, again, conditions attached to the federal and state permits conflict with local standards. Slide six will show you the apparent reason why the developer or the property owner has not mowed all this invasive weed cover. In addition, the Army Corp of Engineer inspector report specifically notes the absence of sufficient signage, and asks that additional signs be posted on both banks of Carpentier Creek to prevent mowing and spraying. Slide seven, taken from the entrance bridge to Kohl's and looking back up at Hogue Road, this is a concrete batch plant back in here, that's a county bridge,

and we're just looking back up the vegetated waterway of Carpentier Creek with all conditions previously discussed. But, the purpose of this slide is to show sediment accumulation directly at the toe of the bank. This is the toe of the slope here, and from here out to the low flow waterway is all accumulated sediment, probably about a foot of sediment that's accumulated there over the past three years. Same on the other side of the ditch. Lush, green vegetation is growing on the accumulated damp sediment. That's why it's so green while the side banks are dry at this time of year. You should expect silt bars to accumulate in a wide channel, because as the velocity dissipates when it comes to this narrow waterway opening, everything back in there comes down out of the hills at a rapid velocity, then it comes to this new, reconstructed waterway that can handle a 100 year flow, it spreads out, the velocity slows down and all the heavy particles fall out, as you see them accumulated under this vegetation. Whether or not this accumulated vegetation constitutes an obstruction can only be determined by running a HEC-RAS program for waterway capacity calculations. The existing configuration of the channel has not been run through a HEC-RAS computer program. Without that information, or a modified plan, the County Surveyor cannot determine whether the channel is adequate at this time, only that it does not fully comport with the originally approved plans. Slide eight is taken standing on the same Kohl's department store bridge, looking south downstream along the reconstructed channel. You can basically see the continuation of the same shape and condition of the channel, only with less invasive weeds. They hadn't made it down this far. This is not too bad of a cover, it just hadn't been mowed. Slightly deeper water in this area. Slide nine, taken from the bridge at it's southwest corner. I include this slide because there's some erosion in the overbank area, the vegetation is not thick enough, and I'm asking that the owner of this property go out and repair that erosion and establish thicker vegetation. Okay, also in this picture, if you look across to the east bank of the ditch you can see Kohl's parking lot on the far bank. As shown in this photograph, and on the as-built plans that were submitted, that bank over there, ditch bank, does not conform to the approved plans and grade. Furthermore, a retaining wall as shown on the approved plans has not been constructed, and there's evidence along the guardrail here, you can see it sagging, that the waterway embankment is not stable, and the pavement and the curbing for that parking lot is slowly moving into the creek. Slide ten is taken from the extreme south end of Kohl's parking lot and looking south to the Lloyd Expressway, over Carpentier Creek. The agreement with the Department of Natural Resources, the county is responsible for inspecting and enforcing only to a point 316 feet north of that Expressway, or approximately where a waterway enters right here. So, our limit of our jurisdiction is right in here. Also, in slide ten you can barely see a beaver dam, approximately here, and I believe there's another one down here—

President Whicker: I'm sorry, does this tie into the Howell Wetlands, eventually?

Bill Jeffers: Yes, sir. Probably about another mile south of that bridge Howell Wetlands empties into Carpentier Creek, just north of Broadway Avenue.

President Whicker: There might be some issues with spraying, do you think, if the chemicals would go into the wetlands? I know there's lots of regulations about that.

Bill Jeffers: There is. There's only certain types and concentrations of herbicides that can be sprayed into wetlands or into standing bodies of water. Those are all controlled by the EPA, and, excuse me, the Environmental Protection Agency and the Indiana Department of Environmental Management. Those may be issues that we'll have to take up with the Corp of Engineers before we order anybody to spray, that's correct. You can see a significant pool of water in this slide, but the beaver

dam is inside the city limits and outside the limits of the reconstructed channel for which your board is responsible through the agreement with the Department of Natural Resources. Slide 11 shows a close up of the kind of aquatic vegetation that's established in that pool of water behind the beaver dam. It's clearly the type of vegetation you would expect in a wetland, and does not in itself constitute an obstruction, or, I just don't see any problem with this kind of vegetation. The animals thrive on it. It's not blocking water. I don't have any problem with it. Slide 12 is also a shot from Kohl's south parking lot looking across the same creek at approximately the same location. This is the vegetation you were looking at earlier down here. It shows the basic nature of the wetland that's developing adjacent to and as a result of the beaver activity that backs the water up. While taking the photograph I noticed several redwing blackbirds actively nesting and defending their territory, especially in this area of cattails and willows right through here. I say that because redwing blackbirds specifically are indicative of good wetland habitat. They don't like anything but good wetland habitat. They feel safe there. That's where they nest. That means it is a wetland. Also, several cowbirds were laying their eggs in the blackbird nest, indicating active nesting activity in a successfully developing wetland. I say that because cowbirds don't incubate their own eggs. They follow the redwing blackbirds around, lay their eggs in their nests, and then become a part of that flock. So, this is a very active nesting area, and it is indicative of a well established wetland. Slide 13 shows basically the same area, just a different shot. It's showing you a broader view of the standing, of water standing on hydric soil, adjacent to the waterway, and the wetland is growing up west of the creek. Until very recently this entire area shown in the slide was nothing but a bare mud hole, a borrow pit, that turned into a dust bowl during dry seasons out there underneath, or right below the University Shopping Center. But, now, with the beaver activity and the reconstructed creek channel, the old borrow pit is quickly becoming a wildlife haven and a green space that looks a heck of a lot better than it used to. So, in summary, the board is a signatory to an agreement with the Indiana Department of Natural Resources. You must receive this report annually. The board has also agreed with the developer to notify the developer, or his or her heirs and assigns of any required maintenance efforts required to keep the channel and the overbank area in accordance with the approved plans. So, the County Surveyor did conduct, last Thursday, the required inspection for 2007, finds no significant impediment to the flow of water through the portion of the reconstructed channel and overbank areas that are subject to the agreement, no debris or conditions other than a lack of mowing and spraying that may be out of compliance with the approved plan, except that the information available to the County Surveyor, through the as-built plans submitted by Morley and Associates, show that the existing shape of the reconstructed channel is relatively close to, but not exactly in conformation with the existing reconstruction, with the existing approved plans, does not conform exactly to the approved plans with regard to grade, alignment and tree plantings. So, at this time, the County Surveyor recommends that the board, through the County Surveyor if you wish, notify the developer and the landowners of the following requirements; immediately repair the erosion noted in this report, instruct the consulting engineers for the owners to complete a HEC-RAS analysis of the reconstructed channel and overbank areas where they appear not to conform to the originally approved plans, and then to submit a set of modified plans, or else finish the work in accordance with the approved plans. I'm avoiding any recommendation to mow or spray until we resolve those issues with the Corp of Engineers. The developer and the landowners should then proceed with submittals for state and federal permits that may be related to modified plans, to implement the resulting approved plans, to complete their mitigation if it is not completed at this time, and to finish all activities associated with the reconstruction of Carpentier Creek at Carpentier Creek Pavilion. Then, I have

a disclaimer, "Nothing in this report should be construed as the endorsement or approval of plans or action which may be contrary to requirements of applicable federal, state or local permits and regulations."

Madelyn Grayson: May we make a tape change quickly?

(Tape change)

Bill Jeffers: Now, it may be obvious to some persons in this meeting or observing this meeting that I have not addressed the western unnamed tributary that enters Carpentier Creek, under Rosenberger Avenue, that drains Bob's Gym and everything back up to Boehne Camp Road. The reason for that is it's not covered by your agreement. There are some issues associated with the existing constructed west tributary, but those issues would better be addressed at a Commissioners meeting after John Stoll and I have talked together and so forth.

Commissioner Nix: Mr. Jeffers, are those issues, do they involve the culvert at all? Or are you just saying drainage issues west of the culvert on Rosenberger?

Bill Jeffers: The culvert appears to not have been installed at the proper elevation and grade, etcetera. Okay, I'm going off the Corp of Engineers report. So, it's in that report if you would wish to look at it at that time.

Commissioner Nix: Do you know about what the variation is? Because—

Bill Jeffers: It seems like about a foot.

Commissioner Nix: —there was an obstruction out there when they put that in, and I think Mr. Stoll, I don't know if you've had a chance to talk to him or not, there was a water line—

Bill Jeffers: Sewer line.

Commissioner Nix: —sewer line or something that they, that was a problem getting the correct elevation on that.

Bill Jeffers: Right.

Commissioner Nix: So, I think that's something we need to look at.

Bill Jeffers: Right, and the Corp is basically saying that because of that, they're not sure if it has the capacity that it was designed to carry, because the grade has changed. Also, that in that channel there's substantially more rip rap was applied to the bottom of the channel, and it's acting as a French drain, so that the creek completely dries up and you don't see....if we could just have any of the first three shots. Well, how about number three? You don't see a low flow area like this. You just see dry rip rap. All the water is flowing beneath that rip rap, and so the vegetation has completely clogged the low flow channel, and there's some concern about that. These are technical issues that will have to be resolved at some point between all the agencies.

President Whicker: But, you're pretty confident there's no health issues? We don't have stagnant water with mosquito problems?

Bill Jeffers: No more than what you would see here. There is some standing water on the west side of Rosenberger Road along Bob's Gym property. But, no more than what you see here.

Commissioner Nix: Mr. Jeffers, you had mentioned some corrective items, do you have a time frame that you would like to see those done within? Have you thought about that at all?

Bill Jeffers: We're supposed to notify the property owner within 14 days of you receiving this report. I would say that we would like to hear their reply within the next couple of weeks, after they receive notification. You know, we don't meet again until the 14th of August, let's hear what they have to say about the notification. Let's see if they're progressing in an appropriate direction at that time.

Commissioner Nix: So, really what you're asking us to do today is just accept this report?

Bill Jeffers: And tell me to send them notification of the recommendations.

President Whicker: Of the erosion, the HEC-RAS and modified plans, basically those three items, Bill? I mean, that's what we want to notify them about? To respond?

Bill Jeffers: Yeah, the erosion, the HEC-RAS analysis and any modified plans that might be required to finish the work in accordance with the approved plans, yes sir.

President Whicker: Okay.

Commissioner Tornatta: I make a motion to accept the inspection, annual inspection report of Carpentier Creek and all the recommendations of the County Surveyor.

Commissioner Nix: Second.

President Whicker: All in favor?

All Commissioners: Aye.

President Whicker: Is there anyone out there that wants to speak to any of this? Okay, thank you, Bill.

Bill Jeffers: Thank you.

<p>Report on Proposed Wetland Purchase: State Surplus Land at 41 & Waterworks Road</p>

Bill Jeffers: Okay, the only remaining report that I have is on the wetland area that the County Commissioners proposed to purchase from the State of Indiana. It lies north of Waterworks Road, east of 41, south of I-164. I wish it looked like that, we could farm it.

Ted C. Ziemer, Jr.: Bill, for President Whicker's sake let me just tell you that the State has various surplus lands around the state, and it's become a policy of the state to try to sell those to counties in the state when both the county and the state thinks it's appropriate. The state offered to sell us, what is that, Bill?

Bill Jeffers: 72 or 73 acres.

Ted C. Ziemer, Jr.: 72 or 73 acres for \$50,000, well, it's now almost six months ago, I think. We negotiated with the state, saying, you know, we really had no substantial use for this property, and we would just almost as soon the state kept it, at that price. They came down to \$10,000 that they offered to sell it to us for. Didn't feel they could donate the property, so, at that time we did entertain that offer. We did a phase one environmental survey on the property to make sure there were no environmental problems there. It has a clean bill of health, environmentally. It is now really a matter of the County Council approving the county's purchase of this property for \$10,000. That's where the matter is now. At one of the Council meetings it was indicated that a possible use for this property, and it was your initial thought that one possible use for this property would be for wetland mitigation. Now, you're going to report further to us about that.

Bill Jeffers: Yes, sir. All of that is correct, and leads us to the point where I'm going to say that Commissioner Musgrave was interested in acquiring this property for the county, and was investigating various potential uses for this property. Some of the thoughts were a natural area, a green space, park land, riding trails. There's another piece, this is one parcel, and then it's separated by some woods from the second parcel that's adjacent to Waterworks Road, where the pointer is. That second parcel has county road access and it's all wooded. There's no standing water there, but let's go back up to the other parcel. Together they comprise 72 acres. So, you can see that there's a potential for wildlife habitat, riding trails, walking trails, there's adjacency to the proposed greenway. Commissioner Musgrave asked me if I had any thoughts about other uses that would be of express value to the county. Recently Green River Road plans required extensive encroachment into what Corp of Engineers and DNR considered wetlands. They required the County Commissioners to go find other areas of the county, and I think it's down in Bayou Creek, is that where you guys ended up acquiring some mitigation ground? And, go there on farm land, or whatever, and establish it to wetland to mitigate for destroying what the Corp of Engineers and DNR considered wetland along each side of Green River Road where you cross Pigeon Creek. Well, that's standard practice for any development that displaces what the Corp of Engineers or DNR considers wetland. You have to mitigate. Sometimes it's at a two to one rate. They decide what the quality of the wetland you're destroying or displacing or filling, and they tell you, okay, that was high value wetlands, so it's going to be four acres for every one that you displaced. In most cases it's two to one. Some communities have established wetland mitigation banks, so that when industries want to locate in their municipality, they already have improved property and acquired wetland credits from the Corp of Engineers for their activities. In other words, if you were to take this farm land right here, and this acreage, which is not part of what the state offered, because a farmer owns that, if we would take that and make it look like this land that the state owns, we would get at least two to one credits for every acre we turned from farm land into this, we would get two credits. Sometimes as much as four. Then if say a large corporation came down here, like Toyota, and wanted to locate in Vanderburgh County, and they were going to displace five acres of wetland at their assigned site, development site, they could buy wetland credits from the county government for ten acres. Thereby, their permit from DNR, and their permits from the Corp of Engineers would happen like that. Whereas, usually it takes six months to a year to go through the permitting process. So, it would be a great economic development tool if we had a wetland mitigation bank. So, we explored that option with some consultants, and it looked really good. It looked like a really good option until we delved very deeply into the Corps rather byzantine formulas for what kind of credits you get, and we

found on this particular piece of property that, basically, it's already a wetland, and there's very little we could do to these mature tree areas to improve it. We could go into this very shallow borrow pit and establish a bald cypress swamp. We could get some credits for that. That was about the extent of the credits we could get, and they would be at a rate of about 1/10 of a credit per acre, rather than what we had hoped for, two credits per acre.

Commissioner Nix: So, basically, the fact that it's already a wetland, for all practical purposes, discounts that?

Bill Jeffers: Right.

Commissioner Nix: Because you can't trade wetland for wetland, basically?

Bill Jeffers: It really minimizes what value it would be as a wetland mitigation bank.

Commissioner Nix: Because it already is wetland?

Bill Jeffers: Yes, sir. So, at this point in time—

Commissioner Nix: Since you're not adding any additional wetland?

Bill Jeffers: Not really. You could raise the quality of that wetland, but they just don't give you that much credit. I would think for a bald cypress swamp they would give you much more than what they actually would give you. So, at, basically at this time I'm withdrawing my endorsement for this particular parcel as a wetland mitigation bank.

President Whicker: Bill, can you zoom out just real quick, so, I can get a better idea of where that is? I know it's, how far away from the river is that? Can you zoom out on that a little bit?

Bill Jeffers: Is this active? Or, is this a PDF? Okay.

President Whicker: I mean, I'm familiar with the area. I know Staub has a lot of property just—

Bill Jeffers: Oh, yeah. The area right adjacent to this, some of that acreage is owned by Koester Contractors, and I would love for the county to buy that, because it's farm ground, and you could get beaucoup credits to convert it to what we just looked at, but that's not for sale. Well, I've heard it might be for sale actually, but I'm not sure it's going to be for \$10,000 for 72 acres.

President Whicker: So, is that white area what we're looking at there?

Bill Jeffers: Yes. Here is your, this is your state line, and that's the old channel for the river. Actually, the river's out a little bit further down, on the other side of Ellis Park, down in this area. So, you're a good mile from the river at that, at the intersection of I-164 and 41, which is right here, I would say you're a good mile from the twin bridges, north of the river.

Commissioner Tornatta: Real quick, and I don't know, Ted, if you have to say anything, but I would like to cut this part short, it's just because I've got some people who have made mention of interest, and I want to talk to the attorney about

processes by which if we want to entertain anything. So, before we go too far down this road, I would kind of like to just cut it short. We are running short on time to get out of here anyway.

President Whicker: Bill, could we table this?

Bill Jeffers: Sure.

Commissioner Tornatta: Yeah.

President Whicker: And, you can show me this.

Bill Jeffers: I just wanted to, you know, you're on the agenda—

President Whicker: Okay.

Bill Jeffers: —for the money tomorrow, and I just wanted to bring that to your attention. I have one more item.

Ted C. Ziemer, Jr.: Before you do that, just also for President Whicker's information, the state has indicated that if we elect not to purchase this property, they will then set up an auction and will sell the property to the highest bidder. So, another thing that we were kind of keeping in mind was it's now in the state's hands, it could be in the county's hands, does it make any difference to anybody that it falls into the general public's hands through, or any member of the general public for whatever uses they might want to make of that property. If that be a private hunting preserve, or whatever. So, that's another possibility.

Bill Jeffers: Right, it would be very nice to have it as a permanent conservation easement, but my only real concern at this point is that whoever purchases it, that the state would divulge to them, unlike they did not divulge to us, exactly what the limitations of that property is.

Commissioner Tornatta: Ted, if an individual would buy it from the state, then let's say they wanted to donate the other land to the county, could they then deed it to the county?

Ted C. Ziemer, Jr.: They could.

Commissioner Tornatta: Okay, and then, it would cost us an appreciable amount of money to go through the process of doing the bidding, but if the state would do it, obviously, it would cost us nothing and we get the same effect.

Ted C. Ziemer, Jr.: We would.

Commissioner Tornatta: Thank you.

Bill Jeffers: I just, I think there may be some great ideas out there, but I do believe someone from the state should divulge to any potential buyer what the limitations are, because surely INDOT knows what the limitations of operating in a wetland are.

President Whicker: Well, Bill, can I get a hold of you and go down there with you, and anybody else, any other Commissioners that would like to go. I would like to see

it. I am pretty familiar with that area. I would be curious to know how much part of the year that is under water, if any, and, you know, things like that.

Bill Jeffers: Sure.

President Whicker: Okay.

Legal Drain Encroachment Agreement: Vectren: 835 N. Burkhardt Road

Bill Jeffers: I have an encroachment agreement, a standNDRd agreement that's been reviewed by the County Attorney. He may have some comments on it. It's accompanied by a \$22 check for the cost of the recordation. It shows that Vectren would like to encroach the drainage easement and right-of-way along the east side of North Burkhardt Road, in front of the new Old National Bank building, just north of Sam's Club, with an electrical facility to serve the new Old National Bank. I would recommend that we allow them to move forward with this.

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Whicker: All in favor?

All Commissioners: Aye.

Ditch Maintenance Claims

Bill Jeffers: I have some claims for the regulated drains that we're responsible for maintaining. They represent finished work by our contractors. All of the work's been inspected, and the required paperwork is attached.

Commissioner Nix: Move approval of the claims.

Commissioner Tornatta: Second.

President Whicker: All approved?

Commissioner Tornatta: Aye.

Commissioner Nix: Aye.

Bill Jeffers: Thank you. I have no further business before the board.

Commissioner Nix: Motion to adjourn.

Commissioner Tornatta: Second.

President Whicker: Okay, we are adjourned. Thank you.

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

Those in Attendance:

Mike Whicker

Bill Jeffers

Others Unidentified

Troy Tornatta

Ted C. Ziemer, Jr.

Members of Media

Bill Nix

Madelyn Grayson

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Mike Whicker, President

Troy Tornatta, Vice President

Bill Nix, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
DRAINAGE BOARD
AUGUST 14, 2007**

The Vanderburgh County Drainage Board met in session this 14th day of August, 2007 at 5:05 p.m. in room 301 of the Civic Center Complex with Commissioner Nix presiding.

Call to Order

Commissioner Nix: Good afternoon. I would like to call to order the Vanderburgh County Drainage Board, Tuesday, August 14, 2007 meeting, it's 5:05 p.m.

Approval of July 24, 2007 Drainage Board Meeting Minutes

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

Commissioner Tornatta: So moved.

Commissioner Nix: Second. All in favor?

Commissioner Tornatta: Aye.

Commissioner Nix: Aye.

**Drainage Easement Encroachment Agreement:
Aaron & Regina Muller: 2419 Wheaton Drive
Windemere Farms, Section III**

Commissioner Nix: Mr. Jeffers, good to see you this afternoon, sir.

Bill Jeffers: Good afternoon, Commissioners and staff. Did you approve the minutes from the previous meeting?

Commissioner Tornatta: Yes.

Bill Jeffers: I'm sorry.

Commissioner Nix: We certainly did. A step ahead of you.

Bill Jeffers: We were giving sign language over here. Okay, our first order of business tonight is a drainage easement encroachment agreement between the county and Aaron and Regina Muller, 2419 Wheaton Drive, which is lot 101, Windemere Farms, section three. Basically, I've handed you a drawing, which as a part of the agreement is called exhibit A, exhibit B, exhibit C. Exhibit A is the lot itself, lot 101, shown to you with the lot dimensions. Exhibit B is the 15 foot wide drainage easement along the south line of that lot. That is cross hatched and labeled 15 feet wide. That's your drainage easement. Then, exhibit C would be the portion of the swimming pool and pool deck which encroaches that drainage easement. The encroachment is an average of about five, leaves about five feet of the drainage easement for about one third of its total length. Okay, so, obviously, the reason that the petitioner is asking to encroach the easement is so he can build a swimming pool, she and he can build a swimming pool behind their home and enjoy the swimming pool. As you know, a drainage easement is a strip of land that's

reserved for drainage facilities, pipes, ditches, etcetera. It has no other utilities in it, or should not have any other utilities in it. It's not a public utility easement. It's only for drainage purposes. It remains a piece of that property owner's property, and that property owner does pay taxes on that easement. So, it's not like a right-of-way for a street or so forth. It's only, it is there simply because when the developer of Windemere Farms had platted this portion of his development, he had not yet bought the property to the south. This may have been the last extent of the development to the south from Kansas Road, and, therefore would have to capture all the water coming off of the project and convey it out to his detention basin, which is down in Camden Farms. However, that same developer went forward and bought section five and section four and developed it, and the water coming off of this area, including lot 101 and the adjoining lots, simply sheet flows off in just a natural terrain, does not have to be intercepted. It is intercepted on a lot to the south and carried out to the system and down to the detention basin. So, there truly is no need for drainage facilities within this easement, and, in particular, there's no need, or no contemplated placement of drainage facilities in the particular small portion that he would like to encroach. I don't anticipate any drainage facilities to ever be placed there. Therefore, we find, our office finds a reasonable cause for him to ask to encroach it so that he can more fully utilize his property that he's paying taxes on. The form has been filled out. This is our regular, standard legal form. It's going to be recorded, if you approve it, in the County Recorder's office. Your recording secretary has the original, along with a check for recordation, and the County Surveyor recommends approval of the drainage easement encroachment agreement for Aaron and Regina Muller, 2419 Wheaton Drive.

Commissioner Nix: I have one question.

Bill Jeffers: Yes, sir.

Commissioner Nix: Can you walk me through the grade on this from end to end? Just which way it....is this....go ahead.

Bill Jeffers: Yes, if you're looking at the left hand side of your photograph, I mean, your copy, over here the elevation of the ground is about the same as it is on the right hand corner, you know, the southeast corner of his property. Those are about the same. About where it says exhibit B and has an arrow pointing to the easement, there is a little saddle in the ground, very gentle, it's not, it's just defined enough to let you know that's where the water passes off of his property. Right about where that arrow is pointing.

Commissioner Nix: Okay.

Bill Jeffers: The water from the adjoining property also comes down, he has a swing set right about here. If you look on the aerial photograph you would see a swing set. I've seen pictures of the water during a torrential downpour. I asked him to show me the worst pictures he had, and the water all runs off his property, through this portion that he's not asking to encroach. The swimming pool is on higher ground. It would not be in the path of any natural watercourse.

Commissioner Nix: Okay.

Bill Jeffers: It's basically a gently rolling hill that just kind of sheet flows to the south.

Commissioner Nix: Okay. Questions?

Commissioner Tornatta: Upon the recommendation of the Surveyor, I make a motion to approve.

Commissioner Nix: Second. All in favor?

Commissioner Tornatta: Aye.

Commissioner Nix: Aye.

Ditch Maintenance Claims

Bill Jeffers: I have another item of business, claims for services received by the Drainage Board from various vendors. They are all in appropriate form, and recommend approval of those claims.

Commissioner Tornatta: So moved.

Commissioner Nix: Second. All in favor?

Commissioner Tornatta: Aye.

Commissioner Nix: Aye.

Green Hill Subdivision: Modified Plan
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Bill Jeffers: Excuse me. I have one other item of business, that I do not have on the agenda because I had not received one document I was waiting for. However, I see that the developer and his engineering representative are here in the audience. It's for Green Hill Subdivision on Green River Road just south of Kansas Road. What the situation is, is that there was an old farm drain that came down out of what's now Windham Hill, developed by Scott Raley, when that was a farm it came down off the hill and there was a vast amount of drainage that came down through this farm drain and drained out to Green River Road. Jagoe bought a portion of that property and developed a subdivision called Green Hill Subdivision. That farm drain drained along their north line, between them and Mr. Roth, an owner of about a five acre parcel or so at the southwest corner of Kansas and Green River. This entire farm drain is on Green Hill. It is not on Mr. Roth. Subsequently, Scott Raley developed Windham Hill and intercepted a big majority of the water that came down off the hill and directed it towards his detention basins. So, the size of the ditch that we required of Green Hill ended up being much larger than what is needed now. Right now they've submitted, Morley and Associates has submitted some alternate plans showing that less than one foot of depth in the total ditch, which might be three, three and a half feet deep, less than one foot of that is needed to convey the 25 year design storm. Because of some land grade issues and some excavation contractor issues, the ditch ended up having more of a "v" bottom than a flat bottom. Our code requires a flat bottom to stabilize erosion better. This ended up slightly more of a "v" bottom ditch. So, when the inspectors from the County Engineer's office went out for final inspection, they determined that it wasn't in strict conformance with the plans and the code. And, since all of the homes have been built, all the lawns have been established, we've been through several rainy periods and seen the ditch operate under it's current conditions, I gave them the option of submitting a modified plan to

prove, through their calculations, that are certified by a registered engineer, that the ditch is stable and will handle a maximum 25 year storm run off within the easement and within the bottom portion of this ditch. That's been submitted to me and reviewed, and I do say that it's accurate at this point. I also ask that the representative of Jagoe, Manuel Ball, who is here in the audience, I asked him to bring in kind of an affidavit signed by all the property owners of each lot through which the ditch passes that they are satisfied with the condition of the ditch, and it's configuration. That they've not had problems, and that they recognize it being stable and no problem for them to maintain in its current shape. That's why it's not on the agenda, because I had not received that affidavit at this point in time. Then I asked Mr. Ball to also figure on cleaning out one, small silt bar at the bottom end of the ditch. When you get down to Green River Road and the water slows down, it deposited some sediment. He agreed he would clean that out and reshape that portion. But, he doesn't want to take heavy equipment up into these yards that have been established for a year or more and wreck the landscaping and wreck, you know, tear out the grass and start all over again just to make the bottom of the ditch perfectly flat. So, I would recommend that the Drainage Board waive the requirement for a one foot flat bottom ditch in this sole instance. You can, according to the drainage code, consider things on a case by case basis. I am attesting that the calculations show that the ditch is performing it's function without a flat bottom. However, I still insist that in order for this to become complete and take effect that Mr. Ball submit a signed affidavit from all property owners affected within the subdivision, and those being the ones who own property through which the ditch passes, that they agree that the ditch is suitable to their purposes, satisfactory, and that he will remove the sediment bar at the bottom end of the ditch and regrade just that one portion. It might be ten or 15 feet long.

Commissioner Nix: Questions?

Commissioner Tornatta: Upon the recommendation and the provisions that the Surveyor has provided, I move approval.

Commissioner Nix: Second. All in favor?

Commissioner Tornatta: Aye.

Commissioner Nix: Aye.

Bill Jeffers: Thank you, and I have no other business to bring before you, unless there is public comment to be made.

Public Comment

Commissioner Nix: Is there any public comment? Did we approve claims?

Commissioner Tornatta: Yes.

Bill Jeffers: Yes.

Commissioner Nix: Did we do that already? Okay.

Commissioner Tornatta: Motion to adjourn.

Commissioner Nix: Second. All in favor?

Commissioner Tornatta: Aye.

Commissioner Nix: Aye. We are adjourned. Thank you, Mr. Jeffers.

Bill Jeffers: Thank you.

Commissioner Nix: Have a good evening.

(The meeting was adjourned at 5:17 p.m.)

Those in Attendance:

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

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, Vice President

Bill Nix, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
AUGUST 21, 2007**

The Vanderburgh County Drainage Board met in session this 21st day of August, 2007 at 4:02 p.m. in room 301 of the Civic Center Complex with Vice President Troy Tornatta presiding.

Call to Order

Commissioner Nix: Good afternoon. I would like to call to order the Vanderburgh County Drainage Board, Tuesday, August 21, 2007. Excuse me, force of habit, Mr. President.

Commissioner Tornatta: Don't steal my job.

Commissioner Nix: Take it.

Approval of the August 14, 2007 Drainage Board Meeting Minutes

Commissioner Tornatta: Mr. Jeffers, welcome, and we're gonna, I guess, we're gonna approve the minutes from the previous meeting.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

Commissioner Nix: All in favor?

Commissioner Tornatta: Aye. I know, you can just keep doing this, if you want.

Stonefield Park Subdivision: Final Plan

Commissioner Tornatta: Mr. Jeffers?

Bill Jeffers: Good afternoon, President Tornatta. I understand you're the President of Drainage Board now?

Commissioner Tornatta: Well, I was last week too.

Bill Jeffers: I missed the proclamation.

Commissioner Tornatta: No, I was President last week. It just—

Bill Jeffers: Okay, okay, well—

Commissioner Nix: Force of habit.

Bill Jeffers: Good afternoon. Good afternoon, Commissioner Nix, Mr. Ziemer, Ms. Grayson. The only order of business I have today is a final drainage plan for Stonefield Park Subdivision. The project is located on the west side of Green River Road, north of Theater Drive, south of Mystic Creek planned unit development in Timbers Park. The photograph we have up doesn't show all the surrounding neighborhood, but to the north you have the Timbers Apartments and Evansville Day School. You're probably familiar with it. Over here on the right hand side, the east

side of Green River Road is Sugar Mill Creek. To the west of the project is what's generally known as Theater, excuse me, Valley Downs Subdivision, and south of there is where the Spurling's are developing an apartment and commercial mixed use project across the street from the Teacher's Credit Union, Evansville Teacher's Credit Union. The plan proposes to capture, oh, first of all, it's 66 and a quarter acres, commercial development on existing agricultural land. A portion of it's in the flood plain. Up there in the northern part you can see a creek that drains Green River Road, and that goes off to Pigeon Creek, and that's in the flood plain. The plan proposes to capture post development run off from the 66 acres and take it to two individual large detention lakes. One of them is in the southeast corner of the project down here in the lot that says Stonefield Park, and the other one is in the large lot on the north end of the subdivision. The design includes an earthen berm along the west line as a sight and sound barrier between Valley Downs residential subdivision and this new commercial development. The drainage from the outside of that berm will be captured by an intercepting swale and brought to the inside to go into the detention lakes. There will be flap gates installed to prevent back flow from the detention basins back into the residential subdivision. There won't be any back flow from that. There's also a drainage inlet provided in the very southeast corner, the lower left hand corner that captures any run off from the adjacent neighborhoods. The rest of what is generating Valley Downs is controlled by their own system. The County Surveyor is recommending approval of the plan for Stonefield Park Subdivision with the following stipulations; the design engineer must submit a final set of street and drainage plans with details satisfactory to the County Engineer for all facilities associated with existing Green River Road drainage system, and other facilities that will be accepted or maintained by the County Highway Department. In other words Mr. Stoll has a good list of items he wants addressed specific to Green River Road, the existing drainage system there. The current developer and any subsequent developers must understand that no connections serving the interior lots of Stonefield Subdivision will be allowed to connect to the 48 inch and 54 inch storm sewer lines that carry Green River Road drainage through the project, except for a single connection that's shown controlling the outlet for the detention basin number two. In other words, they're installing a system that takes the current drainage out from Green River Road through this project, that's solely for Green River Road drainage and not to be tapped into by any of the interior lots. They have their own tap ins provided by the plan. Number three, all site development subsequent, of subsequent entrances or utility crossings of this 48 inch and 54 inch storm sewer line must include exact details of the cover and compaction sufficient to protect that 54 and 48 inch line. In other words, when the individual stores come in here and their driveways cross that line, and they take some dirt off and put down their concrete entrance aprons, etcetera, that all has to be situated and compacted in such a way that it will continue to protect that line. Because that line is plastic, it has to have good protection from deflection, etcetera. Number four, in order to accomplish the full 100 year post development detention in these two lakes, the design requires a temporary five foot surge in the pool depth. The ordinance says we would like to keep it to a four foot maximum depth, we're thinking of residential subdivisions where there's children, etcetera. But, in this case it's a commercial project, and the County Surveyor is recommending that they be allowed to go to a five foot increase in depth on a temporary basis to handle the 100 year run off. That's shown in the revised design. Number five, the current plan includes a peculiar emergency overflow design that will result in back flow from the receiving street inlets when the height of the detained storm water, in the fully charged system exceeds 382 feet above sea level, vertical elevation. Okay, like I say, it's kind of a peculiar emergency overflow system. The County Surveyor anticipates that future lot owners probably will submit modified plans with individual site development in order to accomplish more practical

set up and use of their property. This always happens. They'll come in there, they'll want to use that for parking area, they'll see a ditch in there that's got water in it occasionally, they'll want to come back, I know they're going to come back and want to modify that plan so they can use it for parking or whatever. So, knowing that, the recommendation for approval, basically, acknowledges this peculiar design feature, and anticipates a more practical modification in the future. With those statements and the understanding that the approval is dependent upon the County Engineer's recommendation for the final street and drainage plans associated with public roads and facilities, the County Surveyor recommends approval of the plan for the drainage facilities within the privately developed and maintained portion of Stonefield Park Subdivision project. You have that in writing, basically, we're trying to move ahead as quickly as possible. There is a client for a large part of this project who, they want to move forward as quickly as possible. They still have to deal with the County Engineer and the County Commissioners with regard to street plan approval out here on Green River Road. Their erosion control plan is in front of Mike Wathen and under review at this time.

Commissioner Tornatta: Alright. I would like to ask for any remonstrators? If there are any? Seeing none.

Victor Dorsey: Like what?

Commissioner Tornatta: Beg your pardon?

Victor Dorsey: Like what? I mean—

Commissioner Tornatta: Do you have any questions about the project? Or do you want to state anything about the project? If so, you have to come up to the microphone and state your name and address.

Victor Dorsey: I just had a question. (Inaudible).

Commissioner Tornatta: Hold on, I need your name and address, if that's okay.

Victor Dorsey: Do what?

Commissioner Tornatta: I need your name and address.

Victor Dorsey: My name is Victor Dorsey.

Commissioner Tornatta: Okay.

Victor Dorsey: 2509 Saratoga Drive.

Commissioner Tornatta: Okay.

Victor Dorsey: This is city that I live in.

Commissioner Tornatta: Alright.

Victor Dorsey: Everything on the discussions that's going on with all this back here is just county. Strictly county. Do I have anything to say about it being in the city? Like a City Council meeting or something like that? Or a City-Vanderburgh County meeting? See, we're in the city, we're left all out of this, because this is in the

county. That's what I don't quite understand why all this discussion is in the county only.

Commissioner Tornatta: Now, are you talking about the drainage side or the project side?

Victor Dorsey: Everything.

Commissioner Tornatta: Okay, right now we're talking about the drainage side.

Victor Dorsey: Okay.

Commissioner Nix: Strictly drainage.

Victor Dorsey: We're in the city, and, so, wouldn't the city back here behind us be on the city side? Right there at Saratoga and where that green line starts.

Commissioner Tornatta: Okay, and Mr. Jeffers might be able to address anything with the drainage side of the process.

Bill Jeffers: Right. The reason the County Drainage Board is, has this in front of them is because the project is in the county. As the gentleman has pointed out, the city-county line is the west line of this project. He's in the city, this project is in the county. If you want to discuss drainage, the County Surveyor has walked that entire property line, last week, and compared it to the drainage plan that's been submitted, and I have looked at the drainage for Saratoga Drive, and every house from one corner of the new project all the way to the north corner. I've examined the drainage system within the city, and looked at the plans, and had discussions with people, and have determined that this plan either picks up any water that comes from Mr. Dorsey's immediate area, and would otherwise flow into this farm field. There is an inlet at the very southwest corner of this project, there's an inlet provided so that any water that is cast across the line into Stonefield is picked up and taken, and then as you walk north along that line, a ditch that exists, and a pipe system that exists for Saratoga and for all the homes along that line appears to be sufficient to pick up all the water that accumulates there and take it off to Pigeon Creek through the city. There have been notices sent out on this particular project to all abutting property owners for the rezoning hearing, for the plat hearing in front of Area Plan Commission, etcetera. So, it makes no difference whether this project is in the county or the city or whether people share an interest back and forth across the city-county line, all of the hearings have been announced, they have been public, and notices have gone out to adjacent property owners so they may attend and give comment to the rezoning and to the plat review that was in front of Area Plan Commission. Now, we're at the final drainage plan review and Mr. Dorsey is here, and you can make comments whether you're in the city or the county. These people represent both.

Victor Dorsey: They do?

Bill Jeffers: Yes, sir. I work for both residents of the city and the county. It's just that according to statute, because it's in the county, we review it in front of this body here tonight.

Victor Dorsey: Okay. Their concerned about the water going from our part over to Stonefield. Is that it? The drainage?

Bill Jeffers: Are you concerned about that?

Victor Dorsey: I'm concerned, because I know the farmland is higher than our area. In other words, it's not going to drain that way, it's going to drain towards the west. See, my yard's down here and the field's up there.

Bill Jeffers: Right, there are fluctuations in there. There are portions of that field and the majority of that field is somewhat higher than Saratoga, the property along Saratoga. We recognize that, and so did the developer of Valley Downs. That's why he put a large swale and pipe system along the east line of Valley Downs to catch the water that comes off the farm field and take it off. I mean, when you see this system in Valley Downs, you'll know that it's not set up because of the small amount of water that comes off the back of those homes and their back yards. It's set up to catch the water from this farm field. Well, as I said in my presentation, there's going to be a large earthen berm that the residents of Valley Downs wanted, they requested a—

Victor Dorsey: I'm not in Valley Downs.

Bill Jeffers: Well—

Victor Dorsey: I'm on—

Commissioner Tornatta: It runs from north to south.

Victor Dorsey:(Inaudible) is not Valley Downs.

Bill Jeffers: Okay, I stand corrected. Keeneland Court, Valley Downs, the whole neighborhood.

Commissioner Tornatta: But, that berm runs all the way from—

Bill Jeffers: It runs from one end to the other.

Commissioner Tornatta: Yeah.

Commissioner Nix: Let me ask, Mr. Dorsey?

Victor Dorsey: Yes?

Commissioner Nix: You're concerned about water coming from Stonefield Park on to your property, is that correct?

Victor Dorsey: It does. I'm not concerned, it does.

Commissioner Nix: Okay, it does now, but the new development shows a berm which is actually higher than the existing elevations that are there that would divert the water back on to Stonefield Park. Correct me if I'm wrong, Mr. Jeffers.

Victor Dorsey: Okay, that would be great. You got the berm here, okay, it's going to divert the water back to Stonefield. What about this side over here that's going to diver that water back into our side? Am I wrong?

Bill Jeffers: No, you're correct.

Victor Dorsey: If you're going to have a berm—

Bill Jeffers: You're correct. The drainage off one side of the berm facing you will shed down to the west, it will be captured by a swale at the bottom of the berm that will intercept the water coming off the berm before it crosses the line on to you, and it's picked up in a ditch and taken to inlets with a pipe system that brings it back around into Stonefield. That's shown on a plan up here on the desk. Every, all the water shed off that field will be captured and no longer will go into Keeneland or Valley Downs. It will be brought back in to Stonefield and put into their lakes through a pipe system.

Victor Dorsey: Okay.

Commissioner Tornatta: Does that help you out with the question?

Victor Dorsey: What about the sewer, the sewer behind us on Saratoga between Saratoga and Stonefield? There is a sewer back there, and I don't know if it's a storm sewer, a regular waste, what is waste water or something like that?

Commissioner Nix: Sanitary possibly.

Victor Dorsey: Yeah, see, I don't know which one it is. Are they connecting on to that sewer from these other, from the north and the south, are they connecting on to that sewer? Is the sewer not even going to be in this?

Commissioner Tornatta: I don't think there are any sewers in it.

Commissioner Nix: No, no it doesn't, this is strictly drainage.

Dave True: I think part of the problem is, Victor probably hasn't seen the latest plans. That's my fault.

Commissioner Tornatta: Could you state your name and address please?

Dave True: Yes, Dave True with Landmark Design. I just called Victor yesterday when I found out that we were on the Drainage Board agenda. So, he hasn't had a chance to look at the plans yet. But, the, if I could, from approximately here to the north, or actually here, I'm sorry, to the north—

Madelyn Grayson: Dave, we're going to need to have your comments on the record. So, you're going to have to speak in to the microphone.

Commissioner Nix: Come back over to the mic, just point it out to us. Can you run the mouse over there on that line there? Right about there, there you go.

Dave True: From that point to the north, on the residential properties there is a storm sewer system that actually captures the drainage that's coming off of the farmland that we're hoping to develop here, and carries it on towards the creek to the north. From that point to the south the backyards, as well as a city public utility easement are actually draining towards a swale that then crossed on the south line of this subdivision we're showing here, crossed over towards Green River and drained that direction. What we've tried to do is have an opening down at the southwest corner that would allow that drainage to continue to drain away from the residential subdivision.

Commissioner Nix: Okay.

Dave True: As Bill said, we have inlets and piping along the west side of that new berm that we're proposing that will capture any water on the west side of the berm that's coming down towards them.

Commissioner Nix: Okay, not necessarily for this meeting, can you address any sanitary issues? Is that your question?

Dave True: There are some pipes and manholes, sanitary sewer that are in the same area where there is no storm sewer on the city property. I believe that's what Victor was pointing out.

Victor Dorsey: Yeah, right, there's no drainage from the north to the south in the section that I live in.

Commissioner Nix: So, you're—

Victor Dorsey: It kind of goes like this here.

Commissioner Nix: —talking about an area that's not part of the development then?

Dave True: Right.

Victor Dorsey: Is that right?

Dave True: Yes.

Commissioner Nix: Okay.

Dave True: He's concerned, of course, that whatever we're doing here doesn't make it worse, and we're not going to. We're actually going to improve, at least the existing swale outfall will allow the storm water that gets there to get away quicker than it is now.

Victor Dorsey: You do have, what's it called, a manhole or something up there to the north of that? But, it's too high for my section? There's no way for that water to get to that? Because it sits up—

Dave True: Right.

Victor Dorsey: What about—

Dave True: That manhole, yeah, sits up probably—

Victor Dorsey: Is that the same way too?

Dave True: —it probably sits up two foot higher than your grade, yes. The manhole.

Victor Dorsey: It's really not—

Dave True: That one doesn't do you any good. No. But, that's, like I say, that's part of the city storm sewer that comes across Sherm's property line and then heads north. But, they didn't, as it was developed, they didn't put any provision in for storm

drainage on the back side other than, like I say, the swale that heads towards Green River Road along their south property line.

Victor Dorsey: A thing happened when they put us into the, we were in the county back 30 years ago, they brought us into the city, and the farmer had a pretty nice, good ditch back there. You know, well, there wasn't any problem then, because it would just go away. But, the ditch disappeared, you know, I guess, he just plowed it under. There's now, the farmland is a good, a foot higher than my back yard. The way the water, the water will not go into the field, it will come back toward the west into my yard.

Commissioner Nix: But, once again, the new development shows a berm which will actually—

Victor Dorsey: Yeah, this is fine.

Commissioner Nix: —divert water. Okay, and then, along with that, there will be some drainage along the property line that will come south and to the east that should eliminate part of the problem that you've got right now. Is that correct?

Dave True: Yes.

Commissioner Nix: Okay.

Commissioner Tornatta: Mr. Dorsey? I'm sorry.

Dave True: There are other issues with the residential subdivision as to the grades. Some of it is quite a bit lower, even in the swale that was there for their provision. So, he still has existing problems that aren't going away with this plan.

Commissioner Tornatta: But, the plan would not put any more run off on to his land then, and that's what we want to try and prevent.

Dave True: That's right.

Commissioner Tornatta: Any other questions, Mr. Dorsey?

Victor Dorsey: No. That's what I was concerned about.

Commissioner Tornatta: Alright.

Commissioner Nix: Thank you for coming.

Commissioner Tornatta: Yeah, thanks for your comment.

Victor Dorsey: Thank you.

Commissioner Tornatta: If there are no other comments, motion to approve?

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

Commissioner Nix: All in favor?

Commissioner Tornatta: Aye.

Commissioner Nix: Aye, and that is with the contingencies that Mr. Jeffers addressed as part of the motion.

Bill Jeffers: Unless the board has any questions or other business, I have nothing else.

Madelyn Grayson: I have one question. Did we approve the August 14th Drainage Board minutes?

Commissioner Tornatta: Yes.

Commissioner Nix: I think I did that as President before the President took over.

Madelyn Grayson: I missed that.

Commissioner Tornatta: Motion to adjourn?

Commissioner Nix: I'll make that motion.

Commissioner Tornatta: Second.

Commissioner Nix: All in favor?

Commissioner Tornatta: Aye.

Commissioner Nix: Aye.

Commissioner Tornatta: We're not doing this again.

(The meeting was adjourned at 4:25 p.m.)

Those in Attendance:

Troy Tornatta

Ted C. Ziemer, Jr.

Dave True

Bill Nix

Madelyn Grayson

Others Unidentified

Bill Jeffers

Victor Dorsey

Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, Vice President

Bill Nix, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
AUGUST 28, 2007**

The Vanderburgh County Drainage Board met in session this 28th day of August, 2007 at 3:55 p.m. in room 301 of the Civic Center Complex with Vice President Troy Tornatta presiding.

Call to Order

Commissioner Tornatta: Alright. Looks like it's five till four, and it's Tuesday, August 28th, and we're ready for the Vanderburgh County Drainage Board.

Approval of the August 21, 2007 Drainage Board Meeting Minutes

Commissioner Tornatta: Approval of the minutes of the previous meeting.

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

Commissioner Nix: All in fa—

Commissioner Tornatta: All in favor?

Commissioner Nix: Aye.

Commissioner Tornatta: Aye.

**Notice to Bidders for Ditch Bank Stabilization:
Harper Ditch in Wesselman Nature Preserve west of Stockwell Road**

Commissioner Tornatta: Mr. Jeffers? We're going to get this right.

Bill Jeffers: Good afternoon, Drainage Board. This afternoon, I guess, we'll try to get finished by 4:00 so WNIN can shut us down on the half hour. But, I do have a visitor here that's going to speak to the notice to bidders on the ditch bank stabilization, Harper Ditch, which is a regulated drain in Vanderburgh County, as it passes through Wesselman Nature Preserve on the west side of Stockwell Road. There is some severe bank destabilization that this project will fix. I have your notice to bidders on your desk, attached to a set of specifications that will go to the bidders. Very simple, and the bidders will meet in the field with Mr. Blair Borries from the Wessleman Nature Preserve for any consultation that they may require on the particulars of the design. Mr. Borries did design this project. I would like for him to step forward and tell you a little bit of something about it, and how he was able to acquire a grant to act as partial payment that they're going to forward that grant to the Drainage Board to subsidize the project, so that we don't have to pay all of it. Mr. Borries?

Blair Borries: Okay, well, I'm not going to—

Commissioner Tornatta: Just, state your name.

Blair Borries: Oh, I'm sorry. It's Blair Borries.

Commissioner Tornatta: Okay.

Blair Borries: With Wesselman Nature Society. I'm not going to go too much into the history. It seemed to be some sort of embankment that was created back when they were doing work on the preserve in the '60's. It wasn't really done properly at the time, and it's just degraded over time. It's supposed to be an emergency access for emergency vehicles and so forth, but it's no longer wide enough. Really, where I came in is, of course, the Nature Preserve has critical habitat with the salamanders that are present, and it was causing a water quality problem. In order to sort of give the Nature Society the chance to decide what sort of seed and what sort of technique to use to stabilize that, to focus more on the habitat, we got this grant to pay for some of the maintenance of this. The grant was in the amount of \$5,000. I imagine towards the excavation it may be up to \$1,000 left over, after all the rock and equipment and so forth is purchased. As you can see in the bid, we're offering to provide volunteer labor for things that don't require heavy equipment. As the Nature Society is used to doing, they will put that under their insurance. If the excavators choose not to use that help, they can do so, but then they would be required to fund that in whatever way that is. That pretty much tells about this. Do you want me to go into the specifics?

Bill Jeffers: No, that's okay.

Blair Borries: Do you have any questions?

Commissioner Tornatta: Not at this point. Any other things that you would like to talk about, about the project? Or anything else that you have is fine. If not, we will definitely use that grant.

Blair Borries: Yeah, I think the main difference that we're doing is that we're using native seed. Most of the seeding is cool season grasses that goes on a legal drain. Those are usually from Europe or Asia. They're specifically used because they establish real quickly, and that could be a problem, because they would establish in a place where the salamanders would be laying their eggs, and that would mess up the habitat that they're used to having native plants there. So, we're using native plants so we don't risk that, losing the resource that is Wesselman Woods.

Commissioner Tornatta: Okay. Super. Any questions?

Commissioner Nix: No, I would like to go ahead and make a motion. Do you have anything else, Mr. Jeffers?

Bill Jeffers: No, I just wanted to say that the County Surveyor, and I'm sure the Drainage Board, was very happy to have Wesselman Nature Preserve participate in this, not only because the \$5,000 will offset our responsibility to pay for a project like this, but because we don't really like to go into the Nature Preserve without having their counsel and their expertise on protecting the habitat there and enhancing the habitat that they have for, through their programs. So, it was kind of a blessing to have them participate to the degree that they did on this.

Commissioner Tornatta: We do appreciate going the extra effort to develop the concept and then to get the grant for it. So, that's a great opportunity. Thanks.

Blair Borries: Some of that should go to Alice Rademacher too, who is the director there. She actually wrote the grant. It was from Alcoa. I just kind of gave her a lot of the ideas.

Commissioner Tornatta: Okay, great. Tell her thanks.

Commissioner Nix: Thank you.

Bill Jeffers: So, at this time the County Surveyor would recommend that the Drainage Board approve the notice to bidders, and allow your recording secretary to advertise in the newspaper and move forward with that. I believe the bid opening date is September 18th. I hope you have a meeting on that day.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second. All in favor?

Commissioner Nix: Aye.

Commissioner Tornatta: Aye.

Ditch Maintenance Claims

Bill Jeffers: Why don't I table the report on William Weinsheimer Ditch. It's just a joint project between Vanderburgh and Warrick County to repair a county line ditch. Nothing exciting there. Then, I do have some claims for services that have been rendered to the County Drainage Board on our regulated drains, various contracts that you had signed for 2007. The paperwork is attached and the ditches have been inspected and the work is completed.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second. All in favor?

Commissioner Nix: Aye.

Commissioner Tornatta: Aye.

Bill Jeffers: Thank you.

Commissioner Tornatta: Alright, any other business? I take that as a no.

Commissioner Nix: I make a motion that we adjourn.

Commissioner Tornatta: So moved.

(The meeting was adjourned at 4:02 p.m.)

Those in Attendance:

Troy Tornatta

Ted C. Ziemer, Jr.

Others Unidentified

Bill Nix

Madelyn Grayson

Members of Media

Bill Jeffers

Blair Borries

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, Vice President

Bill Nix, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
SEPTEMBER 18, 2007**

The Vanderburgh County Drainage Board met in session this 18th day of September at 5:20 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: We would like to call to order the Drainage Board meeting. We'll get everybody up here in second.

Commissioner Korb: Sorry, I'm coming.

President Tornatta: Alright. It's September 18, 2007, twenty minutes after five, and Commissioners are coming and on the phone.

Approval of August 28, 2007 Drainage Board Meeting Minutes

President Tornatta: I would like to get a motion to approve the minutes.

Commissioner Korb: So moved. Oh, you move? Oh, I'm not appointed yet? Okay, got it.

Commissioner Nix: So moved.

President Tornatta: You're wearing me out.

Commissioner Nix: All in favor?

Commissioner Korb: Yo.

President Tornatta: Aye.

Commissioner Nix: Thank you.

Election of Drainage Board Officers

President Tornatta: I would also like to take a nomination for Vice President of the Drainage Board.

Commissioner Nix: I would like to nominate Mr. Jeff Korb, Commissioner Jeff Korb to Vice President of the Drainage Board.

President Tornatta: I'll second that.

Commissioner Nix: All in—

President Tornatta: All in favor?

Commissioner Nix: Aye.

Commissioner Korb: Yo.

Opening of Bids for Repair of Portion of Harper Ditch in Wesselman Park

President Tornatta: Mr. Jeffers, short and brief.

Commissioner Korb: Please.

Bill Jeffers: Thank you.

President Tornatta: Did I say something wrong?

Bill Jeffers: No, you didn't say anything. I missed the election, who's the President?

Commissioner Korb: Troy is.

Bill Jeffers: And, Jeff, skated on this one? He didn't get this one?

Commissioner Korb: I was praying really hard to God that I would not be the President of this.

President Tornatta: It was a mini caucus.

Commissioner Korb: Save me, Lord.

Bill Jeffers: Okay, all we have tonight is opening bids for some repair work to be done on Harper Ditch.

Commissioner Nix: Motion we open bids.

President Tornatta: Second.

Bill Jeffers: While your attorney—

President Tornatta: Okay, all in favor?

Commissioner Nix: Aye.

Commissioner Korb: Aye.

President Tornatta: Aye. Welcome to the board.

Bill Jeffers: Okay, while your attorney is opening the bids and Chief Deputy Surveyor, Linda Freeman is assisting with that, I would just like to welcome, congratulate Commissioner Korb on his election. Welcome to the Drainage Board. Jeff, you pretty much know a lot about the Drainage Board, you've had dealings with the County Surveyor on your own property, your neighborhood.

Commissioner Korb: Yep.

Bill Jeffers: Rezoning issues involving drainage, next door and downstream from you.

Commissioner Korb: You know what, that worked out really, really well.

Bill Jeffers: Well, good. I'm glad to hear it. Basically, the other thing....are the bids open?

Linda Freeman: Yep.

Ted C. Ziemer, Jr.: Yes.

Bill Jeffers: We'll cover that next time then. I'll tell you about some of the other duties—

Commissioner Korb: Great.

Bill Jeffers: —or get with you on the side.

Commissioner Korb: We'll get together, yeah.

Bill Jeffers: Okay.

Commissioner Korb: Super.

Bill Jeffers: Good deal.

Commissioner Korb: Thank you.

President Tornatta: Mr. Ziemer?

Ted C. Ziemer, Jr.: The bids for the improvement of Harper Ditch in Wesselman Park are from Mark Naas, N-a-a-s, \$15,450. From Allen Relleke Excavation LLC, \$17,000.

Commissioner Nix: I make a motion we take the bids under advisement.

Commissioner Korb: Second.

President Tornatta: All in favor?

Commissioner Nix: Aye.

Commissioner Korb: Aye, second, aye.

President Tornatta: Aye.

Bill Jeffers: Thank you. We'll be back next week with a recommendation for letting a contract. Appreciate your time.

Commissioner Korb: Okay, Bill.

President Tornatta: Motion to adjourn.

Commissioner Nix: So moved.

Commissioner Korb: Yo, yo, yo.

President Tornatta: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 5:25 p.m.)

Those in Attendance:

Troy Tornatta	Jeff Korb	Bill Nix
Bill Jeffers	Ted C. Ziemer, Jr.	Madelyn Grayson
Linda Freeman	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Jeff Korb, Vice President

Bill Nix, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
DRAINAGE BOARD
SEPTEMBER 25, 2007**

The Vanderburgh County Drainage Board met in session this 25th day of September, 2007 at 4:15 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: Yeah, I'm the President, okay. Good afternoon, Mr. Jeffers. We're going to open up the County Drainage Board, Tuesday, September 25th, I believe, if our clock's right, it's about a quarter after four.

Approval of the September 18, 2007 Drainage Board Meeting Minutes

President Tornatta: Motion to approve minutes?

Commissioner Nix: So moved.

Commissioner Korb: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

Arem Minor Subdivision

President Tornatta: Mr. Jeffers?

Bill Jeffers: Good afternoon, President Tornatta. The first drainage plan is Arem Minor Sub. It's a drainage plan for an improvement that's basically the renovation of the Vanderburgh County Tuberculosis Hospital on Boehne Camp Road. I'm sure everybody is familiar with the site. The plan is by Morley and Associates. It has all the details required of a drainage plan under our code. I recommend approval. I have the plan here if anybody would like to see it.

President Tornatta: Motion to approve?

Commissioner Nix: I'll make that motion.

Commissioner Korb: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

Barfuss Subdivision

Bill Jeffers: The second drainage plan is Barfuss Sub, B-a-r-f-u-s-s. It's located on Baumgart Road in northern Vanderburgh County, north of Mount Pleasant Road. It's a three lot sub, but it qualifies as a major sub because of the three lots. That's Area Plan Commission's requirement. So, it has to have an approved drainage plan. What we've done is incorporated Andy Easley Associates, or Andy Easley

Engineering has incorporated the drainage plan into the erosion control plan that went to John Stoll's office. It shows all the drainage improvements, plus all the erosion and pollution control improvements required to build two houses on the two lots. There's already a house on the third lot. Mr. Easley is in the audience in you have any questions. The plan meets the requirements of the drainage code. The County Surveyor recommends approval.

President Tornatta: Do I have a motion?

Commissioner Nix: So moved.

Commissioner Korb: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

Whitehead Subdivision

Bill Jeffers: The third plan is Barfuss, excuse me, Whitehead Sub. It's also a very simple plan, small project. It's up off of Kuebler Road, between Big Cynthiana Road and Fischer Road. It basically requires subdivision approval and drainage plan approval because it's the extension of a county road down to serve lot three. Anytime you extend a county road, you have to, it's a major sub, and you have to have a drainage plan. The drainage plan basically consists of some ditch improvements along side the new cul-de-sac. Essentially, when you approve the road plan, as recommended by John Stoll, you will also be approving the drainage plan. But, at this time, this very simple drainage plan meets the requirements of the subdivision, or of the drainage code. The County Surveyor recommends approval.

President Tornatta: Do I have a motion?

Commissioner Nix: So moved.

Commissioner Korb: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

Bridge #1924 Over Maidlow Ditch

Bill Jeffers: The next set of plans I have is a copy of the plans for bridge number 1924 over Maidlow Ditch, St. Joe Avenue. This is maybe a little less than a half mile north of Sensmeier Road, just south of Nuebling Road. You can see Nuebling Road on your overhead projector over here. This is basically statutory approvement. The Drainage Board is required by statute to approve any new crossings of a regulated drain. Maidlow is a regulated drain. However, the bridge plans were designed by Ms. Valerie, excuse me, Valerie Harry, who's an engineer in your Engineering Department. I love the plans because they take out a double pipe that hung a lot of trash out there, cornfield trash and so forth. So, that eliminates that. It makes the waterway opening larger than it has to be, because it was more economical to buy a precast pipe. John Stoll and Valerie Harry have done a wonderful job on these

plans, and I would strongly recommend approval of the bridge plans for bridge number 1924, Maidlow Ditch.

President Tornatta: Do I have a strong motion for support?

Commissioner Nix: So moved, strongly.

Commissioner Korb: What, do you live out there?

Commissioner Nix: No.

Commissioner Korb: No? I'm just curious, we're not going to do any work....second, we don't have to do any work on the bridge, we're just replacing the culverts basically?

Bill Jeffers: Well, it qualifies as a bridge because of the width of the opening. So, the money comes out of Bridge Funds. What, it used to be an old FAS, federal assisted road system there—

Commissioner Nix: For my new Commissioner here, there's a minimum amount that would constitute a bridge, and that distance is?

Bill Jeffers: I believe it's 20 feet.

Commissioner Nix: Twenty feet, yeah.

Bill Jeffers: Is that correct?

Commissioner Nix: Yeah.

Bill Jeffers: Okay. So, this bridge opening is right at that, and, so, it qualifies as a bridge. You'll be paying for it out of your Bridge Fund. But, it's just a technicality because it's situated in a regulated drain, then Drainage Board has to approve all new crossings.

Commissioner Korb: That's fine.

President Tornatta: A motion to approve? All in favor?

All Commissioners: Aye.

USI Support Services Building

Bill Jeffers: The last set of bridge plans I have here, or, excuse me, drainage plans are USI's support service building, out at the University. If anybody would like to see those they are here. They include the drainage plans, erosion control plans, pollution control plans, etcetera. They're prepared by Jerry Brasher, an engineer for Leed's and PSI, or PCI. Basically, USI is an autonomous MS4 operator. It's basically a courtesy that they send us these plans. All their drainage goes down to their big lake, but in order to satisfy the technical requirements of the drainage code we reviewed them and recommend approval.

Commissioner Nix: Even though that is a state property, it still falls within our—

Bill Jeffers: Yeah, just to be safe. To make sure all the approvals are in order, I reviewed the plans, and they've already been reviewed and approved by their people out there and by the state and so forth. But, just to assure you the water all collects and goes into the drainage system that was previously approved, their lake and so forth, and we recommend approval.

Commissioner Nix: Move approval.

Commissioner Korb: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

Approval of Ditch Maintenance Claims

Bill Jeffers: The last order of business I have to bring before you is a folder full of claims for ditch work. We're doing mowings now. There's some consulting work that's been finished up on some reports I'll bring to you as the annual report. Some different consultants have, are developing long range plans for pollution control and water conveyance in our regulated drains on the east side, claims like that. Everything is in order. It's been inspected by our inspectors, and the paperwork that the Auditor requires is attached. The County Surveyor recommends approval of those claims as submitted.

Commissioner Nix: Move approval.

Commissioner Korb: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

Bill Jeffers: I have no other business for the Drainage Board.

President Tornatta: Alright.

Public Comment

President Tornatta: Any public comment for the Drainage Board? Alright.

Commissioner Nix: I make a motion to adjourn.

Commissioner Korb: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:22 p.m.)

Those in Attendance:

Troy Tornatta	Jeff Korb	
Bill Jeffers	Ted C. Ziemer, Jr.	
Others Unidentified	Members of Media	

Bill Nix
Madelyn Grayson

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Jeff Korb, Vice President

Bill Nix, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
SPECIAL DRAINAGE BOARD MEETING
SEPTEMBER 28, 2007**

The Vanderburgh County Drainage Board met in special session this 28th day of September, 2007 at 8:19 a.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding for the sole purpose of awarding the bid for Harper Ditch repair in Wesselman Nature Preserve.

Call to Order

President Tornatta: Good morning. We're going to start the special Drainage Board meeting, Friday, September 28, 2007. It looks like it's 8:19.

Award Bid for Harper Ditch Repair in Wesselman Nature Preserve

President Tornatta: The sole purpose of this meeting is to award a bid for Harper Ditch repair in Wesselman's Nature Preserve. With us we have Kevin Myers from the Surveyor's office. Hello, Kevin.

Kevin Myers: Hello.

President Tornatta: I believe there were two bids, and they were opened on 9/18/07. Will you read the bidders and then what their quotes were?

Kevin Myers: The first bidder was Mark Naas at \$15,450, and Allen—

Commissioner Nix: That's Rellecke.

Kevin Myers: —Rellecke at \$17,000.

President Tornatta: Okay, the bids were reviewed, and who was awarded the bid?

Kevin Myers: At this time the County Surveyor reviewed the bids, and we found that Mark Naas had the lowest bid, and we wish to go ahead with him at this time.

Commissioner Nix: And, I just want to ask, he meets all the criteria? He's an approved vendor?

Kevin Myers: Definitely.

Commissioner Nix: Okay.

Kevin Myers: Definitely.

Commissioner Nix: And all that?

Kevin Myers: Yes.

Commissioner Nix: Okay, I will make a motion that we approve Mark Naas as the low bid of \$15,450.

Commissioner Korb: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

President Tornatta: Thank you very much.

Kevin Myers: Thank you.

President Tornatta: Motion to adjourn?

Commissioner Nix: So moved.

Commissioner Korb: Second.

President Tornatta: All in favor?

Commissioner Nix: Aye.

Commissioner Korb: Yo.

President Tornatta: Alright.

(The meeting was adjourned at 8:21 a.m.)

Those in Attendance:

Troy Tornatta

Jeff Korb

Bill Nix

Kevin Myers

Madelyn Grayson

Others Unidentified

Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Jeff Korb, Vice President

Bill Nix, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
DRAINAGE BOARD
OCTOBER 16, 2007**

The Vanderburgh County Drainage Board met in session this 16th day of October, 2007 at 4:42 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

Madelyn Grayson: Hey, Bill, just for the record, we've got two sets of minutes to approve.

Bill Jeffers: Okay.

Madelyn Grayson: The September 25th and the special meeting on September 28th.

Commissioner Korb: Oh, that was the long meeting.

Bill Jeffers: Put an "s" behind meeting. Approve minutes of previous meetings on the agenda.

President Tornatta: Okay. Good afternoon. We're here for the Tuesday, October 16, 2007 Vanderburgh County Drainage Board meeting. It's about twenty till five on a Tuesday.

**Approval of the September 25, 2007 Drainage Board Meeting Minutes
Approval of the September 28, 2007 Special Drainage Board Minutes**

President Tornatta: Motion to approve the previous meetings minutes?

Commissioner Nix: So moved.

Commissioner Korb: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

President Tornatta: Alright.

Value Place Motel: Northeast Corner Lloyd Expressway/I-164

Bill Jeffers: Good afternoon, President Tornatta and Commissioners and staff. I had a five page text prepared for today, but I was told to be done by 5:00. So, we'll proceed. Under drainage plans, Value Place Motel is located on three lots in the southeast corner of Charleston Square on the lake. It's a motel that provides basic service lodging. It's located immediately north of the Lloyd Expressway, immediately east of I-164, and straddling the Warrick-Vanderburgh county line. The majority of the storm water run off is conveyed directly to a large lake existing in Charleston Square Apartments, and an insignificant amount of storm water run off will continue to discharge into the state right-of-way for the Lloyd Expressway, and thence eastward to Howard Ditch in Warrick County. The plan comports with the Vanderburgh County drainage code, and the County Surveyor recommends approval of the plan for Value Place Motel. It's right there at the interchange of I-164

and the Lloyd, as you can see on your picture. With the understanding that the board's approval of this plan does not negate any requirements that may exist with regard to State Highway Department approval, or approval by pertinent Warrick County agencies. I have notified the Warrick County Surveyor of the plan developments. So, for our part, I recommend approval.

Commissioner Korb: Bill, this is backward from what a lot of those other hotels are, isn't it?

Bill Jeffers: Well, Commissioner Korb, just north of that is a large apartment project.

Commissioner Korb: Right.

Bill Jeffers: The rest of the development is, there's Les Shively's law office right there where it says Citadel, on Citadel Drive.

Commissioner Korb: Okay.

Bill Jeffers: The rest of it is industrial and construction offices, and construction shops. The hotels are across I-164, there are several hotels across there and then to the south.

Commissioner Korb: Can we scroll down?

Bill Jeffers: John Dunn's development.

Brenda Jeffers: Down?

Commissioner Korb: Yeah, please.

Bill Jeffers: Yeah, go down to the south.

Commissioner Korb: Other way, other way.

Bill Jeffers: Go north. You'll see the new hotels and motels to the south along Eagle Crest Boulevard—

Commissioner Korb: Got it.

Bill Jeffers: —there by Cracker Barrel and the new Cheeseburger In Paradise, that big lake right there.

Commissioner Korb: Yeah, got it.

Bill Jeffers: John Dunn's development.

Commissioner Korb: Okay.

Bill Jeffers: So, it's catty corner from John Dunn's hotel complex.

Commissioner Korb: Yeah.

Bill Jeffers: It's not an ideal location for access, because you have to go all the way out to Epworth Road and back to Spry Road to get to it. But, it is an appropriate location for the zoning.

President Tornatta: At what point is the county line?

Bill Jeffers: Right along the yellow, right along that subdivision line. That is the county line. Yes, where it says Citadel, that road right there is the county line.

President Tornatta: Okay. So, just a small portion is in Warrick County, is that correct?

Brenda Jeffers: That's where it is. Where you see the white part.

Bill Jeffers: Essentially, the county line runs right down through here, and that ditch right there will drain a small portion of the water off the development and out into I-164 on ramp and over into Warrick County. The rest of the water goes up to this lake. So, I mean, I'm just taking the necessary precautions to notify the Warrick County Surveyor that there is a small percentage of water discharging from this corner and out here into Howard Ditch, which is a regulated drain in their county. That's Howard Ditch right there.

Commissioner Nix: I move that we take the recommendation of the County Surveyor.

Commissioner Korb: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

Glenn Gauger Subdivision: Lot 2: Amended Final Plan
--

Bill Jeffers: Okay, the second subdivision drainage plan is an amended final drainage plan for Glenn Gauger Subdivision, Lot two. The original plan was designed by Billy Nicholson, and proposed an open channel along the natural surface water course across the lot. That would be that dark area where you see, that's water coming across that lot. That's out on Hogue Road, west of Schutte Road. The current lot owner wishes to build a house, construct a driveway and grade her front lawn in such a way that a pipe is required to replace the open water channel. So, Gary Yellig has updated, Gary's here in the audience today as the engineer, has updated the drainage plan to include a 15 inch pipe, along with specific grading details that if constructed in accordance with the plan will provide an emergency overflow route adequate to prevent backwater from flooding the neighbors property to the east. If the amended plan is to work effectively, the lot owner and her construction and landscaping contractors must be directed to follow the plan exactly, and to that end a copy of the minutes of this meeting should be forwarded to the lot owner, along with copies of the plan by Mr. Yellig with a cautionary note to abide by the approved plan. The plan does comport with the county drainage code, and the County Surveyor recommends approval.

Commissioner Nix: Move approval.

Commissioner Korb: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

Bill Jeffers: Okay, Mr. Yellig and I will see to it that information is conveyed to the property owner.

**Receive Final Reports on Three Regulated Drain Studies:
Sonntag Stevens and Keil Ditch: Morley and Associates
Eagle Slough: Bernardin Lochmueller Associates
Kolb Ditch: Wessler and Associates**

Bill Jeffers: Okay, tonight I would like to, or this afternoon I would like for you to receive the final reports on three regulated drain studies. They were commissioned earlier in the year studying major urban drains on the east side and the north side that have been impacted by two decades of extensive land development. While many drains have been annexed into the city, the County Drainage Board and the County Surveyor continue to administer and maintain these drains and reconstruct them in accordance with State statute. In 2003 the Indiana Department of Environmental Management adopted a few new rules that essentially are unfunded mandates to assess, monitor, remediate the effects of storm water run off affected by construction activity and post construction pollution that may result from new land use. Okay. Rather than go, you can read this if you wish, rather than go into all this I'll simply say that the first study, Sonntag Stevens, was completed by Morley and Associates. Mr. Alvey will give you a copy of that. Sonntag Stevens and Keil Ditch is located in the industrial area between Lynch Road and St. George Road. The study identifies various conditions, structural insufficiencies, the discharge of industrial pollution and so forth into the storm water and suggests a comprehensive plan to institute best management practices to address all those things in accordance with state, federal regulations regarding the Clean Water Act. So, you may read this at your leisure. If you have any questions, there's lots of photographs detailing each of the 41 observation points that we're directed to maintain over the years, and to move forward with a plan to abide by our mandates.

Commissioner Nix: In a nutshell, Mr. Jeffers, was there anything in this report that jumped out at you as far as things that need attention in a timely manner?

Bill Jeffers: These reports, all of them, the three that you have coming to you tonight and the one from Structure Point, American Structure Point on the east side and Harper Ditch, all can be used by John Stoll, the MS4 Operator, to identify sources of storm water pollution into our MS4 conveyances. These ditches qualify as what they call MS4 waterways. It identifies every point of discharge, every pipe coming into those ditches that may be carrying industrial, in this case there was the identification of some, of a discharge of hydrocarbons from one of the factories. Those things need to be addressed fairly immediately, yes. Because, then this ditch empties into Little Pigeon Creek, which empties into Pigeon Creek, and, obviously, we're trying to work with other agencies, including the city and EPA to clean up Pigeon Creek and so forth. That jumps out at me. There are some other structural deficiencies, a couple of pipes under a railroad that are decaying that need to be replaced, some invasive non native weeds growing along the banks, some sorts of Asian honeysuckle and so forth that have escaped from people's gardens and landscaping that needs to be eradicated, other invasive species of plants that are not beneficial to our native habitat, and some embankment stabilization that would help

keep the ditch banks in good, long term shape. Those things jump out at me, but it is a rather extensive report, and it gives us several years of recommended planning and execution of those plans that lay ahead of us for five years or more.

President Tornatta: Mr. Jeffers, you have some of that lined out in your report that you submitted to us as well, right?

Bill Jeffers: Yes, sir.

President Tornatta: Okay. So, first, let's have a motion to accept his report in the minutes.

Commissioner Korb: So moved.

Commissioner Nix: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

Bill Jeffers: Okay, so that accepts what I typed out here for you into the minutes so you can read that along with the reports.

Commissioner Korb: Bill, are we in a position to have contacted the businesses or industries saying, hey, we potentially have a problem here with emissions?

Bill Jeffers: Yes, sir, because your Board, what, Mr. Ziemer, a couple of months ago adopted an ordinance that's a part of the MS4 program? It's called the Illicit Discharge Detection and Elimination Ordinance, which gives John Stoll as the MS4 Operator the ability to notify, if we were to go to these 41 points in Sonntag and Keil Ditch and actually do water samples, take them to the lab and positively identify pollutants, then discover the source of those pollutants, we could notify the landowners from whose land the pollutants are emanating to either eliminate or minimize the pollution. We have that ability. Mr. Stoll might be able to give you more technical and detailed information in that regard, but that's the way I understand it.

Commissioner Korb: Okay.

Bill Jeffers: The second report is from Bernardin Lochmueller and Associates, and it's Eagle Slough, which is a six and a half mile drain, carries all the water discharged from the levee pump stations along I-164 from the southeast side of Evansville. Basically, the report identifies the same issues associated with Sonntag Stevens and Keil Ditch and other urban drains with regard to pollution, but it additionally identifies two unique concerns of beaver infestation and need for more full access for maintenance equipment. The rest of it is part of the text that President Tornatta has entered into the record. You can read that at your leisure. It does contain suggestions, ranked in priority that suggest an aggressive program to control the beaver population and make other specific improvements. In this case we have a reoccurring beaver dam we've eradicated several times right at one of the levee pump stations discharging from the neighborhoods that were severely flooded last September. So, this is very important and we want to follow the recommendations and, you know, proceed with a good program into the future on Eagle Slough. The last report I have to submit tonight is Kolb Ditch. Mr. Alvey will give you a copy of this one as well. It's from Wessler and Associates. Kolb Ditch

is located south of Covert Avenue, east of Price Park, the soccer park, and west of Angel Mounds. It drains basically all single family residential development, but has some unique problems associated with this extremely flat grade and sandy soils. One particular item that I would like to point out is that the homeowners on the lake in Audubon Estates have been chronically frustrated with the fact that the lake water, in such sandy soils, just sinks down into the water table and their lake goes down three or four feet in elevation every summer. You can imagine how low it is this summer. Then, when you have a rain storm the water rushes in from various pipes and ditches and just erodes away at the sandy embankments, and it really makes it hard for those residents to maintain their property the way that it was originally constructed. We can't do everything to solve this for them, but there are resolutions, or there are proposed methods to control the situation in this report that will require that the County Drainage Board work together with the residents, because it's their lake even though our ditch passes through it. We can do our part where our ditch passes through it, they may incur some expenses if they want to. For example, use bentonite to seal the lake. That was a recommendation we had made ten, 15 years ago, but it's a very expensive process. So, we need to work together to see if we can resolve that issue for them. Other recommendations from Wessler include engineer improvements that will hopefully address the extremely flat ditch grade out there, possibly take some water to a pump station in a different fashion, and relieve some of the pressure on the rest of the ditch and that lake. That's a brief overview of the three reports that are on your desk at this time. They, along with the report you will receive from American Structure Point on the east side and Harper Ditch basically provide the basis on which the County Surveyor and the Drainage Board will be working over the next several years. I would like to point out that we have already initiated some of the recommendations. For example, we cleaned out three eight foot diameter culverts along Morgan Avenue, regraded the channel. That will move water more efficiently through the Wabash and Eerie Canal. We just finished this weekend the embankment repair through Wesselman Nature Center, where Wesselman Nature Center is donating \$5,000 to that effort, and we're picking up the other \$10,000. Also, along Stockfleth Ditch, Kelly Ditch and Nurrenbern Ditch we removed some obstructions and repaired some embankments that were holding water back up into the apartments in the commercial area and other property on the east side. So, we're moving along with the problem. If there are any specific questions at this time, representatives of each of these three firms are here today to answer your questions. Otherwise, you may bring your questions to us at any time in the future and we will submit additional reports.

President Tornatta: Motion to take all these reports under advisement.

Commissioner Korb: So moved.

Commissioner Nix: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

Ditch Maintenance Claims

Bill Jeffers: I thought I had some claims to pay, but, apparently, I'll bring those to you next week, because I don't have them with me today, and have no further business.

Other Business

President Tornatta: Okay, no other business? Any business of the board at this point?

Public Comment

President Tornatta: Any public comment?

Commissioner Nix: I make a motion that we adjourn.

Commissioner Korb: Second.

President Tornatta: All in favor?

Call Commissioners: Aye.

(The meeting was adjourned at 4:59 p.m.)

Those in Attendance:

Troy Tornatta
Bill Jeffers
Brenda Jeffers

Jeff Korb
Ted C. Ziemer, Jr.
Others Unidentified

Bill Nix
Madelyn Grayson
Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Jeff Korb, Vice President

Bill Nix, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
DRAINAGE BOARD
OCTOBER 23, 2007**

The Vanderburgh County Drainage Board met in session this 23rd day of October, 2007 at 4:35 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: Good afternoon. It's about 4:35, and we're here for the Vanderburgh County, we're the Vanderburgh County Surveyor for the Vanderburgh Drainage Board, October 23, 2007. Approval of the minutes, motion?

Commissioner Nix: So moved.

Madelyn Grayson: The minutes are not ready.

Commissioner Nix: You didn't get those to us, did you?

Madelyn Grayson: I just got finished typing them, but they are not ready to be approved yet.

President Tornatta: Okay.

AC Warehouse: 1444 N. Royal Avenue

President Tornatta: We'll move on to Mr. Jeffers.

Bill Jeffers: Okay, thank you, President Tornatta and other members of the board. The first item on our agenda is a drainage plan for AC Warehouse, 1444 North Royal Avenue. I believe that's lot seven of Ryan Commercial Place Subdivision. Ryan Commercial Park Subdivision. Mr. Reggie Heck is the engineer designing the plan and representing the project manager. He's here in the audience should there be any questions. The plan comports with the Vanderburgh County drainage code. The County Surveyor recommends approval. It's a small, commercial lot that's going to be used as a warehouse.

Commissioner Nix: So moved.

Commissioner Korb: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

Encroachment Agreement: AC Warehouse: 1444 N. Royal Avenue

Bill Jeffers: In association with that plan is an encroachment agreement that Madelyn Grayson has on the desk for you. Madelyn does that have a separate page with the legal description?

Madelyn Grayson: Yes, it does.

Bill Jeffers: Okay, so, that has been revised at the request of the County Attorney and the County Surveyor to include now a separate legal description to make it more clear in the, excuse me, in the chain of title, exactly what's going on there. Basically, the plan is to pave over the drainage easement, install some piping, and other structures so that the property owner can access the extension of Royal Avenue and Oak Grove Road at the northwest corner of the project so the semi trucks can come straight in off Morgan Avenue without turning through the front part of the subdivision. So, that's a good deal there, and, I believe the County Attorney can tell you whether the certificate of insurance and so forth is in order.

Ted C. Ziemer, Jr.: Are we talking about the famous Gillenwater drainage easement? Is that this one?

Bill Jeffers: Yes, sir, we are.

Ted C. Ziemer, Jr.: Alright. It's perfect. Thank you.

Bill Jeffers: World famous, Gillenwater drainage easement encroachment.

Commissioner Nix: Move approval.

Commissioner Korb: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

Approval of New Drain Connection to Maidlow Ditch from New Lake
--

Bill Jeffers: I have here, basically, it's just a simple approval procedure that's required by statute at 2222 Nuebling Road. Edward and Vivian Ellis would like to build a stock pond to water their livestock. It will drain into Maidlow Ditch through an 18 inch by 30 foot double walled plastic culvert. The outlet end is into Maidlow Ditch, a regulated drain in Vanderburgh County. The statute requires Drainage Board approval of all new drains connecting to a regulated drain. The plan has been prepared by Allen Rellecke, who is the contractor, and he's very familiar with installing these type of drains. He worked for Koester Contractor for a great number of years and is now out on his own, and has installed these type of drains into our regulated drains in the northern part of the county. He's also a farmer, so he's very familiar with what we want done out there, and I recommend that the County Drainage Board approve this new connection on behalf of Edward and Vivian Ellis.

Commissioner Nix: So moved.

Commissioner Korb: Second.

Bill Jeffers: I have a drawing here that I will keep in our files.

President Tornatta: A motion and a second. Bill, are you done with that one?

Bill Jeffers: Yes, sir.

President Tornatta: Okay. A motion and a second. All in favor?

All Commissioners: Aye.

Change Order for Harper Ditch/Wesselman Nature Preserve Project

Bill Jeffers: Okay, on your desk, in front of Madelyn, no, this is the original, pardon me. Okay, I told you last week that the improvement through Wesselman Woods of Harper Ditch was completed by Mark Naas. It was completed satisfactorily, and during the construction and immediately following during my personal inspection out there I noticed a large quantity of debris in front of one of the eight foot diameter pipes that drains Harper Ditch underneath the Norfolk Southern Railroad. Since Mr. Naas was out, I considered that an emergency. That's plugging one half the drainage coming out of the eastside. It's basically a lot of tree limbs, trunks, what have you that has, over time, floated down and lodged in front of this pipe. I considered it an emergency. I would ask the board to declare an emergency. I thought the most expedient way to remove this obstruction was to ask for a change order in the amount of \$1,050 to Mark Naas for the removal and the disposal of that debris. He will have to bring in an additional piece of equipment and grab that debris, load it into a dump truck, and properly dispose of it. This change order, to his total bid of \$15,450, represents a 6.8 percent increase in the overall contract. I don't know if that has any bearing on it, but I wanted to present that information to you, and ask you to declare an emergency and allow me to institute this change order.

Commissioner Nix: So moved.

Commissioner Korb: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

Ditch Maintenance Claims

Bill Jeffers: The last piece of business I have to present you with are claims for services received, basically, your annual maintenance contracts on the various regulated drains, and some of the studies that have been completed. We're winding up paying for the services we've already received. Everything's been inspected, approved, and the paperwork is attached to the claims in front of Madelyn. I ask that the County Drainage Board approve the claims for payment.

Commissioner Korb: So moved.

Commissioner Nix: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

Public Comment

Bill Jeffers: Are there any questions from the board, or public comment?

President Tornatta: I can guarantee there will be no public comment today.

Bill Jeffers: Okay.

President Tornatta: Nobody's here.

Bill Jeffers: But, we may, after long awaited rainfall finally saturates the soil we may have comment in the future.

President Tornatta: Well, and, you know, I kind of probably should have addressed this during the regular Commissioners meeting, but the burn ban is still in effect and will be in effect until November 13th, upon further assessment and then it will potentially be lifted. But, as of today, even though it rained all day and has rained in prior days, the burn ban will be in full effect until those days. If you want to get a temporary permit for burning, you may do that to the –

Bill Jeffers: EPA?

President Tornatta: –EPA, or one of the volunteer fire departments. So, that's kind of on the agenda.

Bill Jeffers: I'll pass that along to our farmers. We don't burn any ditches any longer. I think we've stopped that altogether.

President Tornatta: I don't think you can right now.

Bill Jeffers: However, there may be some private landowners who still burn ditches, and I'll pass that along.

President Tornatta: Right, and, you know, the whole thing that I want to get out is that we are on top of it, we are working on the recommendation of the EPA and the Fire Chief, the City Fire Chief and the volunteer Fire Chief, but, as of yet, and I checked with them just about an hour ago, they said that we're still on the burn ban.

Bill Jeffers: Well, I think that's smart to, you know, to act on the side of caution.

President Tornatta: Yeah, so, anyway, no public comment. Motion to adjourn?

Commissioner Nix: So moved.

Commissioner Korb: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:45 p.m.)

Those in Attendance:

Troy Tornatta

Bill Jeffers

Others Unidentified

Jeff Korb

Ted C. Ziemer, Jr.

Members of Media

Bill Nix

Madelyn Grayson

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Jeff Korb, Vice President

Bill Nix, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
DRAINAGE BOARD
NOVEMBER 13, 2007**

The Vanderburgh County Drainage Board met in session this 13th day of November, 2007 at 4:31 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: Good evening.

Bill Jeffers: Good evening, President Tornatta.

President Tornatta: Alright, welcome to the Vanderburgh County Drainage Board meeting, Tuesday, November 13, 2007, a little bit after 4:30.

**Approval of the October 16, 2007 Drainage Board Meeting Minutes
Approval of the October 23, 2007 Drainage Board Meeting Minutes**

President Tornatta: Is there a motion to approve minutes of the previous meetings?

Commissioner Nix: Well, we're one Commissioner short, but I so move.

President Tornatta: Second.

Commissioner Nix: All in favor?

President Tornatta: Aye.

Commissioner Nix: Aye. Force of habit.

President Tornatta: It's habit. It's habit.

Approval of Blue Claims for American Structure Pointe

President Tornatta: Alright, Mr. Jeffers, good afternoon.

Bill Jeffers: Good afternoon. Does WNIN generally bill you for a whole half hour? Or if I wrap it up in a minute, or what do you think here?

President Tornatta: Probably not. We'll talk to them on it. We're good.

Bill Jeffers: Okay.

Ted C. Ziemer, Jr.: Yes, yes.

Bill Jeffers: They bill 'ya. We're already in the next, okay. I'll go ahead and discuss what, I'll discuss what I came to discuss then. Because if we could wrap it up and they wouldn't bill 'ya, I would stop right now.

President Tornatta: Well, we'll talk to them on it.

Bill Jeffers: Okay. We have some, two claims for services provided by Structure Pointe, American Structure Pointe, Indianapolis. The work has been completed, and is satisfactory, and I'm asking you to pay those bills as presented.

Commissioner Nix: Move approval.

Commissioner Korb: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

Report on Proposed New Culvert at Green River and Morgan Avenue
--

Bill Jeffers: Okay, since I have a half hour—

Commissioner Korb: You're killin' me.

Bill Jeffers: No, I believe Channel 14 has something they want they want to talk to you about that's a little more important.

Commissioner Korb: They do?

Bill Jeffers: Yeah.

Commissioner Korb: Okay.

President Tornatta: About drainage?

Bill Jeffers: They have a broadcast at 5:00.

President Tornatta: About drainage?

Bill Jeffers: No, it's not about drainage. It's something more exciting.

President Tornatta: Okay.

Bill Jeffers: Last year we discovered. Well, let me start in 2002, FEMA came down and wanted to publish some flood plain maps, and we thought the flood plain designation was too high. So, we went through some studies and found out that it could be lowered by a foot, foot and a half. Subsequently, after looking at the studies that came from Morley and Associates, we discovered that if we replace some pipes in the old Wabash Eerie Canal, we could lower the flood plain possibly another foot. This affects five square miles of commercial areas. So, last year about this time we discovered that the Indiana Department of Transportation, INDOT, was going to rework Morgan Avenue and Green River Road, under which passes a pipe that has been designated as undersized. So, since their surface improvement did not include the replacement of a pipe, we pursued with INDOT the replacement of that pipe, hopefully to lower the flood plain another foot to a foot and a half. Our discussions, we had a couple of meetings in January, and the Vincennes district engineers basically presented an offer to us that if the county would pay for the pipe and some other costs that they would include it in their contract for the improvement of that intersection. The county, the Board of Commissioners under this letter, this

is a copy of the letter, agreed to the terms that INDOT offered. Vanderburgh County would agree to pay the cost of the installation of a new culvert up to a maximum of \$500,000. Anything over that would be paid by INDOT. Vanderburgh County also agreed that the County Surveyor's office would cover the cost of obtaining the necessary environmental permits required for the installation of a pipe in the waters of the United States, or otherwise known as navigable waterway. Then the Vincennes district sent a letter back to the Commissioners on February 19th. Your letter was sent on February 13th, they responded timely on February 19, 2007, that they had received your letter, that they were preparing a contract, and that the contract documents would define the responsibilities between INDOT and Vanderburgh County as they pertain to the project, and that they would try to have this contract document in your hands in the near future. That contract came in last week, on or about November 5th, and some of the terms of the contract came to my attention that INDOT wants Vanderburgh County to contribute the \$500,000 before the construction of the culvert can commence. That was not what you agreed to in the letter. You agreed to pay incremental costs as they were incurred, up to, not exceeding \$500,000. If the cost was \$450,000, that's what you would pay. If the cost was \$375,000, that's what you would pay. Now they are asking that \$500,000 be sent to INDOT before...okay, that was one thing that alarmed me. What I would also say at this time is that we have provided a 401 water quality permit through our office. That comes from the Indiana Department of Environmental Management. So, that has been fulfilled. As of Friday, the U.S. Corp, the U.S. Army Corp of Engineers says that they have our application for a 404 construction in a navigable waterway or waterway of the United States under review, and it should be in the mail as we speak. So, we should have that within a week or so. The Indiana Department of Natural Resources, our application for construction in a flood way is under review, as of the week of....and we should see it, no, excuse me, it will be reviewed the week of the 19th, November 19th, and we should have that in our hands within two weeks of that date. It only needs technical review. All the other review is complete. So, we've fulfilled, or we will have fulfilled our obligation for the permits, hopefully, by the end of this month, and, although there may be a misunderstanding, there seems to be a misunderstanding on how much survey data we are obligated to provide, because we never agreed to provide any survey data. They're asking for some now. I have asked American Structure Pointe to e-mail me all survey data they have gathered, and I will forward that to INDOT, if that will help facilitate. I'm also going to contact INDOT and see if any of the J.Q. Morley survey data would help them facilitate, but I am still somewhat concerned about their request for up front \$500,000. Now, I do understand that John Stoll is also in receipt of this contract and has forwarded a long list of concerns that he has about the contract language to your attorney, and that you should be receiving briefings from those two department heads in the near future as well. Just wanted to bring that to your attention at this time because they want to go to construction in February, and we just need—

Ted C. Ziemer, Jr.: Mr. President? I did receive a copy of that contract. If you think you were alarmed by it, I would not let the County Commissioners sign that contract under any circumstances, if they want to do it legally. It provides, for example, that the county will close Green River Road. This portion of Green River Road is in the city. It obviously cannot be closed by the county. It provides that the county will maintain this portion of Green River Road. It's in the city. It's maintained, we will maintain the culvert, but not Green River Road. It has numerous provisions saying that the county and its contractor will do certain things during the course of this project. Of course, as you know, there is no contractor for the county, INDOT is doing this work. All the county is doing is providing up to \$500,000 to pay for it. So, I contacted the representative of INDOT who sent the contract down here. I started

going through it to tell him how ridiculous it was. He responded that he agreed, but he was told to use that form of contract by his superior. I said, let me speak to him. He said, he no longer works for INDOT. I told him that when he found somebody at INDOT who was, or, I asked him if they had attorneys or they had to use the Attorney General's office? They have both, they have their own and the Attorney General's office. I said, have any attorney call me and I'll be glad to discuss this contract with him, but the county is not going to sign it in its present form. I have not heard back from him.

Commissioner Nix: Golly, Ted. That was pretty good.

President Tornatta: That's why we give him the big bucks.

Commissioner Nix: Just, any reason why the 500 out front? The 500,000?

Bill Jeffers: There's—

Ted C. Ziemer, Jr.: It's just what the contract says, but there's no reason for it.

Commissioner Nix: Because we never agreed to any of that.

Bill Jeffers: No.

Commissioner Nix: You know, a year ago when all this came about.

Bill Jeffers: Your letter specifically explains that the contribution, I mean, this is February 13th you explained it, and we're talking about having received the contract last week for your signatures, that Vanderburgh County will pay this contribution towards the culvert from the Cumulative Bridge Fund, but that you have to go through certain budgetary processes to obtain the money, you know, through your whatever, and that you wouldn't be able to reimburse INDOT until beginning March 2008. All that was explained up front six months ago. So, I just wanted to bring it to your attention, because we really feel this is an important thing to address the flood plain on the east side, in this heavily commercial area, five square miles of flood plain out there, before FEMA comes back this year, or early next year with maps that they want to publish designating this entire area flood plain. We're trying to reduce that impacted area as much as we can before those maps are published.

President Tornatta: I think that that is the main reason why we thought we were going to come out and just go ahead and handle this and put our signatures on it to get that work done. Not being moved around in other areas or through other terms that the state decided to approach.

Bill Jeffers: Right.

President Tornatta: Thank you so much for looking into that.

Bill Jeffers: I just wanted to air it out here and let you know what's going on .

President Tornatta: And getting that on the record. Ted, thank you as well for trying to bring that to a head. So, any other business at this point?

Bill Jeffers: No, sir.

Clark-Conway-Wazny Petition to Remove an Obstruction

Madelyn Grayson: Bill, what about the petition for the obstruction? Did you need that?

Bill Jeffers: Oh, I'm sorry. We do have a petition. We have one of those petitions asking the Surveyor, or the County Drainage Board to remove an obstruction. It has been filed by Gerald and Linda Dennis, Clark and Linda Conway, Patti Dee Wazny, property owners, regarding, they own property on Anthony Drive and Caesar's Court, on the north side off of St. George Road. Their petitioning that an obstruction that they allege to exist on property owned by Tim Harris, Pine Tree Drive, consisting of overgrown bushes and vegetation be removed from a natural surface watercourse to better facilitate drainage of their property. They have submitted the required \$100 check, as a filing fee. If you accept this petition, and I recommend that you do, that will enable the County Surveyor to go onto private property within 75 feet of the alleged obstruction and bring you a report as to the validity of the petition.

Commissioner Nix: Motion to approve.

Bill Jeffers: So, you can set a hearing date.

Commissioner Korb: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

President Tornatta: Anything else?

Bill Jeffers: No, sir.

Public Comment

President Tornatta: Alright, any public comment? All those out there. Alright, without any public comment—

Commissioner Nix: I move we adjourn.

Commissioner Korb: Second.

President Tornatta: All in favor?

Commissioner Korb: Yo.

Commissioner Nix: Aye.

President Tornatta: So adjourned.

(The meeting was adjourned at 4:45 p.m.)

Those in Attendance:

Troy Tornatta

Bill Jeffers

Others Unidentified

Jeff Korb

Ted C. Ziemer, Jr.

Members of Media

Bill Nix

Madelyn Grayson

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Jeff Korb, Vice President

Bill Nix, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
DRAINAGE BOARD
NOVEMBER 20, 2007**

The Vanderburgh County Drainage Board met in session this 20th day of November, 2007 at 3:45 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: Okay, we'll do this real quickly. I can take it. Welcome to the Drainage Board meeting. It should be the 20th of November. It's about 3:45 in the afternoon.

Approval of the November 13, 2007 Drainage Board Meeting Minutes

President Tornatta: A motion to approve minutes?

Commissioner Nix: So moved. We need a second, Commissioner.

Commissioner Korb: Sorry.

Commissioner Nix: This is for the Drainage.

Commissioner Korb: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

Commissioner Nix: Alright, thank you.

President Tornatta: Okay.

Approval of Blue Claims: Ditch Maintenance & Contractual Payments

Commissioner Nix: Motion to adjourn Drainage Board.

President Tornatta: Hold on.

Commissioner Korb: My shadow is giving me a hard time here.

President Tornatta: Do we have claims?

Madelyn Grayson: I do not have the claims, but I know they are claims just for annual ditch maintenance and any contractual agreements that have been completed and inspected.

President Tornatta: Can we approve the claims?

Commissioner Korb: Move approval.

Commissioner Nix: Second.

President Tornatta: Alright, all in favor?

All Commissioners: Aye.

President Tornatta: Bill?

Commissioner Nix: Motion to adjourn.

Commissioner Korb: Aye. Second.

President Tornatta: All in favor?

All Commissioners: Aye.

President Tornatta: Okay. Thank you.

(The meeting was adjourned at 3:47 p.m.)

Those in Attendance:

Troy Tornatta	Jeff Korb	Bill Nix
Kathryn Schymik	Madelyn Grayson	Others Unidentified
Members of Media		

**VANDEBURGH COUNTY
DRAINAGE BOARD**

Troy Tornatta, President

Jeff Korb, Vice President

Bill Nix, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
DRAINAGE BOARD
DECEMBER 18, 2007**

The Vanderburgh County Drainage Board met in session this 18th day of December, 2007 at 4:31 p.m. in room 301 of the Civic Center Complex with President Troy Tornatta presiding.

Call to Order

President Tornatta: Good afternoon, Mr. Jeffers. We're going to start our Vanderburgh County Drainage Board meeting. It looks like it's 4:31, Tuesday, December 18, 2007.

Approval of the November 20, 2007 Drainage Board Meeting Minutes

President Tornatta: We need a motion to approve the previous meetings minutes.

Commissioner Nix: So moved.

Commissioner Korb: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

Preliminary Report: Alleged Obstruction: Dennis-Conway-Wazny Petition

President Tornatta: Mr. Jeffers?

Bill Jeffers: Okay, in your second meeting in November you received a petition from Gerald and Linda Dennis, 2740 Anthony Drive; Clark and Linda Conway, 2724 Anthony Drive; and Patty Dee Wazny, 5725 Caesar's Court. All of those are off Ward Road, immediately north of St. George Road, west of Oak Hill. They allege overgrown bushes and vegetation obstructing a drain or natural surface watercourse at 2701 Pine Tree Drive, and name Tim Harris as the owner of that property upon which the obstruction is alleged. I just want to give you a brief preliminary report today. I have viewed the site. I thought it would be an easy one. I don't think it's going to be an easy one. We're going to have to have a hearing. Knob Hill Subdivision, the subdivision in which Tim Harris owns 2701 Pine Tree Drive was recorded in 1947. There's no drainage easement and no drainage plan for that subdivision. So, I do not know whether the drain that's alleged to be obstructed was a planned drain, or whether it was something that occurred over time, etcetera. Roman Acres, the subdivision in which the three petitioners own property was recorded in July of 1979. It does have a drainage easement. If I can find it, it may have a drainage plan prepared by Sam Biggerstaff. After his passing, James Morley and Associates purchased those records, and I will try to find if there's a drainage plan there. In 1996 there was an extended period of rainfall in the spring, and Ward Road had several problems that had to be corrected. There is a lot of water going down through this area from Ward Road and Knob Hill. Pardon me. Okay, so, it appears there's a drain there, or an open watercourse. It appears as if some vegetation has been allowed to grow up in it, and there's been deposits of sediment. At this time I would say it was not intentional, it was a natural happenstance over a long period of time. When I look at the old aerial photographs I see that these trees and this brush existed over a long period of time. Now it comes to you as a petition.

I'm just laying the ground work. That's my preliminary report at this time. I would ask that you contemplate setting a hearing for this sometime the second or third week of January. I'm not asking you to do it at this time, just when you set your meeting dates the first meeting of January, set a hearing date for this petition. That will be within 60 days of your having received it. The latest you could have it, I believe, would be February 13, or the Tuesday closest to February 13.

President Tornatta: So, would you like to set that date February 13th?

Bill Jeffers: Well, I don't know if that's a Tuesday. I went to look for a 2008 calendar, and I couldn't lay my hands on one.

President Tornatta: February 12th, or 19th.

Bill Jeffers: I will be out of the country on February 12th.

President Tornatta: February 5th.

Bill Jeffers: Good enough.

President Tornatta: Okay, February 5th.

Bill Jeffers: That's my 60th birthday, February 12th. I'm flying away.

President Tornatta: Alright. Are you coming back?

Bill Jeffers: I'll be back.

President Tornatta: Okay.

Bill Jeffers: I'm just going to go visit some friends on an island.

President Tornatta: Okay. So, I won't be here either then.

Bill Jeffers: On the 12th?

President Tornatta: Oh, I just want to go with you.

Bill Jeffers: Oh, you want to come?

President Tornatta: Yeah.

Bill Jeffers: Okay.

President Tornatta: I like celebrating 60th birthday parties.

Bill Jeffers: Let's do it.

President Tornatta: Okay. Oh, we're not having a meeting. Double bonus. Okay.

Bill Jeffers: Okay, so, that takes care of my preliminary report on that alleged obstruction.

Ditch Maintenance Claims

Bill Jeffers: I do have several claims in a folder in front of your recording secretary. They are all for work on ditches that has been completed. The inspections have been made. The paperwork's attached. Most, all but two of those ditches, all but three of those ditches are in the far northwest quadrant of the county. A couple of them are in the industrial area.

President Tornatta: Bill, it looks like, over behind Kohl's on the west side, that there's a beaver dam starting to layer some of the drainage going back through the Expressway.

Bill Jeffers: Right.

President Tornatta: I didn't know if that was of any issue. I just drove by and saw that, and brought it to my attention that we had talked about that at one time.

Bill Jeffers: Right. That beaver dam, to the best of my knowledge, is located in a portion of Carpentier Creek, within the city of Evansville. I will report that to the Board of Works and the Levee Authority. We do not have any, that is not a regulated drain. We do not have any funds to address it. If there could be something worked out between the Board of Works and the County Drainage Board to find funds to address Carpentier Creek, I would be happy to work with you and their board and the City Engineer to address it. But, at this time, I have no funds available—

President Tornatta: Okay.

Bill Jeffers: —I'm not aware of any that you have.

President Tornatta: If you would just pass that along, I would appreciate it.

Bill Jeffers: Yes, sir.

President Tornatta: Okay. Motion to accept claims?

Commissioner Korb: Second.

Commissioner Nix: Is there a motion?

President Tornatta: Is there a motion to accept claims?

Commissioner Korb: Oh, I'm sorry, yeah, I'll make that motion.

Commissioner Nix: Second.

President Tornatta: All in favor?

Commissioner Korb: I'm so used to you making the motions all the time, I just—

Public Comment

President Tornatta: Any other business?

Bill Jeffers: Well, I think there are two gentlemen in the audience, one of whom expressed at Area Plan Commission that he had a drainage comment to make, and you may wish to ask for public comment at this time.

President Tornatta: We will, we'll do that. Gentlemen, any public comment? When you come up here, if you'll please state your name, address. Is that all we need? See ya', Judge. Merry Christmas.

Ralph Effinger: My name is Ralph Effinger.

President Tornatta: Where do you live, Ralph?

Ralph Effinger: I live at 629 East Columbia Street, Evansville, Indiana.

President Tornatta: Okay.

William Ritzert: I'm William J. Ritzert. I live at 3645 Voight Road.

President Tornatta: Alright. Good afternoon, gentlemen.

Ralph Effinger: Our comment is, or my comment, I should say, is on the water problem that we have that develops from these subdivisions that the Drainage Board, I guess, okays, or the Surveyor, or the Engineer. I was at the last meeting of this Johnson out on Heckel Road and Green River Road. They got, they're taking 80 acres of land, which is on flood plain, which floods at different times. They're going to raise this land to some "x" many feet. They are going to make catch me basins to take care of the water, I presume. But, I still have the problem that you take that many acres out of the flood and put it over on "x" many more people's ground, which I am adjoining owner of this farm. It's been in my family since 1900. I can tell you a lot of history about this farm, but at that meeting they didn't care to hear it. So, that's where I left it. When my mother talks about it, it was on the very lower end of the farm, which was real close to Green River Road. Now, since we don't have all that, we're within a half a mile of Oak Hill Road, and it gets up on that at different times. So, that tells you that there's a lot of water being put out there. I've seen water from this place to Chandler, in the low places, all of Morgan Avenue. I think there should be some way that these catch me basins, be, put smaller pipes in, it drains out of them within a day. You should have a block of them, and make them lakes raised when they want to put all this street and house water in them basins, and then when the ditches get down, let them out. But, you go around and look at them and they're all running out at the same time as the ditch is full. Then you've got the other problem, when you've got all this water up north and this water comes down Pigeon Creek, and you fellers are going to raise Green River Road I don't know how many feet, I'm sure that's going to hurt us, as a farmer. This ground is not, in my opinion, to be developed, like housing and that. I think it should be some other use. I know that Evansville needs progress, but we still need some way to plan this out that you don't kill the people that's living around here.

President Tornatta: And, very good points, and I, I mean, they're all valid. I think that one thing that we're trying to do is work with the architects, and, of course, we have to work with the Army Corp of Engineers, any amount of wetlands that we destroy we have to replace. If, Mr. Jeffers, if I'm not mistaken it's a one for one? Or is it two for one?

Bill Jeffers: When you mitigate for a wetland, it depends on the quality of the wetland that you are destroying. Sometimes it's as high as four to one, depending on the quality.

President Tornatta: So, one of the things that we're doing right now is working with the Army Corp of Engineers. Although we're raising to over the 100 foot flood level, we are also trying to make sure, and we have to comply, with giving them the proper amount of wetlands that they had to accommodate the water, and also with making sure that all these plans are in place for drainage and what have you as they go through and under, or as they're doing now, going over Green River Road. So, we're trying to address all these issues as they are coming about as well. So, we're very concerned about it, much as you are, because we don't want to have any problems come back on us.

Ralph Effinger: You ain't getting rid of the water. The water, you're displacing this water, and you're putting it over on "x" many other people when you let these subdivisions go into these places. I know you're putting this water in a catch me basin, or something like that and it runs out within 24 hours or something like that. Our rivers and our ditches are all full, now we get another big rain up north, up Pigeon Creek, say at Petersburg or wherever it starts at up there, and I know Pigeon Creek involves a lot of ground, here comes the water, it has, in this place, between here and Chandler, that's the low place, it runs out there, because it can't get down the river, to the river. So, you ain't helping us any by letting, taking more of this land out of that plain, that's what I'm trying to say to you. You done it in Keystone, it happens in all subdivisions. It seems like there's no stopping to it. It just keeps a gettin' bigger. You just give us more water all the time.

President Tornatta: Well, I would, obviously, let our Surveyor address some of those issues, how this goes down, because in taking this position, I didn't claim to be a surveyor, and I didn't claim that I would know the ins and outs of drainage. Although we've learned a lot, we do defer to professionals. In the engineering business there are professionals that work on hydraulics day in and day out, and our Surveyor has had quite an extensive amount of that type of work that he's come across, so, I would defer to him.

Bill Jeffers: What Mr. Effinger is, Ralph Effinger is saying to you is true. What we do, in this case he's talking about 80 acres of land that is all in the flood plain, and we're going, and the rules, by the federal government and the state government dictated to the local authorities, particularly in this case the Building Commissioner, dictates that we tell the developer to raise the finished floor elevation of the dwellings two feet above the 100 year flood. Okay, so, in doing that they have to bring in several feet of dirt in some instances. As you get north on this 80 acre parcel, it's quite a bit. So, yes, we are displacing any water that when Pigeon Creek floods, as Mr. Effinger describes, and, yes, there are several hundred square miles of watershed from Princeton all the way down, when all that water comes down here and spreads out into the flood plain, this new 80 acres of filled ground will displace 80 acres of however deep the water would have laid there in the flood plain. Now, we have to do that if we allow construction of dwellings. And we are allowed to do that by state law, and we are dictated exactly how we do it. Now, the state law also says that if the cumulative effect of all this filling is greater than .14 feet, fourteen hundredths of a foot, which is just under two inches, if the cumulative effect over the entire flood plain area is greater than two inches, let's just round it off, then we are not allowed to issue those permits. So, a study is performed to determine whether the filling of these areas will amount to raising the flood elevation of the 100 year flood greater

than two inches in vertical, you know, in elevation. If that is not going to occur, then the state allows us to move forward with development. As you can see, and as Mr. Effinger described to you, this flood plain is vast, I mean, it's all up past Stevenson's Station, all the way to Chandler, back up the back road between Chandler and Boonville. I mean, it's a huge area of flood plain, and at this time all the development that we've allowed in Vanderburgh County has not displaced enough water to raise the flood elevation greater than .14 feet. When it does, we will have to stop. Every project that is done, the Corp of Engineers and the Department of Natural Resources checks every road project. When Lynch Road was built it raised the flood elevation one tenth of a foot from the front face of the bridge opening to the downstream face there's a one, just over a one inch gradient, and they allowed that. That was a state project. The same types of calculations were performed for I-164. The same for your Green River Road project. Any project that causes, an increase is put into that total. Another one of his suggestions, Mr. Effinger's suggestions is to let the detainment facilities the catchment basins, to let them stand full of water longer than one day. Currently our code wants them emptied out within 12 hours, for safety reasons. In other words, some of them are lakes already, and then that charge of water that raises them an additional four feet causes some safety concerns, and we want those back down to their pool elevation within 24 hours. Now, we could require, on a case by case basis, we could require a longer detention time to satisfy some of Mr. Effinger's and other farmers concerns, some of their catchment basins, their WASCAB's and so forth on their agricultural land, they do hold water longer than 24 hours, but they are way out in the middle of a field where there aren't any children or liabilities involved. If we were to require a longer detention period, we would probably want some safety regulations in place to compensate for the liability. I think I've covered most of what Mr. Effinger is saying, or addressed most of his concerns. However, it will be an everlasting, ongoing discussion between pursuing development and preserving farmland between, you know, moving forward with economic development and protecting our natural resources. That's a discussion that will never cease, and it's just up to us to find a way to find the middle ground. I'm not sure if this gentleman had anything to say.

William Ritzert: No, you've all covered everything that I had on my mind.

Ralph Effinger: I have a question to ask on this, what you're telling us that it's approximately two inches. Mr. Jeffers says that we have two inches on this elevation of this water, from a hundred year flood plain, I presume?

Bill Jeffers: Anything over about a two inch increase is prohibited. Yes, sir.

Ralph Effinger: Now, this is all the subdivisions in Vanderburgh County, more or less?

Bill Jeffers: That would be with regard to all the filling activity, subdivisions and other filling activity that occurs within the Pigeon Creek watershed. Whether it occurs in Vanderburgh County, Warrick County, Gibson County, it's a cumulative effect. The Corp of Engineers and the Department of Natural Resources is not going to allow the cumulative effect to be greater than about two inches.

Ralph Effinger: Okay. What I'm getting back to is trying to tell you the history of this ground. Now, he says two inches, now, I don't know where they come up with this figure, if they come up in '37, the flood of '37, or if they come up with the flood back in 1800. What I'm saying is, my parents had this place, or my grandfather did, and the water was on the lower part of that farm, at the first that they ever seen it. Then

in '37 it put water on the farm, and since '37, since I was out here and able to see water get on this farm, they sold 20 acres to the east, and that was the wet piece. From that time on I have seen three different times, and I've seen it come up to Voight Road, where they had to use sandbags to save these people that was built in there before the county or the city had any regulations for building on a certain low level of ground. Now, it tells me by common sense that somewhere we either started out on a too high a water level, and now we're going to put two more inches on it, or my sense don't make sense. I started out here in '37 with water there. Now we're putting more to it and it keeps a comin' up. Somewhere along the line we're getting more than two inches extra on this than we started out with at a point. Somewhere, I don't know where this point started out at to get two more inches.

Bill Jeffers: Again, I don't dispute what Mr. Effinger is telling you. You have to consider all high water evidence that comes in from property owners and neighbors who have experienced it. His family has been out there since 1900. I believe his grandmother was the first, and they've been there continuously. The '37 flood was a 500 year flood, so, we throw that out the window, that was not an event that's used as a gauge. However, in 1961, I believe, again in '65, the Green River Road bridge went under water, and Green River Road went under water. The Corp of Engineers subsequently used those high water elevations as the 100 year flood, and did a study in 1981 and established a benchmark that says this is the 100 year flood elevation for this entire watershed. They came back after our, I believe it was '94, they came back and they ran cross sections all the way up to Green River Road, and I believe some additional study was done up to I-164 when it was built in the '90's, but there are floodways designated and flood plain elevations designated all the way up Blue Grass Creek and Furlick Creek, which affects this ground here. The Corp of Engineers has established positively this is the 100 year elevation for these waterways. Now, again in 1996, well, we had a couple of them, '82 and '83 that you saw those.

Ralph Effinger: There in '96—

Bill Jeffers: '96 was the big one that Mr. Effinger is talking about in recent times that came up on Voight Road and flooded everything around there, sandbagged houses, etcetera. In '96 it did not quite attain the same elevation as it did in '61 and '65. We went out and measured that, and shot a lot, and, you know, it just almost got there.

President Tornatta: Can I just throw something in real quick? We're getting ready to expire on a little time here, but what I would like to do is, your concern is vital to what we want to look at. The problem is we can't do anything right now on this board, nor would we be able to examine it ourselves. What I would like to do is maybe direct Bill to potentially either go out there or give us some recommendations on an idea of how to attack this, or how this will be addressed in the future. At that point then we can discuss that and go over it in the way that we can in directing either somebody to address the problem or to direct it to be handled through nature.

Bill Jeffers: Well, that's a good idea, and I know we're going to shut down here before 5:00, or right at 5:00 so we don't go into the next half hour on Channel 9, they've got scheduled programming. But, I think what we can do, I mean, I would like to leave it with we are observing the current regulations, federal, state and local regulations. You will see this come before you in the next few months when Mr. Johnston brings in the 80 acres of R-3 development. The plan that he puts forward will be reviewed according to all the local, state and federal regulations, and it will not be recommended to you for approval unless it meets those. I would say that what

Mr. Effinger and the other gentleman here could do is we could sit down, not only with the County Surveyor, but the County Engineer, discuss what's going on in Green River Road, because there's a lot of study data, there's a lot of information generated from that data that tells us exactly what to anticipate. I've found, believe it or not, that when we go out and check these rainfall events, and we look at the rainfall charts that we get from the airport, which is right out here in this area, and we look at what the Corp of Engineers tells us the elevation of the water should achieve according to their computer programming, it gets very, very close. That's why there's that two inch cushion that they want to maintain, because it does get very close. Now, we are not, and because we have a two foot elevation for a dwelling, we are not going to flood any dwellings that we build under these new regulations. But, the farm ground remains a concern, not only for Mr. Effinger and the other gentleman, it remains a concern for all of us to do what we can do.

President Tornatta: Okay, William, Ralph thanks for coming out and giving us your concerns, and we will stay on top of it.

Ralph Effinger: Could I talk to you sometime on some other issues in Vanderburgh County?

President Tornatta: I would appreciate it if you would talk to Mr. Jeffers on that, because he's the one that brings it to us during this Drainage Board meeting. Okay?

Ralph Effinger: Thank you.

Commissioner Nix: Thank you.

President Tornatta: Thank you very much.

Ralph Effinger: Thank you very much for your time and for your listening—

President Tornatta: Oh, no problem.

Ralph Effinger: —of my request.

President Tornatta: No problem at all.

Commissioner Nix: Thanks.

President Tornatta: Thank you for coming. Okay, that being said, if there's nobody else, I would entertain a motion to adjourn.

Commissioner Nix: So moved.

Commissioner Korb: Second.

President Tornatta: All in favor?

All Commissioners: Aye.

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

Those in Attendance:

Troy Tornatta	Jeff Korb	Bill Nix
Ted C. Ziemer, Jr.	Bill Jeffers	Madelyn Grayson
Ralph Effinger	William Ritzert	Others Unidentified

**VANDERBURGH COUNTY
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(Recorded and transcribed by Madelyn Grayson.)