

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
JANUARY 7, 2014**

The Vanderburgh County Drainage Board met in session this 7<sup>th</sup> day of January, 2014 at 5:43 p.m. in room 301 of the Civic Center Complex with President Stephen Melcher presiding.

**Call to Order**

President Melcher: We'll call to order the January 7, 2014 meeting of the Vanderburgh County Drainage Board. It's almost a quarter till six.

**Pledge of Allegiance**

President Melcher: Would you all rise for the Pledge please.

(The Pledge of Allegiance was given.)

**Approval of the December 17, 2013 Drainage Board Meeting Minutes**

President Melcher: I need a motion for the approval of the previous minutes.

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

**Reorganize Board/Elect Officers for 2014**

President Melcher: Election of officers.

Commissioner Abell: I move that Commissioner Stephen Melcher remain President of the Drainage Board.

Commissioner Kiefer: Second.

President Melcher: Alrighty, well, all in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: Okay, we'll move on.

**Burkett-Moore Drainage Obstruction Petition Update**

President Melcher: Next we've got another update on this drainage petition. Do you want to talk about it?

Jeff Mueller: Just for a few minutes.

President Melcher: I don't want to mention the name.

Jeff Mueller: Burkett-Moore. We still have some hand work to do. As you're aware, the weather hasn't been very great. I talked to Kip Staub Contractors, he's going to try to get some laborers out there next week when the ground should be in better shape. He's going to call me when that happens. We did receive, I received a call at home from Mr. Moore the night that we had the big flooding, that Saturday before Christmas, saying that he had water going over his drive. I said, Mr. Moore, with this kind of rain you're going to expect that. We also received a call from the Burkett's saying that, you know, because of all the rain they had some flooding back in their property, and wanted to know what to do. I explained, I talked to Mr. Harrison, and as we've said, once we get the obstruction petition completed, the work done, as far as I'm concerned, and in my opinion anyway is that the Board's done with it. If they want to put additional piping in the driveway, I think all of the owners out there need to come together and work that out. I'm a little bit leery of saying, well, you need to put another pipe in the drive and then put more water to the guy downstream and then the county caused the problem. So, my feeling is, once we get this little bit of hand work done, that we put this baby to bed and it's up to the folks out there to resolve any further issues.

President Melcher: Sounds good to me. Anybody else?

Commissioner Kiefer: No.

Jeff Mueller: Okay.

**Application Form for Legal Drains**

President Melcher: Application form for legal drains.

Jeff Mueller: Yeah, if you will recall, on October 8<sup>th</sup> I gave you kind of a shortened version of the form. I've been working on it, and I've got what I think is a completed form. I actually gave you two things, one was a form and the other said "draft". The draft isn't really right, I kind of just filled an example out to show what it would be. You know, my goal is to put this form on our website, and then we would have a formal way of people to address the Board for whether they wanted to come in and hook to a drain, if they wanted to request to encroach on the drain for, you know, like a parking lot or something like that. If they were going to request a variance in the right-of-way, all the things that get into drain issues that kind of have been handled different ways, we would have a one form application that would meet all. These are done in other counties in Indiana. Some of them have separate ones, some of them have one form fits all. I kind of like the one form fits all, because then if you're coming in for two or three things, you can do it on one form and just check the items. I kind of circulated that around some other folks, and people made some comments and got back to me. Ron London, John saw it, I gave it to Linda, Patrick Keepes with

the City Engineer's Office. So, people have seen it and we've made a few changes, but I think everybody likes it.

President Melcher: So, all of the changes are in this one now?

Jeff Mueller: Yes.

President Melcher: Has the attorney seen it?

Jeff Mueller: Yes.

Joe Harrison, Jr.: No, I'm fine with it. I think it's a good idea.

President Melcher: Okay, that's, I always make sure you're covered.

Jeff Mueller: Okay.

President Melcher: Okay. So, this is something we probably need to vote on accepting this draft? Or accepting it?

Joe Harrison, Jr.: Yeah, the proposed application.

Jeff Mueller: Yes.

Commissioner Kiefer: I'll make a motion to accept it then.

Commissioner Abell: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: Okay, thank you.

Jeff Mueller: My goal, longer term is, hopefully too, once we'll get to the drainage plans and be able to have it on an application format. That's going to take a little more work and some things, but that's what we're trying to shoot for, standardization of forms. That will make it easier for folks to know what they need to put into paper for us.

President Melcher: Okay.

<b>Other Business</b>
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President Melcher: Do you got other business?

Jeff Mueller: Yeah, a couple other things. I got a call today from a fella, Lynn of Westside Marine, and we had just got a drainage plan from him. Apparently they had been held up for quite some time on getting the elevation for the building. He's wanting to start doing dirt work removal. I told him that, and I looked at the plan today, it needs some more work, and also I talked to Ron, there's a number of things

that Site Review requires, but I would not have a problem, if they do it at their own risk, going ahead and assuming that Mr. Stoll approves the erosion control plan, of going ahead and they can take some dirt out where the basin's going to be and start building up their pad. We would get with Area Plan and no building permit would be issued until the final drainage plan would come about. That way Lynn, he could move ahead, because he seemed frustrated, not with us, but with the State, on how long it took him to get an elevation. I know we all want to try to work with folks when we can. So, I guess, what I'm kind of asking for is kind of an okay to do some dirt work, but that they understand that nobody's going to sign off on the site plan until the actual drainage plan is there, but, at least they can get their dirt work for their pad done, because they want to start Monday.

President Melcher: So, they understand if something happens they might have to change it a little?

Jeff Mueller: That's what I'll explain to them, yes.

President Melcher: Because if they don't understand it–

Commissioner Abell: You might want to explain it in writing.

Jeff Mueller: Okay.

President Melcher: I was just looking at the attorney, saying maybe he could write something up.

Jeff Mueller: Yeah. Well, again, they can't get a building, he couldn't actually get his building permit until Site Review, and I sign off on Site Review. So, I've kind of got that on him anyway, but by our regs it technically says you're not supposed to move any, even a piece of dirt, until a drainage plan has been approved. That's why I'm saying we're kind of a little bit outside the window here, but I can also share with this person's problems that he's had in trying to get an elevation, I guess, his flood elevation for his building. That's why, he said he was hoping to have the building done by the end of last year, and he hasn't even started the dirt work yet. I know we're all trying to help the businesses when we can.

President Melcher: No, I understand and I'm okay with it. I just want to make sure everybody is in agreement.

Jeff Mueller: Okay. Alright.

### **Big Creek Drainage Association Board & Annual Meeting**

Jeff Mueller: The only other thing we've got is we're working with Big Creek on our, you know, on our ditch specifications for that area, and we're going to have our meeting with them, just the board, next week, and then the full Big Creek meeting is going to be scheduled some time in February. We're working on our specifications.

### **Summary of 2013**

Jeff Mueller: The only other thing I wanted to point out to you all, is 2013 was a wet year. We had 53 inches of rain last year. We had four storms that were very close

to a ten year, 24 hour storm. So, you know, you're supposed to only have one every ten years, we had three of them. A couple of them may have been even higher storms than that. So, we had a lot of drainage complaints after these storms, there was a reason why, we had a lot of hard rains. I'll just kind of dwell on that a little bit more when we get to that, but like that storm in December that we were all sitting here looking at right before Christmas, the airport 4.42 inches, northwest Evansville almost five inches of rain. It's hard to design anything to carry those kind of waters. So, I just wanted to point that out.

President Melcher: It was just trying to help you out your first year as Surveyor.

Jeff Mueller: Yeah, get my feet wet, right?

President Melcher: Yeah, get your feet wet.

Jeff Mueller: No pun intended. That's all I've got.

#### **Ditch Maintenance Claims**

President Melcher: Okay, no claims?

Jeff Mueller: No claims this time.

#### **Public Comment**

President Melcher: Public comment? Anybody in the public want to speak?

Madelyn Grayson: I had a question. We made a motion to retain you as President, does that mean Commissioner Kiefer is still Vice President for 2014?

President Melcher: Oh, yeah.

Commissioner Kiefer: I thought I was escaping something.

President Melcher: No, no.

Jeff Mueller: I thought he wanted the job after the last meeting.

President Melcher: Okay.

Commissioner Abell: I nominate Mr. Kiefer for Vice President.

President Melcher: I'll second it. All in favor say aye.

Commissioner Abell: Aye.

President Melcher: Aye.

Commissioner Kiefer: Nay. No, aye, I was just kidding.

**(Motion approved 3-0)**

President Melcher: I was just trying to move on so we won't have to pay another hundred dollars. Okay, anything else? Any public comment? Nothing from anybody? Okay, we stand adjourned. Thank you.

(The meeting was adjourned at 5:52 p.m.)

**Those in Attendance:**

Stephen Melcher

Jeff Mueller

Others Unidentified

Joe Kiefer

Joe Harrison, Jr.

Members of Media

Marsha Abell

Madelyn Grayson

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Stephen Melcher, President**

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**Joe Kiefer, Vice President**

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**Marsha Abell, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
JANUARY 21, 2014**

The Vanderburgh County Drainage Board met in session this 21<sup>st</sup> day of January, 2014 at 5:40 p.m. in room 301 of the Civic Center Complex with President Stephen Melcher presiding.

**Call to Order**

President Melcher: We'll go ahead and start the Drainage Board of January 21, 2014. It's about twenty minutes till six.

**Pledge of Allegiance**

President Melcher: We'll have the Pledge of Allegiance. Jeff, do you want to lead us?

Jeff Mueller: Sure.

(The Pledge of Allegiance was given.)

**Approval of the January 7, 2014 Drainage Board Meeting Minutes**

President Melcher: We need a motion for approval of the prior minutes.

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: Thank you.

**Request to Place Sign Within Drainage Easement:  
William S. Hirsch Subdivision**

President Melcher: Request to place a sign within drainage easements of William S. Hirsch Subdivision. Wm S. Hirsch?

Jeff Mueller: That's correct, yes. The William S. Hirsch Subdivision is a one lot subdivision. To help you know where it is, that's on Burkhardt Road, it's where the Old National Bank is. On the north side of Old National Bank there's a dry basin. Sports Authority, who I think everybody knows is coming to town, is putting an easement on top of the drainage easement. They want to place a sign within the drainage easement. As a requirement to do that, they need to get permission from the Drainage Board. That's in the plat. What you have attached to you, behind your agenda, is a two page, there's a letter with a description and showing what the sign is. They're essentially just talking about putting a pole sign up on the, not in the basin, but up on the high ground. I don't see any problem with it. Danny Leek is here

to represent the firm if there's any other questions with it, but my recommendation is that we would approve their request.

President Melcher: Any questions by Board members? Anybody in the audience? Then, we just need a motion.

Commissioner Abell: So moved.

Commissioner Kiefer: Second.

President Melcher: Thank you. Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

President Melcher: See, you didn't have to say anything.

Danny Leek: There you go. Happy days. Thank you.

President Melcher: Thank you.

<p><b>Lynn's Marine: Request to Relax Drainage Easement Requirements &amp; Ditch Design</b></p>
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President Melcher: Next is the Lynn Marine request to relax easement requirements and ditch design.

Jeff Mueller: Lynn's Marine has been doing an expansion project, or working on an expansion project out on the westside. I think, at the last meeting I brought up that at that time they had requested to go ahead and be able to do some dirt work without a drainage plan. The first drainage plan that Justin submitted had some, I had some issues with it, to be honest with you. Then they had some other ideas, and to make a long story short, myself and Mike Wathen and Justin met with the owners last Friday, we had a really good meeting, in my opinion, and came up with a proposed drainage plan that everybody's going to like. There are a couple problems, I don't want to say problems, but there's a couple of things in it that are outside our code. One is that because of the way the property is situated, and Justin's got a drawing, but it's hard for them to put in a ditch the way, you know, the normal ditch with a side slope, so, they're going to put in a berm. The ditch will actually be the berm on one side and then kind of a parking lot on the other. So, if the water is running extra, it's going to just be running in their rock parking lot. The other thing that they're requesting is that, normally we require a drainage easement



for everything on the property. I talked to Mr. Harrison about this, and, you know, for large subdivisions, you know, where we've got a common lake and that, that's a necessity, but in this particular case, if we required a drainage easement, like where the ditch was going to be, the easement would actually be a good portion of the parking lot. That would tie their hands on a lot of things. So, they just wanted to get up front with this, that the Board would be okay with that. Then, the third request is that these guys, as I think I told you before, had a lot of trouble getting their foundation, their final number for their foundation. It put them way behind. They hoped to have the building done before Christmas, and they're right now just doing dirt work. Justin wanted to get some things approved so he can bring a plan in, we can take it to the Board next time, but they're itching. They wanted to know if it was okay if I signed off on just the foundation permit for them. I feel confident that these guys, these guys are trying hard, they really are. I want to try to keep helping them. So, if the Board wouldn't have any problems with that, I wouldn't have any problem with signing off on the drainage easement. I'm sorry, on a foundation. Again, we could put it in writing that it would only, it would be subject to their risk. Like I said, we had a good conversation, I think these guys are trying to do the right thing. They'd gotten behind, just for no fault of anybody in this room. I sure would like to try to help them out.

President Melcher: So, what you're asking for now is—

Jeff Mueller: My permission, your permission for me to give, to sign off on the foundation permit. Your permission that when they bring the plan in there will be two things; one, that there won't be an easement where the drainage ditch is, because it's going to actually be flowing across, and, second, that the ditch won't be a normal design, it will have a berm on one side and they'll use the lot for the other side.

President Melcher: Okay.

Jeff Mueller: So, those three things.

President Melcher: So, understanding that, and Joe helping you write that, or you guys get together and write that. I would rather have it in writing.

Jeff Mueller: I could do that in an e-mail and send it to Joe.

President Melcher: Right, and you guys sign off and they sign off.

Jeff Mueller: Okay.

President Melcher: That way we're all covered.

Jeff Mueller: Okay. Justin, do you want to talk? I don't think your client will have any problem with that, will they?

Justin Shofstall: Yeah, I don't think that Lynn's Westside Marine will be opposed to that, because they said if you need to file a waiver or anything like that, they would be happy to do it. The main reason why this, as Mr. Mueller is aware is we had a set of plans that we're getting ready to make some minor changes to, and was hopefully going to have for final approval today, but it was this eleventh hour request by the property owner to try this different approach because they have essentially an aversion to putting in pipe. With this, again, it's not the typical ditch as per what's defined in the storm water ordinance, but short of making a complete a total revision

to the storm water ordinance for this instance, it's better to ask for special dispensation on this case, as a stand alone revision.

President Melcher: No, I'm okay with it as long as the Surveyor is okay with it. So, he's the one we're going to point at.

Joe Harrison, Jr.: Is there a motion? Would there be a motion to that effect subject to the written documentation signed by the Surveyor?

Justin Shofstall: And the owners, Lynn's Westside Marine being Hassler Investments LLC?

President Melcher: Is there any other, anybody wanting to ask any questions? So, I need the motion for that.

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Melcher: Roll call vote please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

Justin Shofstall: Thank you.

President Melcher: So, we'll just let you guys work that out.

Jeff Mueller: Okay. Thank you.

<b>Burkett-Moore Drainage Obstruction Petition Update</b>
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President Melcher: Okay, so we're just waiting on the weather on the next one?

Jeff Mueller: Yes, sir.

President Melcher: Okay.

<b>Ditch Maintenance Claims</b>
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President Melcher: Any other business you have?

Jeff Mueller: I have ditch maintenance claims. There's a summary sheet, a spreadsheet, that's the last sheet of your handout. \$15,952.29, I believe. It's for 16 claims on 15 ditches.

President Melcher: So, I'll need a motion on that.

Commissioner Abell: So moved.

Commissioner Kiefer: Second.

President Melcher: Okay, roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

<b>Other Business</b>
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President Melcher: Anything else?

Jeff Mueller: The only other thing I'll tell you is that I've been invited, with Patrick Keepes, tomorrow to go to a meeting at BLA with Warrick County. They're wanting to discuss some improvements to what they call Howard Williams Ditch, which is what we call Weinsheimer Ditch. It's a small part of the ditch is right along the county line, then it goes into their property. I'm not sure what all they're wanting to do, but, you know, we've funded some clean out, but there's definitely some problems on that ditch in Warrick County. So, I'm just going to listen to hear what they've got to say. I'll report back when I know something.

Commissioner Abell: Is that south of the Lloyd?

Jeff Mueller: Yes, it's essentially runs right along the county line and right south of the Lloyd. It turns, I can't remember what hotel is right there, it goes underneath the interstate and then goes over to Deaconess Hospital and then crosses the Lloyd and then heads up north/northeast over to Stevenson's Station, that area. So, it's all that area in there.

Commissioner Abell: Is this because if they were to land the IU Med Center there, I guess, that drainage is going to be an issue. Is that part of what this is about?

Jeff Mueller: You know, that's been flat for a long time. It's, you know, it's kind of typical of some of our east side ditches, it's really flat. I don't know if that's involved or not. I'll find out more tomorrow. I know that they clean the ditch out, but there's still standing water in it. I traced it over to Deaconess Hospital and there was standing water over there. So, somewhere to the north they've got some problems, but I don't know, because, like I said, it's in their county at that point.

President Melcher: Well, it might be good that you're going there, so we can make sure it's not us.

Jeff Mueller: Yes, and to have our interests represented. So, I'm sure they would like to talk—

President Melcher: I'm okay with that.

Jeff Mueller: — yeah, I'm sure they would like to talk funding. They can talk.

President Melcher: They can talk.

Commissioner Abell: (Inaudible.) You had me up to that point.

Jeff Mueller: I'm sure, I'm not saying I'm going to do anything, I'm just saying—

President Melcher: We've already tried a funding with them, it didn't work out. They got the money.

Jeff Mueller: I know, but—

President Melcher: So, I don't think we need a motion on that. You've got our okay, if everybody's okay with it.

Commissioner Kiefer: Yeah.

Jeff Mueller: Just an FYI on what's going on, keeping you up to date on things.

President Melcher: FYI us.

Jeff Mueller: Yeah.

President Melcher: Okay, anything else?

Jeff Mueller: That's it.

President Melcher: Any member got anything to say this evening? Alright, with that, we'll stand adjourned. Thank you.

(The meeting was adjourned at 5:50 p.m.)

**Those in Attendance:**

Stephen Melcher  
Joe Harrison, Jr.  
Justin Shofstall  
Members of Media

Joe Kiefer  
Jeff Mueller  
Danny Leek

Marsha Abell  
Madelyn Grayson  
Others Unidentified

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Stephen Melcher, President**

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**Joe Kiefer, Vice President**

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**Marsha Abell, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
FEBRUARY 11, 2014**

The Vanderburgh County Drainage Board met in session this 11<sup>th</sup> day of February, 2014 at 5:55 p.m. in room 301 of the Civic Center Complex with President Stephen Melcher presiding.

**Call to Order**

President Melcher: We'll go ahead and start the Vanderburgh County Drainage Board. It's February 11, 2014. It's about five minutes to six.

**Pledge of Allegiance**

President Melcher: If we could all stand for the Pledge please.

(The Pledge of Allegiance was given.)

**Approval of the January 21, 2014 Drainage Board Meeting Minutes**

President Melcher: We need a motion to approve the minutes of the previous meeting.

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: Thank you.

**Correspondence from DNR Regarding Grain Bin in Union Township**

President Melcher: Correspondence from the DNR regarding the grain bin in Union Township.

Jeff Mueller: Yeah, this is, the Drainage Board gets regular correspondence from DNR for different issues. I'm just giving this to you. All it is is a request to build a grain bin in Union Township. It's not near a regulated drain. It doesn't require a drainage plan. I'm just passing this correspondence on to you. I don't know if it even needs any action, or if it just needs action that it be put in the minutes that we received this. I've looked at it. There's really nothing here for the Drainage Board other than we were copied on the correspondence.

President Melcher: Okay. Any questions? Okay, thank you.

**Final Drainage Plan: Lynn's Marine**

President Melcher: Then we've got the final drainage plan for Lynn's Marine.

Jeff Mueller: Yes, and if you'll remember, in the last meeting they came in and requested to be able to build, get a foundation only permit. Part of that requirement was that they sign a letter saying that they understood that that was at their own risk and that they would submit a final drainage plan. I gave you a copy of that letter to show you that they held up to their word and that we got a drainage plan from them. I recommend approval of the plan. It's pretty simple. It's construction of a ditch and a retention pond. Everything is in order with it. So, it's a final drainage plan. So, I would recommend it for approval.

President Melcher: Okay, any questions?

Commissioner Kiefer: So moved.

President Melcher: Okay.

Commissioner Abell: Second.

President Melcher: Any other questions? Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

President Melcher: Thank you.

**Burkett-Moore Drainage Obstruction Petition Update**

President Melcher: Skip the next one because of the weather.

Jeff Mueller: Yes.

**Schedule of 2014 Legal Drain Maintenance Bids**

President Melcher: Then the legal drain maintenance bid dates, I guess.

Jeff Mueller: Yes, on the next page in your handout is the proposed schedule for 2014. Where we would be bringing in the maintenance specifications to you all at the next meeting on February 25<sup>th</sup>. Assuming that you wouldn't have any problems, we

would be starting to mail the packets on February 26<sup>th</sup>. The newspaper ad would run on February 28<sup>th</sup> and March the 7<sup>th</sup>. On March 18<sup>th</sup> we would schedule the opening of the maintenance bids, and on March 25<sup>th</sup> the awards would be made. Also, just to let you know, we have already met with the Big Creek Drainage Board, on January 15<sup>th</sup>. Their annual meeting is going to be February 24<sup>th</sup>, before that first meeting on the 25<sup>th</sup>. So, we're getting that all together. Linda did request to me, in the past, it's a pretty thick packet, and we were wondering if we could just give you guys one packet for the office. Or, if you all wanted a packet of specifications, because it is pretty thick. Would it be okay just to get by with one?

Commissioner Melcher: I would think that one would be enough for all of us.

Jeff Mueller: Okay. Alright. So, that's just an update on that.

#### **Other Business**

President Melcher: Anything else?

Jeff Mueller: Yes, under other business I do have one thing that came in after the agenda. On Stockfleth Drain, Bernardin Lochmueller they are representing the developers of the Kimber-Virginia Subdivision. If you can see, up here, where that is is essentially, that's Virginia Street, that's in between Green River Road and Burkhardt. The funny buildings that you see there, that's where, I think, the one bread company is and some stuff. That's Stockfleth Ditch in there. They have submitted to us an application on our drain form that we approved here a few meetings ago. They are requesting two things. One is to connect to the ditch. They are going to have a couple of dry basins, so they are going to have some pipes in there. The second thing is to request the relaxation of the right-of-way from the 75 feet to 30 feet. I want to note that on the other side of that ditch it's essentially relaxed to that same distance. My only comment would be that, even though it's in the regulations, that I would request that on the plat that they would put some language similar to no building, permanent sign, drive, parking lot or curbing, or retention pond or any other structure, with exception of approved outlet pipes for approved drainage structures should be placed within the designated regulated drain right-of-way. I only say that because I know sometimes these businesses they, they don't see some things on there, and it seems like we get more and more people sticking a sign or starting to pave a parking lot and everything else in our drains, and it gives us, you know, if we're going to give up some footage and let them have 30 feet, I want to make sure I've got my 30 feet.

President Melcher: Okay, any questions? Seeing none.

#### **Ditch Maintenance Claims**

President Melcher: No claims?

Jeff Mueller: No.

#### **Public Comment**

President Melcher: No public comment? There's nobody. Do I have a motion to adjourn?



Commissioner Kiefer: I move to adjourn.

Commissioner Abell: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: We're adjourned.

(The meeting was adjourned at 6:00 p.m.)

(Meeting reconvened at 6:01 p.m.)

<p><b>Vote on Kimber-Virginia Subdivision Application to Affect Regulated Drain: Stockfleth Ditch</b></p>
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Joe Harrison, Jr.: No, hang on a second. You do need approval on that.

Jeff Mueller: On?

Joe Harrison, Jr.: On what you were discussing before.

Jeff Mueller: On the relaxation?

Joe Harrison, Jr.: You were just giving us—

Jeff Mueller: Yeah, I guess we did, didn't we?

Madelyn Grayson: We didn't take a motion on it.

Joe Harrison, Jr.: No, we need to do that then.

Commissioner Abell: Re-open the meeting.

President Melcher: Okay.

Commissioner Abell: Are we re-opening the meeting?

Commissioner Kiefer: Re-open the meeting?

Joe Harrison, Jr.: Yes.

President Melcher: Okay, we're back open again. I need a motion.

Commissioner Kiefer: Move to re-open the meeting.

Commissioner Abell: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

Joe Harrison, Jr.: Now, a motion to approve his request.

Commissioner Kiefer: I make a motion to approve the request as stated.

Commissioner Abell: Second.

Jeff Mueller: The relaxation of the right-of-way and allowing to connect the two outlet pipes, yes.

Commissioner Abell: Second.

President Melcher: Okay. Roll call vote.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

Commissioner Kiefer: I make a motion to re-adjourn. No, to adjourn.

Commissioner Abell: So moved.

President Melcher: Second, third, fourth. All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: Thank you.

(The meeting was adjourned at 6:01 p.m.)

**Those in Attendance:**

Stephen Melcher

Jeff Mueller

Others Unidentified

Joe Kiefer

Joe Harrison, Jr.

Members of Media

Marsha Abell

Madelyn Grayson

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Stephen Melcher, President**

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**Joe Kiefer, Vice President**

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**Marsha Abell, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
FEBRUARY 25, 2014**

The Vanderburgh County Drainage Board met in session this 25<sup>th</sup> day of February, 2014 at 5:45 p.m. in room 301 of the Civic Center Complex with President Stephen Melcher presiding.

**Call to Order**

President Melcher: Okay, it's about a quarter to six on February 25<sup>th</sup>. We'll start the Vanderburgh County Drainage Board. It's called to order.

**Pledge of Allegiance**

President Melcher: If we could all stand for the Pledge.

(The Pledge of Allegiance was given.)

**Approval of the February 11, 2014 Drainage Board Meeting Minutes**

President Melcher: Okay, we need a motion to approve the previous minutes.

Commissioner Kiefer: So moved.

President Melcher: I'll second it. All in favor say aye.

Commissioner Kiefer: Aye.

President Melcher: Aye.

**(Motion approved 2-0)**

**Burkett-Moore Drainage Obstruction Petition Update**

President Melcher: We'll skip the next one.

**Presentation of Annual Drainage Report**

President Melcher: The presentation of the annual drainage report.

Jeff Mueller: Okay, you've got in your packets....don't get spoiled with these nice, pretty reports and folders, but you do have in your packets the drainage report. There is a couple of things that I would like to point out, and that's why I do have a little presentation to go over. There's three major ditches that I would like to talk about real fast. The first one is Kolb. Kolb is down on the southeast side, essentially south of Covert Avenue and east of Green River Road. It runs through Price Park and down through that subdivision. It's a flat ditch, like most of the other ditches down there. One thing we've had a problem with, it's not really causing a problem with the function of the ditch, but there is a lake down there that I'll show you a picture of here in just a minute, and there's an outlet pipe that was installed about five years ago. That outlet pipe structure has failed. The issue down there, what I'm going to make recommendations for, and we do have the bids tonight for the maintenance, is that we do our normal mowing down in that area, and that we do our

sterilization and spraying down there. Also, in that neighborhood, there's been some people that have requested a little bit of ditch cleaning out there, and we do have that as a proposal this year, but not in this first round of specifications. The ditch specifications that we're going to give you tonight are essentially our normal maintenance procedures, just the mowing and things like that. In the long run, one of the things that we have to deal with, and, Mr. Harrison, this will be one of the things that I'll be asking your help on, is that the ditch, the drain runs through an actual basin for the subdivision. That basin is not holding water. The reports are supposedly that when they built 164 it stopped holding water. That's caused our drain two problems. Our water is still getting through, because it's either going through and when the basin fills up, it will run out. Or, it's eventually migrating through the soils, but it's causing erosion for the ditch coming in, and erosion on the ditch going out. Before we spend any money, my recommendation is we need to figure out who is responsible for fixing that lake. Which, I think is going to be the homeowners, because it's their lake, but it affects our drain. So, who is responsible for doing that, and what do we do? Because I really think we need to fix the lake before we spend a bunch of money fixing the ditch right now. That's one of the issues I wanted to bring up to you. This just kind of shows an overview of Kolb. That's Price Park right there. Here's where the ditch comes through. One of the little extra things that I would like to do is, we've had some people complain, and this does, it's kind of muddy, this needs to be cleaned out. I'm not talking anything big. The problem is, when the ditch comes down, it goes into the lake right here, because the lake's been low it's eroding, and then we have a structure right here, and that structure, when we had those big rains in June, the water actually came up, came underneath the Interstate, came back through and washed out the structure. Those are pictures of that structure right there. So, here is, this is on the lake side, and this is on the other side. So, the water has actually come around the concrete pipe and piped back through. It looks even worse now than what it did. So, the pipe's essentially not functioning. It's not keeping the ditch from doing anything, as I said, and really this was kind of acting as a levee. I'm really not sure if we should be in the levee business. To me, we should be in the drainage business, but, regardless, before we fix this, before we throw a lot of money at it, we need to fix the lake. Or someone needs to fix the lake. So, I just bring that up so when this comes up later on in the course of conversation, we've talked about it a little bit.

President Melcher: Is this lake the one that's got the docks and everything?

Jeff Mueller: Yes, and they're kind of like—

President Melcher: We've had this two or three times already since I've been here.

Jeff Mueller: Yeah.

President Melcher: It is the homeowners association's problem.

Jeff Mueller: Yeah.

President Melcher: At least that's what we were told.

Jeff Mueller: I think that's correct. So, what do we do?

President Melcher: We can't really fix that lake. Now, isn't part of this ditch also rocked?

Jeff Mueller: No. You mean, as far as the water not flowing?

President Melcher: No. Don't it have some big rock along part of this? Or, I'm thinking of another one yet.

Jeff Mueller: Probably. No, other than....well, there is some rip rap, Mr. Melcher, right where it first goes into the lake, and maybe that's what you're thinking about.

President Melcher: Okay.

Jeff Mueller: That's where the erosion is going in there. So, like you say, it's an ongoing problem. I don't recommend fixing the outlet structure until we know what's going on. It's really not, like I said, keeping it from performing.

President Melcher: Yeah, I think we've even had some neighbors at this meeting on this before.

Jeff Mueller: Yeah.

President Melcher: There's nothing we really could do, because that's why when you came aboard and you heard us talk about lakes, we want to make sure who's taking care of them, you know, if we're going to have lakes.

Jeff Mueller: Yeah.

President Melcher: Because, I think, this one was a good one to start with, because we just have to remember whenever the State does anything, it's going to come back to us.

Jeff Mueller: I think this is a good example of, in the future, I don't know that we would want to have a lake in one of our drains. I think we want to keep them separate.

President Melcher: Well, that's what I'm saying, this was a learning lesson here.

Jeff Mueller: Yes, yes, I entirely agree with that.

Joe Harrison, Jr.: Is this Audubon Estates? What the subdivision?

Jeff Mueller: Yes, Audubon.

Joe Harrison, Jr.: Okay.

Jeff Mueller: Yes. The second one is Sonntag Stevens. Sonntag Stevens is essentially the ditch that covers the area north of Lynch Road, between Oak Hill and Whirlpool. Heavily industrialized, except for some subdivisions there along Oak Hill Road. It's kind of a little bit interesting thing, because the railroad crosses it four times, different railroads but at different spurs. One of the problems back there is one I want to show you here in just a minute, but here is, again, the issue, we normally mow, you know, do a little different maintenance activities. One recommendation I am going to have for this summer is, the drain that goes through the subdivision right here, it needs a little clean out. It really, we've had some people that have complained about it, and not only that, but we've actually, right at the entrance of the subdivision, you can actually see where there's probably a little bit

of flooding that's caused, because that water's not getting out. If we clean this ditch from here to here, and, again, I'm talking about going through and scooping a foot of, we're not talking a deep ditch, a couple of feet deep, and I'm talking about scooping out a foot. If we clean that ditch out, that will help this corner drain so much better.

President Melcher: So, are you talking about like the Highway Garage could do that?

Jeff Mueller: I mean, we could put it, right now, I'm not sure how that would work, if we could do that or not. If that would be allowed, but it certainly would be work that they could do, if that would be something they could do.

President Melcher: I know we've had them, they've done ditches in the past.

Jeff Mueller: Yeah, I mean, it's definitely within their ability to do that. I shouldn't have said that. That doesn't sound right, but, I mean, it's definitely, they've got the equipment and stuff that could do that. That's the way I should have said that. So, yes. I think it would help the drainage out in that area. The two problems that we have, that I want to show you on this, one of them is, I'm going to go back right up here to the map, right here, that's a picture of it, we've had erosion come off this big parking lot, and it's causing a problem here. Now, we can clean out the material here, but once the material gets cleaned out, I think we're still going to have an ongoing problem, because you've got a big lot and you've got water coming across there. So, I probably need to talk to Mr. Harrison about what do we do besides cleaning it out, as far as the landowner, you know, making sure that we can work with them, or landowner make sure to control their erosion coming into our ditch, and what are the rights there. Okay? It's not causing big problems right now. Like I said, dipping the ditch out isn't going to be a problem, but I would like to solve it so we're not back there dipping it out every couple of years because they're losing their lot into that. Okay? The second problem, and this is one of those that may not be an issue for 20 years, but there is a railroad track, it's abandoned, and this is both sides of that track. You can see on both sides where the concrete pipes have come apart. Now, right now there's water flowing through those, my only concern is one of these days when we have some big flood, and all of a sudden the pipe gets turned or something happens, or whatever, and the railroad that was there is totally, you have to really work to even find any existence, because, actually what happens is that railroad, the old grade actually goes right up through that building. So, we need to determine who owns the property, what railroad it is, who's responsibility it is, but, ultimately, because of all this area back in here, like I said, this may not be a problem for 20 years, but, I would hate to have, one of these days, that whole ditch plugged up, and everything back flooding into that area. So, I just wanted to bring it up, because it's one of those that, I think, we need to kind of keep on our radar screen, and, you know, one of those that we can kind of start working on to see if we can't come to a longer term solution. Okay? The third thing I want to bring up is, on East Side Urban, we've got a whole bunch of different names, but the Wabash Eerie Canal, as far as we are concerned, is that, in my terms, I think of the Wabash Eerie as everything along the NS Railroad that runs from, you know, along in Vanderburgh County. As far as our terminology, the Wabash Eerie is from Green River Road to the west. We have a situation where that the shopping plaza where Penney's, the home store is, and Rafferty's, that plaza right there, the back of that plaza, there has been some material that have been put in here, I like to call that home made rip rap where people kind of dump the old parking things and stuff like that to kind of control erosion. Then we've had a little bit of some rip rap come in from the railroad. The end result is we've got about a foot dam in there. You know, as we're aware of, East

Side Urban, everything from I-164, the Lloyd north, actually some of the areas south of the Lloyd, but the Lloyd north, Morgan Avenue, everything flows through there, and we need to get that cleaned out. I'm not sure if it should, if it's going to need to come out of our pocket, or if it needs to come out of the railroad and the adjacent shopping center, but it's a thing I would like, another thing I'm going to work on.

President Melcher: Now, where's this picture?

Jeff Mueller: That picture is about 700 feet—

President Melcher: Is that Morgan Avenue?

Jeff Mueller: No, you're seeing Green River Road. It's about 700 feet to the west of Green River Road.

President Melcher: But, it doesn't run along Morgan Avenue?

Jeff Mueller: Yeah, it does, Steve. Morgan would be to the left. Do you see the railroad tracks? It would be on the other side of those trees right there. The other issue that we have in there, is while we are in there doing some mowing and that, we've got, you know, in some parts of the county we have problems with weeds, in this part of the county we have problems with shopping carts. There's about seven shopping carts in there that we need to grab and put a chain on and pull the things out.

President Melcher: I don't know if you can do anything about shopping carts. This ends up in Wessleman's.

Jeff Mueller: Yes, it does. It goes into Wesselman's, it goes under Morgan Avenue and it goes into Pigeon.

President Melcher: We've had that before.

Jeff Mueller: Yes.

President Melcher: Okay.

Jeff Mueller: Yes. So, those are the—

Commissioner Kiefer: This is considered a legal drain, right?

Jeff Mueller: Yes.

Joe Harrison, Jr.: And, it runs along McDonald Golf Course in there, is that—

Jeff Mueller: No, it actually turns before it gets to McDonald's.

President Melcher: It actually turns and goes under Stockwell, you know, right south of Morgan.

Joe Harrison, Jr.: Okay, okay.

President Melcher: Because we put a bigger pipe in there once, and then it goes into, it actually goes into the woods, and then it has to do a left turn or something.



Joe Harrison, Jr.: Where does it go after it exits Wesselman's woods?

Jeff Mueller: It goes north and goes across Morgan Avenue and goes into Pigeon Creek.

Joe Harrison, Jr.: Okay, it goes across? Okay.

Jeff Mueller: Yeah, yeah, right where Morgan Avenue is kind of a low spot–

Joe Harrison, Jr.: Right.

Jeff Mueller: – every now and then it floods.

Joe Harrison, Jr.: Right, okay.

Jeff Mueller: Yeah, it's right there.

President Melcher: When the State rebuilt that, they built it two foot lower than what it was.

Jeff Mueller: Yeah.

President Melcher: So, it does flood now.

Jeff Mueller: Yeah, and our responsibility actually ends at Morgan Avenue. It's no longer a legal drain from that point forward.

Joe Harrison, Jr.: After it crosses Morgan?

Jeff Mueller: Right.

Joe Harrison, Jr.: And heads north?

Jeff Mueller: North.

Joe Harrison, Jr.: Okay.

Jeff Mueller: It doesn't go very far before it hits Pigeon. I don't remember how far, but it's not that far, because Pigeon comes down pretty far south right in that particular area. We still have, and NS is still, you know, we're still working with NS, we're kind of waiting on their schedule, you know, to clean out that one pipe too. You know, they've offered to do that work for us, but it's kind of waiting on them, but, you know, they've showed the willingness to do that. So, just keep having conversations with them.

President Melcher: Okay.

<b>2014 Ditch Specifications</b>
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Jeff Mueller: So, I mean, the report will tell you about everything else in there. In the back of the report, I do want to highlight, that what we have is a three page foldout. Mr. Melcher, I know last year when I came in, you kind of asked me, you know, what are we doing, you know, this year. You can see that most of the things that we're

requesting to do, is there's no change. Union Township has asked that we don't do dormant spraying, so, it's been dropped. There are a few places where we've added additional mowing, or a few things like that, but nothing real big, but the specifications sheet we want to be advertising for the bids. As we talked at the last meeting, I just have one copy in order to save some paper, but Linda's got the specifications all set and done. This is kind of a little summary sheet. Some of this work is not going to be done right now. The dirt work. It's just the mowing and a few things like that.

**Permission to Advertise Notice to Bidders for 2014 Ditch Maintenance**

Jeff Mueller: So, we've got the specifications, we're ready to advertise those. We would like permission to go ahead and advertise those. The bids would be due the next meeting, which is three weeks from tonight. Then they would be looked over and then the following week they would be open for, be up for your approval at that time.

President Melcher: Okay.

Jeff Mueller: So, I guess, the only thing I am asking for is a motion to go ahead and advertise the bids. Like I said, here's the specifications, we talked about one copy that we put in your office.

Commissioner Kiefer: So moved.

President Melcher: Second. Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 2-0)**

President Melcher: Thank you.

**Other Business**

President Melcher: So, moving on the 2014 drainage specifications.

Jeff Mueller: That's, well, we kind of did them.

President Melcher: That's what we just did.

Jeff Mueller: I'm sorry, I kind of jumped into that.

President Melcher: Well, after I started reading it, I said, well, that's what we did. Any other business that you have?

**Ditch Maintenance Claims**

Jeff Mueller: I do have ditch maintenance claims. There is a little summary sheet in your folder for the amount. It's not significant.

President Melcher: I just pulled it out.

Jeff Mueller: Okay.

President Melcher: It's \$8,669.57.

Jeff Mueller: That's a summary of that. Most of those are for 15 percent. There is one there, instead of doing the 85 and 15, that we recommended we just go ahead and pay the hundred. It's for work that was done last year up on, with the Big Creek Ditch Association. They're kind of behind on their, we're, that one kind of slipped through the crack with them getting the information to us on the work being done. So, we would like to go ahead and get that paid at 100 percent.

President Melcher: Okay.

Commissioner Kiefer: I make a motion to approve.

President Melcher: I second it. Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 2-0)**

**Public Comment**

President Melcher: There shouldn't be any public comment. There's nobody here but us. So, are you finished?

Jeff Mueller: I'm finished.

Commissioner Kiefer: I make a motion to adjourn.

President Melcher: I'll second. We're adjourned.

(The meeting was adjourned at 6:01 p.m.)

**Those in Attendance:**

Stephen Melcher  
Joe Harrison, Jr.  
Members of Media

Joe Kiefer  
Madelyn Grayson

Jeff Mueller  
Others Unidentified

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Stephen Melcher, President**

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**Joe Kiefer, Vice President**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
MARCH 18, 2014**

The Vanderburgh County Drainage Board met in session this 18<sup>th</sup> day of March, 2014 at 5:29 p.m. in room 301 of the Civic Center Complex with Vice President Joe Kiefer presiding.

<b>Call to Order</b>
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Commissioner Kiefer: Okay, now we'll open up the Vanderburgh County Drainage Board for March 18, 2014.

<b>Open Bids for Annual Ditch Maintenance on Regulated Drains</b>
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Commissioner Kiefer: Mr. Mueller is here to pass out some information to us.

Commissioner Abell: Thank you.

Commissioner Kiefer: Jeff, I assume you want a request to open bids for the annual maintenance on regulated drains?

Jeff Mueller: That's correct.

Commissioner Kiefer: Okay, that sounds very good. If you could make a motion to accept opening up the bids.

Commissioner Abell: So moved.

Commissioner Kiefer: Second. Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

**(Motion approved 2-0)**

Commissioner Kiefer: Okay, thank you, Jeff. We'll recess for a few minutes to allow anybody that wanted to talk to the Commissioners regarding Commissioner related business.

(The meeting was recessed at 5:30 p.m.)

(The meeting was reconvened at 5:30 p.m.)

Commissioner Kiefer: It looks like nobody is here for that. So, we can reopen and continue on with the Drainage Board.

Jeff Mueller: Alright.

**Pledge of Allegiance**

Commissioner Kiefer: We'll start, if Commissioner Abell could lead us in the Pledge.

(The Pledge of Allegiance was given.)

**Approval of the February 25, 2014 Drainage Board Meeting Minutes**

Commissioner Kiefer: Alright, is there a motion to approve the minutes from the previous meeting?

Commissioner Abell: So moved.

Commissioner Kiefer: Second. All in favor say aye.

Commissioner Abell: Aye.

Commissioner Kiefer: Aye.

**(Motion approved 2-0)**

**Ditch Assessment Summary**

Commissioner Kiefer: Do you want to give an update on the Burkett-Moore drainage petition?

Jeff Mueller: Before we go to that, I just want to point out that in your packet that the ditch assessment summaries are in there. We did not do any increases in ditch assessments from last year. We have a quick turn around on these things from when we have to submit them to when the County Auditor has to put them in and come back, but we didn't do anything different with the assessments this year versus last year. There were a few that we didn't bill like we did last year, because the funds have more than sufficient funds, as you're aware of. We cannot, by law, bill anything that has a balance that's eight times the annual assessment, eight times the annual estimate, and four to eight times we have that option. So, we didn't bill anything, because we've got, the accounts we didn't bill have got plenty of money in them. Everything else we just left at the previous rates.

Commissioner Kiefer: Okay.

Jeff Mueller: But, that summary is in there for you.

Commissioner Kiefer: Now, Jeff, regarding these bid openings, then you're going to open them yourself?

Jeff Mueller: No, Linda—

Commissioner Kiefer: Will somebody else open those?

Jeff Mueller: Linda should be on her way down.

Joe Harrison, Jr.: Okay, I'll start writing them in.

Jeff Mueller: Yeah, okay.

Commissioner Kiefer: Okay.

**Burkett-Moore Drainage Obstruction Petition Update**

Commissioner Kiefer: Is there something you need us to—

Jeff Mueller: On Burkett-Moore....no, nothing on that, I mean, I don't think so.

Commissioner Kiefer: Okay.

Jeff Mueller: On Burkett-Moore, just so you know, I'm waiting for us to get enough warm weather so I'm convinced we've got plenty of, we don't have a freeze, the ground is not frozen below, so we can get in there and finish some shovel work. I'm hoping within the next couple of weeks we're going to be to that point, because we have had some warm weather, but we still get some freezing weather at night. So, some shovel work and then that will be done as far as we're concerned.

Commissioner Kiefer: Okay.

Jeff Mueller: Okay?

Commissioner Kiefer: That's good.

**Construction in a Floodway Certificate Approval from DNR:  
Marathon Petroleum Company**

Commissioner Kiefer: Okay, well then we can move on to the construction in floodway approval?

Jeff Mueller: Yes. All this is is that you're aware that the Drainage Board gets regular correspondences from DNR regarding certificates of approvals for different constructions. This particular one is for some work on the Evansville terminal. It really doesn't have anything to do with the Drainage Board. So, therefore, I'm just passing this on. It's in Madelyn's information for a matter of record. So, it's just there and that's it. We'll put it in our files and it's in there for your files.

Commissioner Kiefer: So, do we need to vote on anything here?

Jeff Mueller: There's nothing to vote on. We're not approving anything.

Commissioner Kiefer: Okay.

Jeff Mueller: DNR's just notifying us, and there's no permitting or anything as far as we're concerned.

Commissioner Kiefer: Okay, easy enough.

Jeff Mueller: Alright.

**Oak Hill Baptist Church: Revised Drainage Plan**

Commissioner Kiefer: Revised drainage plan approval for Oak Hill Baptist Church.

Jeff Mueller: Okay, on this, this is a project for the addition of 42 additional spaces on Oak Hill Baptist, for the Oak Hill Baptist Church. They have a detention pond on place right now. The, what's going to occur is they have to modify the outlet structure from a 15 inch pipe to a 12 inch pipe. So, the proposal includes some drainage features that are within a Vectren easement. That easement's that great big power line that runs east and west and runs across Oak Hill Road there. The parking lot is going to be underneath there. They've got to get approval from Vectren to do that. So, they won't be starting until that occurs. Area Plan's not going to give them approval until that point, but I would like to go ahead and approve their drainage plan and realize we wouldn't, it would be contingent on us getting a copy of that, an agreement from Vectren. Otherwise, as far as the drainage plan itself, it's a good plan, it's fine. It's not any rocket science. I recommend approval.

Commissioner Kiefer: Okay.

Commissioner Abell: We'll accept the Surveyor's recommendation. Move for approval.

Commissioner Kiefer: Second. Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

**(Motion approved 2-0)**

Commissioner Kiefer: Thank you.

**Vanderburgh Industrial Park- Lot 8: Revised Drainage Plan**

Commissioner Kiefer: Next is the revised drainage plan approval for lot eight of Vanderburgh Industrial Park.

Jeff Mueller: Okay, on this one the plan, there is a request to adjust the drainage plan on lot 8. The Vanderburgh Industrial Park people would like to build a 100,000 square foot spec building. In order to build the building the way they would like to, they will be building the building in the existing dry detention basin that's located on that plot. In review of the original drainage plan, the allowable release rate is 9.9 cfs from the site. However, over at the Graham Packaging site, they did not use all of their allowance, so, they would actually, we would be actually allowing instead of 9.9 cfs, 12.2 cfs. With that, the required storage would be **one point acre feet** of storage. So, what they're coming in for, first of all, is to request that they can downsize to that. I'm going to go a little bit farther, but let me get that first. The second request is, because of the way the building is going to be, the developer is going to actually be building a portion of the building in the drainage easement,



which will require them to vacate the easement. So, as you're aware of, the vacation of easements takes a little bit of time, Madelyn's got a package, there's some things they have to go through, but in the process of the vacation of the easement, what they would like to do is, if you approve the drainage plan, that you would also allow them to have a foundation only permit. So, in other words, we're going to allow them, prior to the vacation of the easement, to start construction, because these vacations of easements, I think, Madelyn, don't they take about two months or so?

Madelyn Grayson: The biggest time consuming part of it is getting all of the letters of approval back from the utilities.

Jeff Mueller: Yes.

Madelyn Grayson: But, then it still has to have two readings because it's an ordinance, so, it's at least two meetings long.

Joe Harrison, Jr.: It's usually six weeks.

Madelyn Grayson: Yeah.

Joe Harrison, Jr.: A month to six weeks.

Jeff Mueller: Okay, so, they're asking that not only do you approve this drainage plan, but that you would approve a foundation only, which I would sign off on tomorrow. A foundation only with Area Plan so that they could begin construction of that building, that spec building. That's the first piece of this. The second piece is that they are saying that there's a possibility that, in the future, this 100,000 square foot building could be expanded to 250,000 square feet. Now, it's going to get a little complicated. Which is, they don't have near enough storage on site for a building of this size. A larger building would cut into the basin even further, and you would have to increase the release rate, which they couldn't really do. They're going to have to figure out some other way of storage. That might be through underground, or rooftop, or rain barrels or all kind of different exotic things, but in order to meet our code, to build a 250,000 square foot building that wouldn't occur. But, one of the things they would like us to consider, and we could consider it tonight, or we can just have it in the files for when they, you know, looking ahead at the 250,000 square foot building later on....I'm trying to figure out how to explain this without....there is a different methodology of doing hydraulics. The methodology that was done on this site originally was using the SCS rationale method. I'm sorry, the SCS method for determining runoff. It's a lot tighter system than the system we normally use, which is the rationale method. The rationale method would you give you a higher runoff rate than what the SCS method would do. So, if you said, guys, if were to use the rationale instead of the SCS, we would have been allowed a higher runoff rate—

Commissioner Kiefer: Uh-huh.

Jeff Mueller: — so, could we use that instead of what was originally proposed? Which would allow them 23 cfs of runoff. They would still have to come up with 1.2 acre feet of storage area in the future, and there's only seven tenths there. So, they would still have to figure out how to come up with another half tenth. So, there's a couple things to consider. Number one is, is to vote on the plan that they've submitted for the 100,000 square foot, to vote on whether you would allow them to do a foundation only permit. Also, whether we want to just leave in the files this

notion that in the future if this happens, we might allow a higher runoff rate. Or, we could also go ahead and approve that higher runoff rate tonight if we wanted to.

Commissioner Kiefer: Okay.

Jeff Mueller: So, those are the things that are up. I'm going to allow you to ask me questions. Matt Wallace is here from BLA to also explain things a little bit more.

Commissioner Kiefer: Jeff, I have a question. So, you have some excess capacity because the neighboring property, obviously, has not, they haven't used 100 percent of their capacity?

Jeff Mueller: Excess runoff capacity, yes, because of the Graham Packaging (inaudible) Graham Packaging.

Commissioner Kiefer: Right. Okay, so, what would happen if Graham Packaging, for some reason, would want to expand their footprint in the future? Would they have to come before this Board?

Jeff Mueller: They're, yeah, I guess, we're kind of using up that basin area. Matt, I'm going to let you handle that question, because you probably, I'm going to let you guys tell me what's going out there as far as those issues.

Matt Wallace: Hi, I'm Matt Wallace with Bernardin Lochmueller and Associates. I reviewed this drainage plan, the original drainage plan that was done by our office in 1999, as well as changes to it in 2001 for when Graham Packaging first expanded. Then there was further expansion to the basins when lot 11 was developed earlier last year. What has been needed to develop those lots is the basins were overbuilt so that the developer could get dirt to build the building pads. So, just to be, as a conservative notion, I didn't go back and take into account all of the excess storage. I was just looking at what was in previously approved drainage plans. So, actually, I think, the real release rate is even lower than what was in those plans, but we haven't, you know, fully analyzed that. Graham Packaging's pretty well maxed out on their site. Is that a fair statement? Yeah, the developer is here that developed those. There's not a huge amount of developable land left to go into those basins. I mean, there would be small additions, but nothing that would be a major contributor of runoff to those. So, I believe there still could be capacity within the basins behind Graham Packaging and the new facility at lot 11 that would still allow some capacity for those.

Commissioner Kiefer: Okay, thanks.

Matt Wallace: Does that help at all?

Commissioner Kiefer: Yeah, that does. Jeff, do you have a recommendation then?

Jeff Mueller: Well, my recommendation, for sure, is to go ahead and approve the request for the 100,000 square foot building, and to allow them to do a foundation only, as long as they realize that that is contingent upon the Board of Commissioners, which you guys are, approving, you know, the change in the drainage easement later on.

Commissioner Kiefer: Okay.

Jeff Mueller: I understand, that would be my first recommendation.

Commissioner Kiefer: Well, then, we can address that one first then.

Commissioner Abell: I have a question. So, if something, if we approve this and something happens, they might have to spend more money? I mean, what if some, what if, you know—

Jeff Mueller: If we approve this, as far as?

Commissioner Abell: Well, you said we were approving it before we get all of the notices out. I mean, we don't normally do that. I'm not opposed to it, I just want to know what happens if—

Jeff Mueller: If someone would come in and protest the drainage easement—

Commissioner Abell: Yeah, that's what I mean.

Jeff Mueller: — that's the issue. So, I guess, what you're doing is you're approving the drainage plan. That part I don't think there's an issue there. You would be approving it to allow them to do a foundation only, which you could either approve it, or you could say, we approve it, but you guys have to understand it's on your dime in case something comes back.

Commissioner Kiefer: Right.

Jeff Mueller: And, that's similar to what we did with Lynn's Westside Marine, was we gave them a foundation only, but told them it was at their risk.

Commissioner Abell: Yeah.

Commissioner Kiefer: Evan, do you understand that.

Evan Beck: Yes.

Commissioner Abell: I don't have a problem with it at all. I just wanted to make sure we had it on the record.

Matt Wallace: Are you okay with that?

Evan Beck: Yes, sir. I'm Evan Beck with Delta Properties, the developer. Absolutely we understand that. Lot number eight, which we're developing for the shell building, as selected by the Industrial Foundation, when we originally came up with the plan, lot number nine in this Industrial Park is not the best shaped lot for industrial development. It's very narrow front frontage. It's kind of pie shaped. There's a ditch between lot eight and nine. The retention basin that we're talking about tonight is also in a very, not efficient location on lot eight. It's in the very front corner—

Commissioner Kiefer: Yeah.

Evan Beck: — where a building would typically be located. So, we're dealing with these issues and we're trying to plan for the future. If a client comes in and wants to buy or lease a building that needs expansion, we need to address this now. The drainage plan that Matt and Jeff have mentioned tonight, we understand there are

other capacity opportunities there within the Park. We feel that the risk is very low at this point—

Commissioner Kiefer: Okay.

Evan Beck: – in dealing with this issue today.

Commissioner Kiefer: Okay, thank you.

Commissioner Abell: Mr. Harrison, do we need to take these in three separate votes?

Joe Harrison, Jr.: I don't know. What do you think?

Jeff Mueller: I would, my recommendation, at least at first, would be to recommend—

Joe Harrison, Jr.: The 100,000?

Jeff Mueller: – the approval of the drainage plan for the 100,000 building.

Commissioner Kiefer: We'll do that then.

Jeff Mueller: And the foundation only permit, to allow them to move ahead. That would be my recommendation.

Commissioner Abell: Okay, I will....so moved.

Commissioner Kiefer: Second. Any further discussion? Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

**(Motion approved 2-0)**

Jeff Mueller: Okay, now the second phase of that is, if they were to build a larger building, would we recognize to allow them to increase their release rate from 12 cfs to 23 cfs because they used a different methodology. That's probably the easiest way to explain that. I do want to explain that, in our code, that we allow the rationale method for any area up to 200 acres. This site is less than 200 acres, but when it was developed they used a different method. So, they could have used the rationale method and got this 23 cfs number, but they used the SCS method instead.

Commissioner Kiefer: Okay.

Jeff Mueller: So, yeah, we're kind of changing methods in the middle of the stream, but they are using a method that's allowable. So, I think, where they're coming from is, they would like to be able to say, guys, if you were to build a 200... and I'm going to put words in your mouth, and then you tell me if you agree or disagree.

Evan Beck: No problem.

Jeff Mueller: Okay, I think, what they're trying to say is, guys, there is an opportunity to build a 250,000 square foot building, but you're still going to have to have a 1.2 acre foot pond, and you're going to have to come back and you're going to have to downsize the one you have to get that footprint. So, you're going to have to come up with some other storage area, but at least tells them up front what they've got to do. Is that a fair statement?

Evan Beck: A very fair statement.

Commissioner Kiefer: That makes sense to me.

Jeff Mueller: Alright.

Commissioner Abell: I want to go forward and approve that, because I think that's going to help sell this building better.

Commissioner Kiefer: Yeah. I agree. So, I'll second that.

Jeff Mueller: Okay, but I just want you all to understand. I hope I didn't make it too complicated. Hydraulics can be a mess.

Commissioner Kiefer: Well, it is complicated. I mean, you have to pay attention and know what you're saying.

Jeff Mueller: Yes.

Commissioner Kiefer: I mean, it is not something for a lay person.

Jeff Mueller: Yes, and believe me, on some of these we've come in here and I just sit here and I say I recommend this, and you guys take me at face value and go. Some of these other ones I want to spell things out so that you can at least kind of understand, and, believe me, I struggled through, we all struggled through...Matt, you did too I'm assuming at Purdue. We all sat there and stressed through that.

Commissioner Kiefer: No, Jeff, you've done a great job.

Commissioner Abell: Yeah.

Commissioner Kiefer: I appreciate your explanation. It simplified it.

Jeff Mueller: But, they're still going to build, they're still going to leave a basin that, right now, has 1.8 acre feet of storage, but they may come back later, and it's already going to be approved to reduce down to something that's going to seven tenths of an acre foot, and they've got to come up with another half tenth of an acre feet to meet that quality. You understand that?

Evan Beck: Yes, sir.

Commissioner Kiefer: Well, I'm confident that they're going to come back needing a 250,000 square foot building.

Jeff Mueller: Well, we all hope that. You know, I want everybody to know, I try to work with everybody with jobs, but we also have a code to meet.

Commissioner Kiefer: Yeah.

Jeff Mueller: So, we try to make sure, we do try to make sure that both of those things occur.

Commissioner Kiefer: It sounds like we're staying in the parameters.

Jeff Mueller: Yes.

Commissioner Kiefer: With that, I think we have a motion and a second. We'll do roll call.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

**(Motion approved 2-0)**

Jeff Mueller: By the way, I want to thank Matt, because he's worked extremely hard with me. He's come in, and I really enjoy when an engineer comes in to me up front and tries to explain an issue and we put our heads together. I always appreciate when engineers do that, and when developers come in in advance. So, I just wanted to put that on the record.

Commissioner Kiefer: Alright, well—

Commissioner Abell: Thank you.

Commissioner Kiefer: — good luck. I'm looking forward to the success. I'm looking forward to another Industrial Park being formed somewhere in the future.

Commissioner Abell: That's exactly right.

Evan Beck: Thank you all.

Commissioner Abell: Build it and sell it.

Jeff Mueller: Yeah, if they build it, they will come, hopefully.

Commissioner Kiefer: Yeah.

Jeff Mueller: Okay.

<b>Other Business</b>
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Commissioner Kiefer: Is there any other business?

Jeff Mueller: You've already brought it up in the Commissioners meeting, but since this is Drainage Board, I just wanted to make note of the notification of the cancellation of the Drainage Board meeting for April 22, 2014. We've already let some of our folks know it.

Commissioner Kiefer: Do we need to vote. I mean, do we need to—

Commissioner Abell: Move to cancel the Drainage Board meeting for April 22, 2014.

Commissioner Kiefer: Second. All in favor say aye.

Commissioner Abell: Aye.

Commissioner Kiefer: Aye.

**(Motion approved 2-0)**

Jeff Mueller: Okay.

Commissioner Kiefer: Okay.

Jeff Mueller: I know Linda has already put that on our website and we've already been letting people know.

#### **Approval of Ditch Maintenance Claims**

Commissioner Kiefer: Okay, next is the ditch maintenance claims.

Jeff Mueller: We have none.

Commissioner Kiefer: Okay, we have none there. That makes it easy.

#### **Public Comment**

Commissioner Kiefer: Is there public comment?

#### **Reading of 2014 Annual Ditch Maintenance Bids**

Commissioner Kiefer: Okay, then we'll cycle back around. I see they're still furiously opening up.

Linda Freeman: Well, actually we can...here's a whole bunch he can read, if he would like.

Commissioner Abell: Start reading. Oh, my gosh!

Linda Freeman: Oh, yeah.

Commissioner Abell: Okay.

Commissioner Kiefer: How many of these do we have altogether?

Joe Harrison, Jr.: It's going to take us ten to 15 minutes.

Commissioner Abell: Yeah.

Commissioner Kiefer: Okay, in that case. I'm going to take a five minute recess. So, we'll reconvene in just a few minutes.

(The meeting was recessed at 5:50 p.m.)

(The meeting was reconvened at 6:01 p.m.)

Commissioner Kiefer: Okay, well, we're going to reconvene the Vanderburgh County Drainage Board agenda, I mean, Drainage Board, not agenda. I just read off the agenda. So, here we are, we're reconvening.

Joe Harrison, Jr.: I'll go ahead and just read the bids, ditch bids that were opened, I don't know, maybe a half an hour ago. The first bidder is Big Creek Drainage Association, and they've bid on several different ditches. I'll just go through there. The first is Barr's Creek, the annual maintenance for that ditch, \$4,261.53. They also, Big Creek Drainage, proposed some extra work to be done in connection with that ditch, that amount is \$17,457.75. The next ditch work submitted by Big Creek is Buente Upper Big Creek, the bid amount is \$4,039. The next ditch by Big Creek is Maidlow, is that right? Maidlow Ditch, \$3,174.07. The next ditch by Big Creek is for the Pond Flat Main, that bid amount is, \$5,527.80. The last ditch work by Big Creek Drainage Association is the Rexing Ditch, and that bid amount is, \$2,051.52. The next batch of bids are submitted by Eldon Maasberg. The first ditch on the work he submitted is for Beal, Baehl Ditch, \$1,102.40. The next ditch is Kneer Ditch, \$410.40. The next ditch is Maasberg Ditch, and that is \$220.60. The last ditch work submitted is for Wallenmeyer Ditch, \$1,253.25. The next bidder is John Maurer, M-a-u-r-e-r. He submitted work for two ditches, one is Baehl Ditch, that's \$861.25. Then, Hoefling Ditch, \$557.10. The next bidder is Rexing Enterprises, Inc., and they've submitted a bid for Singer Ditch, that bid amount is \$367.50. The next bidder is R.R. Rexing Farm, Inc., and they've submitted bids for three ditches. The first is for Pond Flat Lateral A, that bid amount is \$743.54. The next ditch is Pond Flat Lateral B, and that's \$391.58. The next ditch is Pond Flat Lateral D, and that's \$641.06. The next bidder is Union Township Ditch Association, they submitted a couple of bids on ditches. The first is Barnett Ditch, \$274.32. The next is Union Township, I'm sorry, the next is Cypress Dale Maddox Ditch, that's \$774.05. The next ditch is for Edmond Ditch, \$453.38. The next ditch is Helfrich-Happe Ditch, \$3,301.48. The last ditch that they are submitting a bid on is Kamp, K-a-m-p Ditch, and that's \$502.20. The next batch of bidders, or the next bidder is submitting a number of bids, it's Shideler Spray, Inc., and they are submitting a bid, the first of which is for Aiken Ditch, that's \$456. The next bid by Shideler is for Eagle Slough, dormant spraying, and that's \$5,557.40. The next ditch is East Side Urban South Half, \$3,199.35. The next ditch is Henry Ditch, that's \$397.38. The next is Keil Ditch, \$346.38. The last ditch in this little batch is Sonntag Stevens Ditch, and that's \$759.55. Shideler is also submitting bids on these grouping of ditches. Aiken, and, I guess, that's different spraying, is it?

Jeff Mueller: Yes.

Joe Harrison, Jr.: Foliar spraying or broadleaf and brush. So, this grouping of bids is for that type of spraying. Anyway, Aiken, we've got \$1,030.74. The next is Barnett Ditch, \$294.06. The next is Cypress Dale Maddox, and that's \$835.75. The next is



Eagle Slough, \$4,956.60. The next is East Side Urban North Half, \$2,302.84. The next is East Side Urban South Half, \$3,170.27. The next ditch is Edmond, and that's \$638 and I think it's 40 cents. The next is Harper Ditch, \$321.55. The next is Keil Ditch, \$328.31. The next is Kolb Ditch, \$487.78. The last one in that grouping is Sonntag Stevens, and that's \$752.65. The next and final batch of bids for Shideler Spray, Inc., relates to sterilization of ditch bottoms. Interesting. The ditches there are these five, Aiken, \$300. Eastside Urban South Half, \$2,325.65. The next is Harper Ditch, \$309.75. The next is Kolb Ditch, \$487.78. The last ditch is Sonntag Stevens, and that's \$725.03. We're getting closer. The next batch of ditches are from the bidder McCullough Land Improvements, LLC. So, there's several bids submitted by that entity, and they are as follows; Aiken, mid-summer mowing, the bid amount three hundred, I'm sorry, \$3,699.50, three six nine nine fifty. The next is Eastside Urban North Half, Crawford Brandeis Extension, 1,000 linear feet, \$789. The next ditch is Eastside Urban North Half, Crawford Brandeis Extension, 1,965 linear feet or after harvest mowing is that particular project, that bid amount is, \$1,432.49. The next is Eastside Urban South Half RR, is that railroad, I don't know?

Jeff Mueller: Yes.

Joe Harrison, Jr.: Canal mowing, \$7,261.91. The next is Eastside Urban South Half, Crawford Brandeis and Bonnie View Extension, late spring, mid-summer, and fall mowing, \$800.40. The next is Eastside Urban South Half, Nurrenbern mid-summer mowing, 2,500 lineal feet, that's \$1,472.50. The next is for Eastside Urban South Half, Stockfleth mid-summer and fall mowing, \$3,747.81. The next ditch is for Harper, late spring and fall mowing, \$2,188.90. The next is for Henry, after harvest 2014 mowing, 3,179 linear feet, that bid amount is \$1,891.51. The next ditch is Kolb Ditch, Section A, fall mowing, that's \$434.25. The next is Kolb Ditch, Section B, mid-summer and fall mowing, that's \$2,123.35. The next ditch is Sonntag Stevens, late spring mowing, that's \$2,291.52. The final ditch by McCullough Land Improvements, LLC, is Sonntag Stevens, fall mowing, 10,705 linear feet, and that bid amount is, \$7,964.52. The last two, or the last bidder to submit some bids is Niemeier Property Solutions. The bid is for Eastside Urban South Half, railroad canal mowing. That bid amount is \$7,066.45. The last bid submitted by Niemeier Property Solutions is for Eastside Urban South Half, Stockfleth mid-summer and fall mowing, \$3,245.13. I would ask that these bids be taken under advisement until the next meeting.

Commissioner Abell: So moved.

Commissioner Kiefer: Second. We'll do a roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

**(Motion approved 2-0)**

Commissioner Kiefer: Under advisement. Is there anything else before the Drainage Board?

Jeff Mueller: I have nothing else.

Commissioner Kiefer: Okay.

Linda Freeman: Just a quick look through, they look good. The new young man, Niemeier, looks like he had the low bids, but we will take them under advisement.

Commissioner Kiefer: Okay, thank you. With that, I'll ask for a motion to adjourn.

Commissioner Abell: So moved.

Commissioner Kiefer: Second. We are adjourned.

(The meeting was adjourned at 6:12 p.m.)

**Those in Attendance:**

Joe Kiefer  
Jeff Mueller  
Matt Wallace  
Members of Media

Marsha Abell  
Madelyn Grayson  
Evan Beck

Joe Harrison, Jr.  
Linda Freeman  
Others Unidentified

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Joe Kiefer, Vice President**

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**Marsha Abell, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
MARCH 25, 2014**

The Vanderburgh County Drainage Board met in session this 25<sup>th</sup> day of March, 2014 at 5:32 p.m. in room 301 of the Civic Center Complex with Vice President, Joe Kiefer presiding.

**Call to Order**

Commissioner Kiefer: I would like to call to order the Vanderburgh County Drainage Board for March 25, 2014.

**Attendance Roll Call**

Commissioner Kiefer: Do we need to do roll call? Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Here.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

**Pledge of Allegiance**

Commissioner Kiefer: Next, I would like to ask Madelyn to lead us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Commissioner Kiefer: Thank you.

**Approval of the March 18, 2014 Drainage Board Meeting Minutes**

Commissioner Kiefer: Is there a motion to approve the previous minutes?

Commissioner Abell: So moved.

Commissioner Kiefer: Second. All in favor say aye.

Commissioner Abell: Aye.

Commissioner Kiefer: Aye.

**(Motion approved 2-0)**

**Acceptance of Bids for Annual Maintenance on Regulated Drains**

Commissioner Kiefer: Acceptance of bids for annual maintenance on regulated drains.

Jeff Mueller: Yes, last meeting, as you're aware, we took in bids on various all for various actions on the regulated drains. Those were read into the minutes. There were three of them in which the bids were contested. The rest of them we just had a single bidder. I'm asking that the Board accept the lowest bidder in all cases. I will let you know that there was one action on Barr Creek where they submitted for some extra work, and my advice at this time is that we take that work under advisement.

Commissioner Kiefer: Okay.

Jeff Mueller: But, other than that I would ask that we approve that. Also, I think, just as a matter of paperwork that if Madelyn could then stamp any of the contracts. Is that what we normally do, Madelyn?

Madelyn Grayson: Yes, in the past the Commissioners have given me the authority to stamp the contracts as they come in. There will be like 60 some odd contracts. Unless you just want to sign them individually.

Commissioner Kiefer: No, I think your stamp works pretty good.

Joe Harrison, Jr.: Is there a motion to that effect? Well, go ahead.

Commissioner Abell: I have a question first.

Jeff Mueller: Yes?

Commissioner Abell: These, I'm not familiar with any of these companies that have bid these ditches in. Do they provide us with an insurance policy?

Jeff Mueller: They provide us with a certificate of insurance. They also have to give us a check. I think it's for five percent of the work. Then, when we pay, we pay usually 85 percent, and then withhold 15 percent for another 60 days. Most of these bidders have been, my understanding is they've been around for a while. We have one new bidder this time on the mowing, but other than that, everybody else has been around for quite a while.

Commissioner Abell: Okay.

Commissioner Kiefer: Okay, so, we need a motion to accept the bids.

Commissioner Abell: I move to accept the bids, and to, for you to spend more time on Barr's Creek.

Jeff Mueller: Yes.

Commissioner Abell: Is that the one you wanted to take under further advisement?

Jeff Mueller: Yes, Barr's Creek.

Commissioner Abell: Do we need to pull it out?

Jeff Mueller: It's not on that list that's in there right now, the additional work. The list that you have, the dollar figure isn't on there. It was for \$17,000, and that's why....I believe that we're going to have some permitting work that may be required. That's why I'm recommending we don't do it at this time.

Commissioner Abell: So, the \$4,261 does not include the additional work that may need to be done?

Jeff Mueller: Yes, that's correct.

Commissioner Abell: Okay. Then, I move to accept the bids as per our page.

Commissioner Kiefer: Second. Any other discussion? Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

**(Motion approved 2-0)**

Commissioner Kiefer: Okay.

Commissioner Abell: I move that we approve having our stamp used, as opposed to having to sign all of the contracts.

Commissioner Kiefer: I'll second that. Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

**(Motion approved 2-0)**

Commissioner Kiefer: Thank you.

<b>Burkett-Moore Drainage Obstruction Petition Update</b>
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Commissioner Kiefer: Next is the update on the Burkett-Moore drainage petition. Hold due to weather?

Jeff Mueller: I can tell you that I'm responsible for the snow today, since I called the contractor last week and said, I think the weather has gotten good enough we can do it. So, what happens? It snowed today. So, they are going to try to get out there pretty soon.

Commissioner Kiefer: Okay. It's just one of those things, it likes to hang on these agenda items forever.

Jeff Mueller: Hey, Huang-Huston was around for how long? We haven't beaten that record yet.

Commissioner Abell: If it snows in June, you're fired.

Jeff Mueller: I'm an officeholder, Marsha.

Commissioner Abell: Well, we'll find some way.

Commissioner Kiefer: Okay.

<b>Evansville Convention Bureau Ballpark: Final Drainage Plan</b>
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Commissioner Kiefer: Next is the final drainage plan approval for the Evansville Convention Bureau ballpark.

Jeff Mueller: Yeah, I would like to spend a few minutes, I think I told you this last time, going over this plan a little bit. I've got a presentation, and I've also, because of the difficulties of presentations, I would like for you to be able to look at a few things. So, I've got some drawings that I gave to you. As you're aware, this is out on Heckel Road. It's for the proposed ballparks. Some of the things that I want to point out, there's an 11" X 17" sheet that I gave you that looks like this, it's got a map. That will be easier to see than probably the display up there. Some of the things that we might want to talk about is you've got the Weigand property right here. This is the Center Township property right here. There's some undeveloped home sites right here. There's the proposed Kenway Subdivision right here, and then one other thing that I want to point out is there's an area up here of a ditch that they're currently applying for for a permit. So, in this there's four concerns or issues that we have been talking about and that we had things that we asked for them to address. I want to go over those a little bit in detail, so that you understand that we went through these things, and, hopefully, we've got everybody covered, but, rather than just asking you to say, hey, I looked through the plan, it looks good. The next handout that you'll have, this one is terrible, but you'll have a colored sheet that kind of shows the adjoining properties, and, you know, some of the issues that we wanted to make sure that we covered was the Weigand's right here, we wanted to make sure that their drainage would still be allowed to go in the direction, you know, they've got a septic system, we didn't want to be putting up berms or have the trails so high that, you know, or have any problems with that. We wanted to make sure that any development that curves over here on the west side, that that drainage is not blocked. So, those, and also then right here along the south end that those properties, there's some language in the plan, under easements, and I gave you a copy of that page, and if you'll look in there you'll talk about, it says that, it talks about the, "furthermore the peripheral storm water drainage from the rear yards of parcels of lands adjoining the project to the south and west will be allowed to drain into the site, if necessary, and be captured within the drainage improvements that will be constructed as part of the project as long as it has no detrimental effect on the sports complex. The existing improvements being limited to the Weigand parcel located at 4130 Heckel Road is hereby granted and acknowledged as an adjoiner." I think Mr. Farney may get up and talk in a minute, but they did spend some time with the Weigand's, I think about an hour and a half, so, they understand this project, and I think they've been working with them real well. So, the last thing I wanted to have is this project come up, and then, you know, a neighbor coming up in a couple of months saying my drain, you know, my backyard won't drain.

Commissioner Abell: Can you show me again where their property is?

Jeff Mueller: Their property is right next to where the entrance road is. It's that one house on Heckel Road, it's kind of a white bungalow. Okay? Alright? Also, to address some of the other areas, it says: "Others contiguous to the property that lies along Heckel Road may also qualify upon written request to the Owner (ECVB). The property to the west may also be allowed a limited amount of storm water runoff to use the ECVB facilities as long as every effort is made to intercept and redirect the rear yards to the retention basin located along the proposed subdivision project." Now, we haven't seen a drainage proposal yet. There's going to be one coming in, but what they're talking about is that the subdivision that is going to be proposed over here, that they'll be pulling dirt out of here for a retention pond and also to use that dirt to raise some of the lots. So, the proposal is that they would be allowed to, if they need to use some, to get some drainage over on this property they can, but also they're showing having an easement along the back for a ditch. Then, along the same issue is to make sure that there's an existing ditch up here, and they have actually adjusted the trail down, I think it was 14 feet, so that the existing ditch will not be clogged from the water that is coming from this western area. So, those are the things that we've been concentrating on and working on. One other comment in the easement description is it says, we're getting back to the Weigand property, there is a trail right to the east of their property, and it says, "The trail which runs through this area have been designed at an elevation that will allow for the Weigand storm water sheet drainage to pass across the trail and into the lake." So that we're not damming water on the Weigand's. Okay? So, that was our first concern. A lot of time was spent on this issue. They've done an excellent job, in my opinion, of addressing this. So, I'm hoping that we don't have people coming in here after this project saying this caused this problem, or this caused that problem. That's what we're trying to do is work ahead with things. The next thing I wanted to bring up to you is instream basins. On the very northern part, there is a small ditch right here, and their proposal is that they're going to construct a single, large lake. Now, this small ditch of only 300 feet, in order to put that lake in there requires a Corps permit, which Mr. Farney has told me they have applied for. So, this is based on the assumption they're going to get the Corps permit. But, if not, they can construct two separate lakes and leave that ditch in tact. If that happens, they can come back with a revised plan showing that there will be two lakes and two separate structures. I want to go on record right now as saying, this is probably the only time I'm ever going to come before this Board and agree with an instream basin. I generally do not like them. In this particular case we've got a small stream that's going to go into a large creek. So, I don't see a problem here, but some other instream basins that we've had in subdivisions and that, I will never, I shouldn't say never, but I will probably never recommend that we do that. In this particular case, this is something that I believe will work. So, therefore, I did some arm wrestling back and forth on this, and I don't have a problem with it now. Mr. Kiefer, you had a question?

Commissioner Kiefer: Yeah, can you explain that again to me? How that works.

Jeff Mueller: So, essentially, what's happening, if you think about there's a ditch, and now you're going to go out there and you're going to dig a pond. You're going to essentially take the ditch out, but water is going to come down the ditch, pour in the pond and then turn around and run out the other end.

Commissioner Kiefer: I got 'ya.

Jeff Mueller: Okay? But, because this is considered waters of the U.S., and it's a 300 foot ditch, it does require a Corps permit.

Commissioner Kiefer: Okay.

Jeff Mueller: Okay? The Corps is getting much more involved in what they regulate than what they used to 20 or 30 years ago. So, that's why they have to go for a Corps permit. So, even though we are saying it's okay, they still have got to get Corps approval to do that. Okay? Alright?

Commissioner Kiefer: Okay.

Jeff Mueller: The next thing on the agenda is a request for variances. You will see in your packet a letter at the back for some variances. A lot of these variances they're asking for are variances very similar to other folks. So, we're not doing anything really, you know, different or anything. The variances are that, number one; the requirements, if the storm sewers are on their property, we're not going to require them to have an easement, or they're asking that they don't have to have an easement for that. You know, if it was subdivision, we would want the storm sewers in, you know, where there's multiple property owners, we would want those storm sewers and easements. But, when they're on their own property, I don't see a need for that. Because, otherwise, every time they want to come in and, you know, put a trail sign up, they would have to come in here because it would be on a drainage easement. So, you know, we don't want to get into that mess. There's no need for that. A minimum of 12 inch cover on the pipes. They've got some structures that it's going to be difficult, it's on their property. If that cover doesn't work and they break a pipe, it's going to come out of their money. It's not going to come out of, you know, it's not a county road pipe or something like that. So, I don't have a problem with that. There's a few pipes that they've requested a smaller than 12 inch diameter. Our code requires 12 inches, but these pipes are collection pipes coming off the gutters. Again, I don't see a problem. If the ten inches couldn't carry the water, it's going to be water out in their grass, it's not going to be an area that's going to cause an issue with off-site homes, okay? They're asking, you know, to be able to put what they call lakes three and four together. That's what we were just talking about. They're going to have the single, large lake through the stream. All we're doing is saying that we're okay with it, but that doesn't mean that, you know, it's got to be the Corps of Engineers that has to do that. They kind of repeated again that, you know, less than one foot over some structures. Then in following, they have, at my request, they talked to the Weigand's, and they put in here about their meeting that occurred on March the 20<sup>th</sup> with the Weigand's. Mr. Farney may want to talk about that in a little more detail. But, you know, we did ask them, because the code does say if you know of a drainage or a potential drainage problem, that you should address it, and this is the way that they've addressed it by going and talking to these folks. Then, finally, there is a sewer, a storm sewer that could cross the property on the township property. They're going to have to have an easement for that, or they're going to have to redesign the pipe. So, they owe us either an easement, and I understand it's been one of those deals where the paperwork's been going back and forth between the parties, but they either owe us an easement, or Mr. Farney would like to show us a little bit of a bend in the pipe where it stays on their property. The other thing that's going to happen, it's on the next agenda item is, that if you go back to the very first drawing, you will see that in the very, you will actually see the Goebel, I'm sorry, the Goebel Soccer Complex, you'll see that the road is actually crossing a little piece of lake in the Goebel Soccer Complex. The Goebel Soccer Complex had its own drainage plan, they had to go back and relook at that, the lake is still going to be sufficient in size to carry, to have the necessary capacity, but that also required that they looked at the Goebel plan. So, as a separate agenda, I'm going to ask for you to approve a revised drainage plan for the Goebel Soccer Complex. But, with that



said, I think I've told you what I wanted to show you. If you've got some questions now?

Commissioner Abell: I've got a question.

Jeff Mueller: Yes?

Commissioner Abell: The parking area that I see on here, parking area A, parking area B—

Jeff Mueller: Okay.

Commissioner Abell: — is that proposed to be asphalt? Is that going to be a rock parking area?

Jeff Mueller: I'm going to let Mr. Farney answer those questions.

Jim Farney: Good afternoon. I'm Jim Farney with Bernardin Lochumeller. Yes, it's an asphalt parking lot, with concrete curbs.

Commissioner Abell: I don't like asphalt. I just think that if we have something that absorbs water it helps a little bit. I guess, this is what they wanted?

Jim Farney: Basically, yes. If we did do it in rock, I guess, one thing is it would be more maintenance for them. Second of all, I believe, and I could be incorrect here, but I believe I would have to get a variance or a waiver from Area Plan Commission, because that's not a dust free pavement. So, then I would go through that process. Basically, it's just a more durable surface, less maintenance.

Commissioner Abell: Mr. Melcher and I are both always concerned about, we like rock, but—

Jim Farney: Right.

Commissioner Abell: — I understand. Just wondering, thank you.

Jeff Mueller: I think, also, when you're talking about visitors coming in, you know, sometime that rock can be a little limey, and you know you get that lime dust in your car, and this way you get in your car with clean feet, except for the kids playing ball. You know, that's an issue with out of town visitors too.

Commissioner Kiefer: Okay. So, are we ready for—

Jeff Mueller: I'm ready to make the recommendation that you approve the drainage plan, unless you've got any questions of me or Mr. Farney. Or, if Mr. Farney wants to add anything to what I've said.

Jim Farney: Just if there are any questions, I would be glad to answer them.

Commissioner Kiefer: Okay, then, is there a motion to approve this final drainage plan?

Commissioner Abell: So moved.

Commissioner Kiefer: Second. Is there anybody here from the public? None noted. Okay. Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

**(Motion approved 2-0)**

<b>Goebel Soccer Complex: Revised Drainage Plan</b>
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Commissioner Kiefer: Okay, next is the, we need a motion then for the revised drainage plan approval for Goebel Soccer Complex.

Jeff Mueller: Yes.

Commissioner Abell: So moved.

Commissioner Kiefer: Second. Is there anybody from the public? None noted. Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

**(Motion approved 2-0)**

Commissioner Kiefer: Okay, great. Jim, congratulations.

<b>Other Business</b>
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Commissioner Kiefer: Other business?

Jeff Mueller: I've got ditch claims.

<b>Ditch Maintenance Claims</b>
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Commissioner Kiefer: Okay, ditch maintenance claims, which is on the back here. It doesn't look like anything unusual.

Jeff Mueller: No.

Commissioner Kiefer: For \$3,027.96. Is there a motion to approve ditch maintenance claims?

Commissioner Abell: So moved.

Commissioner Kiefer: Second. Any further discussion? Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

**(Motion approved 2-0)**

Commissioner Kiefer: Okay.

<b>Public Comment</b>
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Commissioner Kiefer: Since there's nobody from the public here—

Jeff Mueller: Just again a reminder, April 22<sup>nd</sup>, we don't have a meeting that day.

Commissioner Kiefer: Okay, great. We'll have a road hearing that night.

Jeff Mueller: Yep.

Commissioner Kiefer: Jeff, thank you very much. I look for a motion to adjourn.

Commissioner Abell: So moved.

Commissioner Kiefer: We are adjourned. Thanks.

(The meeting was adjourned at 5:50 p.m.)

**Those in Attendance:**

Joe Kiefer

Joe Harrison, Jr.

Others Unidentified

Marsha Abell

Madelyn Grayson

Members of Media

Jeff Mueller

Jim Farney

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Joe Kiefer, Vice President**

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**Marsha Abell, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
APRIL 8, 2014**

The Vanderburgh County Drainage Board met in session this 8<sup>th</sup> day of April, 2014 at 5:48 p.m. in room 301 of the Civic Center Complex with President Stephen Melcher presiding.

**Call to Order**

President Melcher: Okay, we'll go ahead and start the Vanderburgh County Drainage Board. It's April 8, 2014. It's about ten till six.

**Pledge of Allegiance**

President Melcher: If we could all rise for the Pledge. Jeff, do you want to lead us?

Jeff Mueller: Sure.

(The Pledge of Allegiance was given.)

President Melcher: Thank you.

**Approval of the March 25, 2014 Drainage Board Meeting Minutes**

President Melcher: I need a motion for approval of the previous minutes.

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

**Burkett-Moore Drainage Obstruction Petition Update**

President Melcher: Update on the Burkett-Moore drainage petition.

Jeff Mueller: Yes, I was out there today. I'm trying to get it off. I was out there today, I received a call from their contractor that he completed the work on Friday. So, I went out there today and took some pictures. As far as I'm concerned, the plan that was submitted, they've met that plan. These pictures show here, this is the inlet, this is upstream, and then if you kind of just turn around, this kind of shows, you know, the water going into the pipe. Then downstream the water coming out of the pipe. This picture is on the adjoining property further downstream. So, it showed that because of all this rain, they got material down on their pipes. As I've tried to explain to everybody out there, it would be nice if everybody would work together and get a drainage system working out there, but, that's not an issue for us. I just wanted to say that when people call and complain, and the Burkett's are saying, well, there needed to be a bigger pipe, well, this is a bigger downstream and it's clogged now. It doesn't have anything to do with this petition, but I just wanted to point that out.

President Melcher: Okay.

Jeff Mueller: But, as far as I'm concerned, I don't know if anybody is going to be happy about it, but as far as I'm concerned they've met the requirements of the petition.

President Melcher: Alrighty. Any questions? I don't think...anybody in the audience? Okay.

<b>Kinway Subdivision: Preliminary Drainage Plan</b>
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President Melcher: Move on, preliminary drainage plan approval for the Kinway Subdivision.

Jeff Mueller: The Kinway Subdivision is located on Heckel Road. It's just to the west of the ballfield project. We've been working with Justin Shofstall on this drainage plan for awhile. One of the major concerns that I had on this project all along was the fact that there's a lake here, and to make sure as to how they're going to handle that. In the plan right now, this is not a very good picture, this was taken Friday right after all the rain, I was just getting a feel for how much drainage was coming out of that pipe right after it rained. The concerns and some of the highlights of the plan was the offsite drainage from the lake on Ensle Place to make sure that when that pipe discharged that we wouldn't be flooding out homes that are going to be constructed. The current plan envisions a retaining wall and a concrete lined swale along part of the west line to capture the outfall from the lake. They also intend to put a double box to be installed where the lake flows into the subdivision. I did want to point out that right now all of the swales will be constructed on their property. There was talk about maybe trying to have a combined drainage easement with the ballparks, but right now that's not in their plans. But, anyway, the plan, I'm going to say it's a little bit unique because of this retaining wall with concrete swales, but it will work. The one thing I like about it is you can't go out and throw a fence up in the swale, because you've got a concrete swale with a retaining wall there. So, I think Justin will tell you that they're still looking at other alternatives, but the plan that they've given is a workable plan. This is a preliminary plan. The final one they'll be fine tuning and getting back to us. So, at this time, I'll let Justin speak, if he has anything to say, and then finish up.

Justin Shofstall: Justin Shofstall with Easley Engineering. Just to add to what Jeff Mueller had mentioned as far as the plans. The big concerns that were there when we were first hearing about this last year, when this property was being proposed as an apartment complex, was that offsite drainage. Also, the potential for those residents to get onto and technically trespass on those other properties and get into the lake. With the elevation change that we have, it is minor, but we do have to account for the fact of for, besides the standard drainage outflows that occur, as per the Vanderburgh County drainage ordinance, trying to capture those other catastrophic flows going up to the 100 year flow. We are trying to capture those flows that is being channeled, and then work their way from future building sites, as being proposed with the Kinway Park Subdivision. At this time, as far as, again, it is preliminary, we will have final drainage plans for any fine tuning that the developer may wish to do, but at this time if they want to have building sites at that location, this is about the best way to go about it. If they decide to revise anything else and eliminate the retaining wall, that also would require them to eliminate lots. So, this is based off of maximum build out with 78 lots, 78 building sites, with this layout.

Anything else that might be revamped, we're looking at having lesser lots for the overall development.

President Melcher: Is this the property where they were going to build those apartments right across from Keystone?

Justin Shofstall: That is correct. And, as far as, with part of the, with the no vote on the rezoning on that, there was comments since it is zoned Ag, R-1, many of the folks that were remonstrating said they would not be opposed to a single family residential subdivision. So, with next month's APC meeting, I guess, we'll find out just how many people are not opposed to single family, residential development on this site.

President Melcher: How big are the lots going to be?

Justin Shofstall: Right now, as far as all lots meet the criteria for R-1, single family residential, which is 60' X 100'. Sixty foot frontage, 100 foot depth, 6,000 square feet, at a minimum.

President Melcher: Okay. Any other questions? Well, we need a motion then to approve the preliminary. This is the preliminary.

Commissioner Kiefer: I guess, I'll make a motion to approve.

Commissioner Abell: Second.

Jeff Mueller: Yeah, I'm sorry, I'm fine with it. Yeah, as far as a preliminary.

Commissioner Kiefer: Yeah, I was just trying to see...I didn't know.

Jeff Mueller: Yeah, I'm sorry. Yeah, I'm fine with it.

Commissioner Kiefer: Okay.

Jeff Mueller: Yeah, my apologies.

President Melcher: He got it out quicker than I was going to ask. That's why I was looking at him.

Jeff Mueller: I'm about two days behind Marsha on a cold, I think.

President Melcher: Okay, do you want to call the roll?

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: I'm going to vote yes because it's a preliminary. Yes.

(Motion approved 3-0)

**Reserve at Hidden Lake: Preliminary Drainage Plan  
(Request to Accept Previously Approved Final Drainage Plan)**

Jeff Mueller: The next issue on the agenda is The Reserve at Hidden Lake. On this Reserve at Hidden Lake, this was actually at one time a condo project that was built off of Jobe's Lane. The work was started. The final drainage plan had been approved. I think there were five buildings built out there. That property went into a bankruptcy and the bank took it over. Over my tenure in 2013 the bank has done a lot of work, going in and fixing the basins up, fixing erosion places, and they've spent a lot of money and they should be, I give them credit for taking a site that needed some work and fixing it up. So, the plan out there now is to switch that to a single home subdivision. Now, one of the things that I wanted to point out, or a couple of things that I wanted to point out, when we had Site Review on Monday, Mr. Morley was there and we threw him for a little bit of a shock in that the APC meeting for this is May 8<sup>th</sup>. We don't have a Drainage Board meeting on April 22<sup>nd</sup> because of the road meeting, and our normal first meeting is Election Day. So, our next meeting is May 13<sup>th</sup>, after the APC meeting. So, they really couldn't go in front of the APC without having a preliminary drainage plan approved. With that said, they have given me most of the contents of a preliminary drainage plan, but also what I want to point out is, it actually had an approved final drainage plan for this project, and a lot of it has already been constructed. So, I feel like between what's already been constructed....and when they're going back through their numbers and fine tuning them, they're going to be very, very small, because it's pretty much, hey, here's what was designed, here's what was built. You know, this might be over a little bit, or this might be a tenth or two tenths high or low, but it's going to meet the criteria. So, as far as I'm concerned we probably have a better preliminary drainage plan than we normally do because of the fact that a lot of it's already been constructed. So, with that in mind, Mr. Morley is here if you would like to make any comments, but, other than that, I would recommend approval, preliminary approval for this.

Jim Morley, Jr.: Jim Morley, Jr., of Morley and Associates, Project Engineer. It's, in essence, the same project that used to be a condo project wherever there would be common ground. Now they found that there's a better market for single family residential, instead of condominiums. So, they're going to split the common ground up into lots, but the number of building sites is, I think, the same. Basically, the road layout is the same, it's 95 percent the same, so, we would seek preliminary drainage approval, which would allow us to continue forward to go to Plan Commission.

Jeff Mueller: I do want to fine tune one thing on that, because myself and Mr. Melcher will be in the Area Plan Committee meeting on Thursday. There will be a request for a cul-de-sac variance on that. I think the cul-de-sac is going to be a little bit longer than what was originally planned, and it's a little longer than code. But, it's essentially, the road is the same, it's just the cul-de-sac is just a hair longer than it was before, but you will be seeing that on Thursday, so, I wanted to point that out to you.

President Melcher: Okay. Any questions? Do you have anything else?

Jim Morley, Jr.: Well, I was going to say the variance itself is required because we're going into a subdivision as condominium project. It didn't fall under the subdivision code, and the subdivision code is what limits the length of a cul-de-sac. So, the cul-

de-sac length is basically the same as it was before, it just didn't qualify as a subdivision because it was a condominium project. That's why now there's a variance needed, while there wasn't one required as a condominium, but, it's pretty normal.

Jeff Mueller: Well, I just wanted to bring that out so we knew what was going on Thursday on that.

Commissioner Kiefer: Jeff, this is, you're not getting complaints from anybody about any changes?

Jeff Mueller: I haven't heard anything. I mean, to be honest with you, when last year they had a couple of dry basins, you couldn't even tell where they were. They were so overgrown. The concrete liners weren't put into place. They were out there last year doing a bunch of work. You can go out there now and you can tell where the dry basins are supposed to be. Not that we do Rule 5, that's John Stoll's office, but it's pretty steep out there. There was a bunch of erosion. A lot of those problems were cleared up, which does affect our basins, because they had to actually clean out a bunch of muck out of the basins. So, from a drainage perspective, they have went back and spent the money to get it to what it was supposed to be all along. Like I said, the plan, the final plan that Jim's going to give me is going to be almost a mirror of what's there now with just a few minor changes. So, I think from a preliminary it should be accepted. I recommend that it be accepted anyway, I'm sorry. Like I said, I think they're, you know, quite a bit of ways into it. So, that's my recommendation.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Abell: Second.

President Melcher: Okay, any other questions? Anybody else? Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

Jim Morley, Jr.: Thank you very much.

<b>Request to Waive Drainage Plan/Retention Requirements: Fehr Sub</b>
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Jeff Mueller: The next issue is a request to waive drainage plan/retention off of a site called Fehr Subdivision. Because this is a three lot, by our code we would normally require them to come in with a drainage plan, and, you know, to do retention. They are requesting, there's a letter in your packet from Mr. Jim Balbach with



Fehrenbacher Cabinets to waive that requirement. Here's what's essentially going on, right here is Fehrenbacher Cabinets. Right here is a big piece of land. What they're essentially doing is they're carving the land up into four pieces. One of them is going to go to an existing lot owner here. One of them to an existing lot owner here. This piece of ground is going to end up remaining with Fehrenbacher, and then a new lot will be created. So, even though it's a quote/unquote three lot subdivision, two of the lots are already there with homes on them, and you're just talking about making those lots bigger. You're only creating essentially a one lot, what I would call a one lot new subdivision. So, really, you know, technically it's a major sub, but, you know, in practice it's a one lot sub, and, therefore, I would recommend their request. They do understand that, for example, Fehrenbacher if they were to do any expansion and they would do over 10,000 square feet of impervious area, they would have to submit a drainage plan for that. But, as far as a subdivision, we're not, we're requesting to have that waived.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Abell: Second.

President Melcher: Thank you. Any questions from anybody? Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

<b>Request to Construct within Drainage Easement: VIP: Lot 8</b>
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President Melcher: Okay, the next one is the request to construct within drainage easement, VIP, Lot 8.

Jeff Mueller: Okay, this is the Vanderburgh Industrial Park. A plan was approved on March 18<sup>th</sup> by the Drainage Board, a revised drainage plan for Lot 8. If you recall, at that time, part of that revised drainage plan was they were going to reconfigure the basin. At that time we said it's fine to do that, and go on ahead and ask for, at that time, permission to construct a foundation only within the drainage easement, until they got the drainage easement, that portion of the drainage easement vacated. I think the issue now is the fact that they're concerned about whether they can get that vacated in a timely manner. So, Matt Wallace is here from, you know, representing VIP, the Vanderburgh Industrial Park, or, I'm sorry, Lot 8, the developer.

Matt Wallace: Hi, I'm Matt Wallace with Bernardin Lochmueller and Associates, 6200 Vogel Road. As Mr. Mueller said, we were here at the previous meeting for drainage plan approval. Essentially we lessened the requirement for detention on Lot 8, we

reduced the size of one basin, thereby we're vacating that portion of the unneeded storm detention at the lake maintenance easement. We're going through that process now. We've submitted all of our letters of request for permission to the public utilities. We've got three of the six back so far. We've got the petition prepared and submitted to the owner, Vanderburgh Industrial Foundation, for signature, and to have that notarized. We have not yet filed the petition, but we're very, very close in getting that. The developer for this property has ordered steel building that will be in some time at the end of the month to early May. Rather than stock piling the building and calling off a crew, they would like to be able to go ahead and begin steel erection while concurrently to us finishing up vacating the easement. We don't see that there's any danger in, the developer knows that they're acting at their own risk, but we feel like the risk is relatively low for anyone to contest that the drainage easement shouldn't be released. Some of the utilities have expressed concern that the they don't have any legal right to that easement anyway, that this was platted as just to protect the detention basin and to prevent anyone from being able to build in it without permission. So, Vectren was saying that they weren't sure if they could provide a letter or not, since they don't have legal claim to it to begin with. Like I said, we're working those details out, but in the meantime it would sure be nice to be able to go ahead and pull a full permit and let them begin to erect the steel.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Abell: Second.

President Melcher: Is this the shell building?

Matt Wallace: Yes. Yes, sir.

President Melcher: Okay. Any other questions? Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

Matt Wallace: Thank you.

<b>Other Business</b>
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President Melcher: Other business?

Jeff Mueller: President Melcher, can I back up for one second? I forgot to tell you all one thing. On Hidden Lake, because of that problem with the meetings, normally you're supposed to notify people of when the drainage plan was going to be

approved, or when it's going to be heard, and it's already April 22<sup>nd</sup>, and, you know, we didn't have the meeting. So, they got with Area Plan Commission, and Area Plan Commission said, you guys can just resubmit certified letters to all the adjoining land owners prior to the final drainage meeting. So, before we do a final drainage plan, those people will be notified, but Area Plan didn't have any problem with that, doing it that way. I neglected to tell you that. I'm sorry. It was on my notes here, and I read right by it.

President Melcher: Okay.

Jeff Mueller: Other business, is that where we're at now?

President Melcher: Uh-huh.

Jeff Mueller: I'm sorry. One is, I'm going backwards here.

President Melcher: Wabash-Erie Canal.

Jeff Mueller: Did I get some slides out of line here? Okay, on Friday, as we're all aware, we had a heavy rainfall that Thursday going into Friday. On actually, it's technically known as Hirsch Ditch, but it's a portion of the canal along Morgan Avenue. Down at the entrance to King's, which would be the first pipe west of Burkhardt Road, when we were out there we saw a lot of trash gathered and a large railroad timber. Couldn't really tell for sure what was going on here, if that pipe was partially plugged or not. I talked to Linda, and Linda said, you know, we could go ahead and do an emergency repair, have someone come out there Saturday, clean that up just in case. We had, Linda was very good about it, she got on the phone, she got three bids, those bids are summarized in an e-mail that's attached to this. The low bid was \$760. They came out Saturday morning and completed....I'm not sure what's going on here, that just shows you some of the blockage. There we go, and got that timber and all that trash out of there. So, this is what it looked like when it was finished. So, we had an emergency repair issue. I'm asking that the one claim that we have to fix this emergency repair, it's \$760, to McCullough, be paid. Like I said, to me, you couldn't hardly drive a truck and an excavator out there for that short of a problem. It was one of those that we just did not, with all the rain we had, we just didn't want to risk something happening out there.

President Melcher: Okay.

Commissioner Kiefer: Jeff, I would like to compliment you, because I think that's good proactive work, you know. If that had not been caught and fixed, you know, it could have caused a lot more problems. So, I appreciate it, and I'm going to make a motion to approve.

Jeff Mueller: Thank you.

Commissioner Abell: Second.

President Melcher: Any other questions? Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

Jeff Mueller: I do have one other thing, it's not on the agenda. Further down on the Canal, in the portion that's actually called the Wabash-Erie Canal, just to the west of Green River Road, there is a down spout that has gotten really, there was some concrete that was makeshift rip rap that went into this channel. Now it's even gotten worse here after the April storms. I've talked to Mr. Harrison, we've got a little bit of an issue because we have two different property owners involved, but as part of, you know, under the duties of the County Surveyor, it's something that we can send a letter out and request them to eliminate that problem within ten days. I've written up some draft letters for Mr. Harrison to look over, but we won't be having a Drainage Board between now, for another five weeks, and what I would like to do is under our, I would just notify you that under my power as Surveyor, I want to notify these owners that we would like to see that concrete cleared out of that channel to keep that water flowing. You know, it's a critical spot in that channel. Right now it's not causing any flooding or anything, but it's definitely slowing water down.

President Melcher: Okay. Any questions?

Commissioner Kiefer: Good idea.

President Melcher: Do you want to make the motion?

Commissioner Kiefer: I'll make a motion to accept that.

Commissioner Abell: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

**Ditch Maintenance Claims**

Jeff Mueller: I've got the one claim that we've already covered, and that's all I have.

**Public Comment**

President Melcher: I don't see any public to have anything to say.

Commissioner Kiefer: I make a motion to adjourn.

Commissioner Abell: Second.

President Melcher: Okay, we're adjourned. Thank you everybody.

(The meeting was adjourned at 6:10 p.m.)

**Those in Attendance:**

Stephen Melcher

Jeff Mueller

Jim Morley, Jr.

Members of Media

Joe Kiefer

Madelyn Grayson

Matt Wallace

Marsha Abell

Justin Shofstall

Others Unidentified

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Stephen Melcher, President**

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**Joe Kiefer, Vice President**

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**Marsha Abell, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
MAY 13, 2014**

The Vanderburgh County Drainage Board met in session this 13<sup>th</sup> day of May, 2014 at 5:42 p.m. in room 301 of the Civic Center Complex with President Stephen Melcher presiding.

**Call to Order**

President Melcher: We'll go ahead and start the Vanderburgh County Drainage Board. It's May 13, 2014. It's about 18 until six.

**Pledge of Allegiance**

President Melcher: If we could all rise for the Pledge. Marsha, would you mind leading us?

(The Pledge of Allegiance was given.)

**Approval of the April 8, 2014 Drainage Board Meeting Minutes**

President Melcher: Okay, Jeff. Oh, we should approve the minutes of the meeting. I'm sorry.

Commissioner Kiefer: I'll make a motion to approve the minutes from the previous meeting.

Commissioner Abell: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

President Melcher: Thank you. Now we can go ahead.

**(Motion approved 3-0)**

**Construction in floodway - certificate of approval  
Maryland Street Bridge**

Jeff Mueller: Okay, the first thing I have, and I did not make a copy of it for your files just in the interest of saving papers, but we have a construction in floodway notification from DNR and it was for the Maryland Street Bridge which the County Commissioners are doing, so I mean it is essentially the work, DNR, and they are just giving you a copy as the County Drainage Board. So I didn't see any reason to copy you guys because, just like I said, they are just letting you guys know that it's okay to do that work as far as DNR is concerned.

**Application to affect regulated drain  
Maidlow at Boonville-New Harmony Road**

Jeff Mueller: The second thing that is in your package is an application to affect

Vanderburgh County regulated drain. As you'll remember this application form we approved last year and what we have is on Maidlow Ditch right where it crosses, where Boonville-New Harmony Road crosses. Currently there is a gas line that's actually connected underneath the bridge. They want to come back and put the gas line underneath the creek. They would be boring from both sides, so they would not be physically affecting the creek itself. They would just be putting the gas line underneath Maidlow, so it's a pretty standard application. I went out and looked at it the other day. I don't have any problems with this and I would recommend approval by the Board for this.

President Melcher: Any questions? Take a motion.

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Melcher: Okay, thank you. You want to call the roll?

Teri Lukeman: Commissioner Abell?

Commissioner Abell: Yes.

Teri Lukeman: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Teri Lukeman: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

<p style="text-align: center;"><b>Letter to Drainage Board</b> <b>Flooding at Carriage House Apartments</b></p>
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Jeff Mueller: Next thing you have in your packet is a letter to the Drainage Board regarding flooding at the Carriage House Apartments. That's the letter from Glick. This letter was received on April 16th and I called them and made an appointment and I met with the folks out there on April 29th. If you'll notice on there they talk about having problems at least twice recently out there. One was in June of 2013. If you'll remember that was one of the heavy rainfalls especially hit the east side and I know their parking lot got hit and they had some cars that actually got flooded out. The second time is this most recent rainfall on April 3rd and April 4th. At that time, if you'll read in there, one of the comments they make is they talked with the increased development in this area of town there they have experienced increased flooding. I went out and met with them and one of the things that I brought up to them is that is really not an issue in this particular case. On the east side we have four ditches that run essentially north to south, Harper Ditch being one of them. Harper Ditch, as you can see here, that particular area right here most of the drainage we are getting from all of the affected areas is farther to the east, so the area around Harper Ditch, and I'll bring it up here on the photo, it's this area right in here, and most of the development, almost all of the development, has been there for well over five to ten years. Now there are some areas that could still be

developed, some farm fields, but the problem with them getting more water, I'm not saying they're not, or they are not having flooding problems, but it's not because of development. After I met with them we discussed a couple of different things that could happen. One thing is that I pointed out to them is you see that little spot right there? This is the flood map and that is their parking lot. So the fact that they were getting flooding on their parking lot in those kinds of storms is not entirely surprising, but there are some things that I believe that they could do which we brought up and they appreciated the suggestions. One of the things that they also suggested is going back up to Harper Ditch...it comes up, starting at the Lloyd Expressway...okay, I'm going to get the mouse working here yet. It starts here. It's an open ditch that turns and at that point it goes under Eastland Place Shoppes, actually goes underneath the Shoe Carnival, goes across the parking lot, comes up through the parking lot of what used to be Abuelos, kind of cuts through the corner of Olive Garden, goes through the parking lot of Macy's and then underneath Vogel Road and up, I think that's Newton Road. So we've got around 3,600 feet of enclosed pipe ditched. Now the area under Eastland Shoppes we have an agreement and it is the Eastland Shoppes' responsibility to maintain that pipe. I've not been able to find the agreement for Eastland Mall because I think that was actually done with the Board of Public Works in Evansville. But the end result is I would assume that they were also responsible for that, but as someone who is, and I brought this up in my drainage report that I gave you all last year, we do have the right to inspect that ditch. One of their concerns at the Carriage House was is that running 100 percent? Do we have some obstructions in the ditch? Is the pipe failing? I don't think so, but is it partially blocked? I don't know. I mean there is a lot of trash and stuff that could have went through that pipe over the years. So one of the questions that the apartment complex brought up was would there be a possibility of inspecting that pipe and in the agreement with Glick on Eastland Shoppes we do have that right to do that. And I wanted to point out just so you know that of the 3,600 feet 800 goes under the Eastland Shoppes, 1,400 under the mall and around 1,400 is under streets. So part of that is under public area and then part of it is under two private areas, but I guess my thought is that we've got a lot of drainage coming through here and if that thing was ever clogged, you know, it could cause some problems. My understanding in talking to Linda is that Bill and Jerry actually canoed it one time underneath there. That's the story anyway, but I would like...I have talked to the City Water & Sewer Department. They use a company called Hydromax, it's located here locally, but they do work all over the place. I talked to Hydromax. They have not given me a formal quote, but they've talked that, you know, we would be looking at \$10,000 to \$12,000 for them to do an inspection. That inspection would entail what they called a PACP software with a video and a report. They say that their general recommendation is stuff like this should be inspected every ten years. To let you know the other question, because I would want to know this too, is the money would come out of the Harper Ditch account which right now we have \$14,000 in there. That account generally generates around \$7,200. If we do three mowings we'll spend \$7,200. If we do less than three mowings we'll do less than \$7,200. So the money would be there. There are a few other things I would like to do on that ditch, but I guess what I am asking of the Board tonight is this something that you would entertain or are you leaning...I mean I would come back with a more formal number if that is something that you would be interested in hearing. Or if it is something that you aren't interested in doing that's kind of what I'm trying...I'm trying to feel you out I guess on that feeling.

Commissioner Abell: What if you find out it's clogged up?

Jeff Mueller: Then we would go to like for example, if it was under Eastland



Shoppes, we would go back to them and say, guys, you have a problem and by contract you have to fix it. You know, it's your responsibility.

Commissioner Abell: Well, I think we ought to do it then.

Commissioner Kiefer: Yeah, I think...Jeff, I think, obviously you must think it could potentially be a situation so I think it might be worth the money. If nothing else then we know that's not the problem and for years to come we'll know what the situation is.

Jeff Mueller: Well and to go on further, you know, Crawford-Brandeis, you know we've got it piped all the way up Burkhardt Road. Of course, it is fairly new, but five or ten years from now we should consider the same thing. I think it's kind of a regular inspection. We've got an awful lot of drainage going through these pipes. We've got an awful lot of real estate out there and I feel like we should have, like I said, let's not overdo it, but every now and then I think we need to poke a camera down there and take a look at them just to make sure that everything is okay. So that's—

Commissioner Kiefer: So that crosses the Shoe Carnival center, former Eastland Place?

Jeff Mueller: It actually goes underneath the Shoe Carnival store.

Commissioner Kiefer: It goes under the store?

Jeff Mueller: It goes underneath the store.

Commissioner Kiefer: That is amazing.

Jeff Mueller: Yes.

Commissioner Kiefer: I didn't know you were allowed to build over the top of things like that.

Jeff Mueller: Well, there are a whole bunch of agreements and a whole bunch of language back and forth that—

Commissioner Kiefer: Yeah. Okay, well I think it's probably worthwhile doing.

Jeff Mueller: I mean, I'll be bringing you back a number. It won't be a quote because it's a service and according to our purchasing people if it's a service and if it's under \$150,000, which it is well under that, we wouldn't have to quote it and I talked to Mike Labitzke in the Water & Sewer and they don't quote it either. Mike did send me a copy of their contract so I've got something to look through. But like I said, I'm just proposing to do it tonight just tell me you got the yellow light or the red light I guess is what I am saying.

President Melcher: I think you've got the green light, by the other two and I'll make it unanimous.

Jeff Mueller: Okay.

President Melcher: Because I think....and what I think this is a prime opportunity for

you maybe and us to start listing these and maybe doing what you're just saying on a ten year thing.

Jeff Mueller: Yes.

President Melcher: If you know this other one is going to be...find out when that ten years is up and schedule it now so we can budget for it.

Jeff Mueller: Yes.

President Melcher: And we can budget for this one ten years from now too.

Jeff Mueller: Yes.

President Melcher: And if there are any others because I know when I was in the city, one department, let's just say the water department....no, the sewer department probably. The sewer department probably had theirs on a five year, they did so many every five. You know, they did it every year, but it was on a five year stint.

Jeff Mueller: Yes.

President Melcher: The other side didn't do it at all, but at least we knew ahead of time what was going to be happening. So I think that is something that we should be doing.

Jeff Mueller: Okay, good.

Joe Harrison: Jeff, I will give you the name of maybe one or two other places you might check with that do the same thing that I have been involved with in matters of the past in Warrick County.

Jeff Mueller: Okay.

Joe Harrison: I don't know if they still do the work, but it might be worth seeing if you can get a better price or not.

Jeff Mueller: Okay.

Joe Harrison: Anyway, I'll get with you.

Jeff Mueller: Okay. Alright. Bear with me for just a minute.

Commissioner Kiefer: So we don't need a motion tonight?

President Melcher: No, he is just going to bring this back to us next month.

<p><b>Regulated drain maintenance Wabash Erie</b></p>
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Jeff Mueller: I've got things in two different...I apologize. I've got one in publisher and one in--

Commissioner Kiefer: Jeff, while you are looking that up have you talked to the

owners, Broadbent Company, about that?

Jeff Mueller: No I had not.

Commissioner Kiefer: Okay.

Jeff Mueller: Two other things is that if you're aware we had a blockage, a partial blockage, on the Wabash Erie Canal and at the last Drainage Board meeting I brought to you letters that we were going to send out to the owners requesting them to clean up that work. That kind of shows you what it looked like before and the problem was this. I want to tell you that I appreciate the folks, I think it is Phillips Edison with Eastland Place did get on this job and got somebody out there right away. Here is the repair work. That's where it was before. If you look down one of the things was before we actually had some water in the pipe, and you can't tell very well from this picture, but the water level, although there is water standing in the ditch, the pipe at Green River Road is actually dry. They lowered that water about a foot and a half or two feet and then they went back and fixed the down drain. That was where it blew out before, so the folks at Phillips Edison jumped right on this after our letter was sent out and I appreciate them doing that work for us as they were supposed to, but you know some people are better than others at their corporate responsibility.

**Regulated drain maintenance  
Rexing Ditch**

Jeff Mueller: The other thing I have on there is the Rexing Ditch. If you'll remember we sent an email out that they were working out on Rexing Ditch and then after the magic rainfall of April 3rd they had a whole bunch of sloughing. This is Rexing looking east, but the problems with it were west and I'll show you some of the sloughs that we had. You can see there and you can see right here the sloughs, and the sloughs were getting so bad that the concern of the farmer was that we're going to have a problem with the ditch clogging so we had, I think we sent you all an email and said that for an extra \$3,728 we could repair that work and that work has been done. That's what that ditch now looks like where those sloughs were before. So the emergency work was taken care of on Rexing Ditch. So that is kind of an update on what we have on a couple of small emergencies, I guess you would say. That's all I've got for the minutes unless someone has got anything else at this time.

**Other Business**

President Melcher: No, is there any other business from any Commissioners?

**Ditch Maintenance Claims**

President Melcher: Have you got any claims?

Jeff Mueller: Not this time. We will have next week.

**Public comment**

President Melcher: Okay, any public comment? Seeing none, I'll take a motion for

adjournment.

Commissioner Kiefer: Move to adjourn.

President Melcher: Is there a second?

Commissioner Abell: Second.

President Melcher: Okay, all in favor say aye.

Commissioners: Aye.

President Melcher: Okay, we are adjourned. Thank you.

(The meeting was adjourned at 5:58 p.m.)

**Those in Attendance:**

Stephen Melcher

Joe Kiefer

Marsha Abell

Jeff Mueller

Teri Lukeman

Others Unidentified

Members of Media

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Stephen Melcher, President**

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**Joe Kiefer, Vice President**

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**Marsha Abell, Member**

(Recorded by Teri Lukeman and transcribed by Charlene Decker)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
MAY 20, 2014**

The Vanderburgh County Drainage Board met in session this 20<sup>th</sup> day of May, 2014 at 5:31 p.m. in room 301 of the Civic Center Complex with President Stephen Melcher presiding.

**Call to Order**

President Melcher: Okay, we'll go ahead and start the Vanderburgh County Drainage Board. It's May 20, 2014. It's about twenty five minutes till six.

**Pledge of Allegiance**

President Melcher: If we could rise for the Pledge. Marsha, would you mind leading us in the Pledge?

(The Pledge of Allegiance was given.)

**Approval of the May 13, 2014 Drainage Board Meeting Minutes**

President Melcher: We need a motion for the approval of the previous minutes.

Commissioner Abell: So moved.

President Melcher: Second. All in favor say aye.

Commissioner Abell: Aye.

President Melcher: Aye.

**(Motion approved 2-0)**

**Final Drainage Plan: Update/Revision: Carrington Meadows, Sec. 4**

President Melcher: Drainage problems on Heinlein Road, Flanders Electric.

Jeff Mueller: Mr. Melcher, I was wondering if we could jump ahead to the drainage plan on Carrington Meadows real fast, just to allow—

President Melcher: No, you're fine, Jeff, wherever you want to go.

Jeff Mueller: Okay. The reason I say that is I think it's going to be a fairly simple issue. The Carrington Meadows that you had the road plans on, the original final drainage plan was submitted in February of 2003 and it was approved February 18, 2003. The current submittal that we have before us is for Section Four. It revises a little bit of the lot layouts from the original plan, which resulted in some changes to some pipes and swales. Therefore, it's actually just a modification to the final drainage plan that was originally submitted and approved. Most of the requirements for the final drainage plan under 13.04.160 and 13.04.165, as well as other sections in the code were actually addressed in the original final drainage plan approval. So, there's just a few changes in some swales, a few pipe size differences and stuff like

that. I would recommend approval of that change. Mr. Meritt here is here representing the developer, if you've got any questions.

President Melcher: Any questions? Anybody in the audience? I would take a motion.

Commissioner Abell: So moved.

President Melcher: Second. Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 2-0)**

<b>Drainage Problems on Heinlein Road: Flanders Electric</b>
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Jeff Mueller: Okay, now if we can go back to Heinlein Road. Mr. Stoll is here with me too to discuss this issue. We've had, Heinlein Road is the first road north of 57. It ties into Baumgart and goes behind the airport property and goes up to Petersburg Road. What you can see here is, this building here is now Flanders Electric. It's the old Shoe Carnival warehouse. This is the ditch along Heinlein Road. It comes all the way up through here. This is the airport property. Last year there was some problems with flooding where water off the airport property went through here and it damaged some businesses back in here with some flooding. The airport has constructed a ditch along here and a dry pond along here, and that's what we're going to kind of discuss a little bit. The next picture, this was in April of this year, this is inside Flanders' building. You can see the water is starting to come in, and you can see a time clock down there on the bottom, and just a little bit later you can see where the whole floor has been soaked. Now, I'll be the first to grant you that the April rain was a big rainfall, but they're having other problems besides just this one issue. In my personal opinion, and, you know, of course, one issue is heavy rains, we've had that all over the place. The Heinlein ditch, even before anything was done out there recently, I would say, in my opinion, has been running at a maximum, without anymore development. I live out there, I drive down that road, so, I kind of know how it is. By the way, anything we do there doesn't benefit me, but I just want to say—

President Melcher: Want to make sure to get that on the record?

Jeff Mueller: I'm a little farther, but anyway, I do want, you know, I have the benefit of making the trip on a regular basis. What we've had out there now, because we've got faster runoff from changes on the airport property, we have a ditch that's a little bit pinched at the parking lot that was partially damaged in the last big rainfall, and we have a poor path to the ditch, in the ditch from the pipe underneath Heinlein Road. The water problems out there, they've affected Flanders, but they've also affected some other businesses. Now, like I said, I live out there, and this picture was taken on May 14, 2014. This was an inch and a half of rain. This wasn't these four and five inch rains we've been having. This is the ditch that's on the west side

of the airport property. The idea was, they wanted to bring this water down to a dry basin. The only problem is, let's see here, there's another picture of it, some of the water comes off of the field, and between that and what's coming down that ditch that you just saw, you've got this amount of water that's just pouring into the Heinlein ditch. That used to kind of run off this property, but now, at least in my professional opinion believe it's accelerated and we've taken a ditch that was at its max and we've accelerated some flow to that point. This is the ditch along Heinlein, like I said, this is after, this is during a one and a half inch storm. This is the Flanders building. This is, again, the ditch that's looking towards the west. We do have a problem with a tight area right there. It's a little bit tight right here, and it's a little bit choked. This is what happened at the Flanders parking lot, the ditch is over here, these are parking spaces right here. So, that ditch is completely overran at that point. Even on that rainfall that we had, once we get past this point, we are able, you can see the pipe's not flowing full. That's difficult to say. But, we do have a constriction in the ditch, and then, like I say, combined with the water coming down. One of the other problems, this is the ditch, this is actually behind the Flanders building, but what's happened is, as that ditch flows and gets full, the water runs behind Flanders and actually gets in their lot and gets in some of their buildings back here. Also, you'll notice that because of the new development at the airport, they haven't seeded yet, and they've got a little bit of muddy water coming down through there. John and I have both been out there, and I don't want to put words in John's mouth, he can come up and beat me or say he agrees with me, but, you know, the solutions to the problem, one is if we can get the airport to slow down their water coming off. We even discussed with them, if you guys are going to put this pipe in, you might want to think about putting a choker in there and trying to choke that water down so that it will back up on your property. Now, airports traditionally don't like standing water because of the issue with the birds and the issue with the planes, which I definitely understand is a safety issue. There is a little bit of ditch repair the county could do as far as some of the rip rap kind of moved during the last major storm, and we could help the choking point a little bit, but the other thing is to try to get the water to the creek, which would be to either add another pipe underneath Heinlein Road or to improve the inlet at Baumgart and Heinlein with a new box. Now, I know, one of the questions is going to be who's dollar is that? I don't have that answer, but I just feel that we should bring this problem before you so that you understand it, and let you know that, first of all....John, what was that, about a couple of weeks ago with the Flanders folks? I mean, they had three or four people in there with us, and they brought a lot of their movies from their cameras, which they don't really show up very well here, but, I mean, this is a company that employs a lot of people and it's an area that's not only them but a few other companies, you know, that's industrialized that prevent, you know, the local jobs, and I just feel like, you know, we've got water problems all over the place that we're trying to solve, but here's one that is definitely a water problem that's towards our businesses. So, I brought it up for you all to look at. If you've got any direction that you would like to add to it. John, do you have anything you want to add to it?

John Stoll: The only thing I would add to what Jeff said would be that we'll try to get a survey of the Baumgart and Heinlein intersection done sometime soon, locate the utilities, and just see what kind of pipe we could fit in underneath the road if we were going to go the route of putting in a new culvert. That's something that, with your approval, we could use Cumulative Bridge Funds. I just don't know what the cost would be for a new culvert, and I don't know what the available balances are in the Bridge Fund, but that's something we'll check into further. Valerie in my office has done some preliminary calculations, and she assumed if there was a 100 year flow coming in, and that flow was all directed through our new pipe, it would require a 54

inch pipe. So, that's a pretty good size pipe. Likewise, it's going to have a pretty good price tag on it, but we'll get some more data on that and let you know.

Commissioner Abell: Mr. Harrison wants to say something.

Joe Harrison, Jr.: Can you get an estimate on what you think the cost for your proposed fix would be so the Commissioners can speak to the airport about either footing the bill or contributing?

John Stoll: Yeah.

Joe Harrison, Jr.: And, what the plan would be.

John Stoll: Well, like Jeff said—

Joe Harrison, Jr.: I understand, but—

John Stoll: — the only two we would have would be a new culvert or to try to realign things right at the intersection, which would require some new pipe in the ditch along Heinlein, a new pretty good size manhole to join the pipes coming down Heinlein with anything coming down Baumgart, but, yeah, we can a try to price those two options and let you know the details.

Joe Harrison, Jr.: Okay.

Commissioner Abell: Well, my opinion of this is, we wouldn't put up with this from a private developer, so, why would we put up with this out of the airport? Because they're another government agency? That's not a good answer.

Jeff Mueller: No, and we've been, we sat back when they sent the information that, you know, the project was done. I sent an e-mail back saying we've got problems guys, you know, it's not, you're system is putting water down on us too fast. We expressed that opinion when they first went with their proposal, and, you know, expressed again—

Commissioner Abell: You can tell them that one of the County Commissioners expressed it without stuttering.

Jeff Mueller: Okay.

President Melcher: Well, I think, you could add two to that, but, basically, if it wasn't doing it before and it's doing it now it has to be them.

Commissioner Abell: Yeah.

President Melcher: They cannot legally do that. You can't do that and run on other people's property. You can't change that.

Jeff Mueller: I mean, what I would like to do, and I don't think you guys are going to tell me no, is we'll give the airport a call tomorrow and tell them that we've met with you all, gave the presentation, and that you all want us to discuss your strong opinions about what you feel that they need to belly up to the bar, for lack of a better term.



President Melcher: They need to develop another plan, you know, maybe more retention or something out there.

Jeff Mueller: Yes.

President Melcher: You know, they need to do something to hold that water for awhile.

Jeff Mueller: Yes. Okay, that's what I had on that. I felt like it was an important issue and thought you all would want to know about it.

<b>Inspection of Harper Ditch Proposal</b>
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President Melcher: Next?

Jeff Mueller: Next is Harper Ditch. If you remember, on the last meeting we had a discussion about inspecting it. We met with Hydromax last Friday. They had given us a quote. The quote came in under the number that I had told you originally, it was the \$10,000 to \$15,000. They came in with \$8,500 now. So, they've lowered the bid. Mr. Harrison, the firm that you gave me, I talked to those folks, they used to do inspection services, but they also do lining. Their business has been so good that they've had to take their inspection people and do all lining. Any camera work they do is solely in support of their lining services. So, they're not doing that business right now. So, Hydromax was the one company that we talked to then, but I do thank you for the information.

Joe Harrison, Jr.: You never know, you might need a liner.

Jeff Mueller: And, I asked them to send me that information for my files so we've got a contact if that comes up. I always like to get an extra piece of paper to put in there. I guess, we've got a quote, this is a service, so it's way under what we're required to do to meet the requirement. So, if you don't have a problem, I don't know if we want to approve this, or do we have Mr. Harrison draw us up a services contract, or how do we want to go about that?

Joe Harrison, Jr.: I don't think you need one, as long as you've got a quote, and you're saying it's for \$8,500?

Jeff Mueller: Yes.

Joe Harrison, Jr.: So, the, if they want to approve that tonight, if they would be willing to go with Hydromax to perform the video inspection, for an amount not to exceed \$8,500, is that—

Jeff Mueller: Yes, and when they do that you can see what they're going to give us, they're going to give us a video, they're going to give us a PDF report. They've told me on the day they do it I can even be sitting on the truck and watch the camera go down the trench, if I would like to.

President Melcher: Okay, I agree. I'll entertain a motion.

Commissioner Abell: So moved.

Commissioner Melcher: Second. Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 2-0)**

Jeff Mueller: Okay.

<p style="text-align: center;"><b>Update on Regulated Drain Maintenance: Barr Creek Tree Removal at Baseline Road &amp; Additional Proposed Work</b></p>
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Jeff Mueller: A couple of updates on drainage ditches. I'm really not going out and trying to spend emergency money, but the day after the last meeting we had another small emergency on Barr Creek at Baseline Road. We had some trees that were about ready to go into Barr Creek, and the concern was not only that they were in the creek blocking it, but if we got a very heavy rain, one of those trees might lodge loose and do some damage to the bridge. We were able to have the trees cut and pulled out for a cost of \$400 to Allen Relleke. So, no big dollars. Like I said, I don't like spending money without your all's approval, but in this particular case we moved forward with it, and, like I said, it was a small dollar, and, hopefully, kept us from damaging any bridges or anything. So, I wanted to make you aware of that. I'll be bringing in the blue sheet on that for you. Okay?

Commissioner Melcher: Okay.

Jeff Mueller: Additional proposed work, the next item on the agenda. There's a sheet, I think I put it in your file, but here, I just wanted to let you know that we have some more, we came through with our normal maintenance activities. You know, that was the mowing and the spreading and that, but we've got some ditches that we need to go and do some cleaning. One of them is Sonntag Stevens, and when we do Sonntag Stevens a couple of things are going to happen there; one is that we'll eliminate some flooding on the entrance road to that subdivision. Also, we've had some drainage complaints over there, and if we can clean out Sonntag Stevens, and I've talked to Vectren and if they'll clean out a ditch that goes from the subdivision to Sonntag Stevens we can help some people out on some flooding. Also, Kolb Ditch we've got some, again, we want to go through the neighborhood and clean out some of those shallow ditches, get some water run, get the ditches functioning a little better, and at the same time alleviate some complaints that we always have when the water starts drying up with mosquitos. So, we have a list of a lot of these small items that we would like to do. I guess, one question that we have for Mr. Harrison is, in view of the smallness of these projects, we do have a number of bidders that we use regularly, we also have some other bidders that have asked us to include them on a list, but do we need to advertise? Or, could we go ahead and just go out and receive bids from all of these folks and then come back and bring them in for you all on advisement and give you a little more detail on what we're doing at that time too.

Joe Harrison, Jr.: Well, I guess, you can do a couple of things, I think you probably ought to get quotes.

Jeff Mueller: Yes, definitely we would do that.

Joe Harrison, Jr.: Secure quotes and you ought to send out a letter to all of the individuals who you would like to bid on the specific items and have them submit them, sealed, I mean, if at all possible—

Jeff Mueller: Yes.

Joe Harrison, Jr.: — to your office prior to the next meeting, or whenever you want to do it.

Jeff Mueller: Yeah, and we'll send them out to everybody that normally does work for us, plus we've had some contractors come in and say, hey, if you've got anything coming up we would like to know about it. So, all of those folks we'd send them out to, you know, try to get as many bids as possible.

Joe Harrison, Jr.: What are the amounts we're talking about, total?

Jeff Mueller: Oh, I don't know, Mr. Harrison, probably on some of these projects \$3.00 to \$5.00 a linear foot. You know, there's a few pipes that we've got some clogging on and some things like that. So, you know, some of these projects are small, it's a couple hundred feet, some of them are as large as, you know, maybe a half a mile. Like I said, we'll come back with the quotes, we'll make sure that we've got money in the bank to do it.

Joe Harrison, Jr.: And, you're going to have several different bidders? From those submitting quotes.

Jeff Mueller: Yes.

Joe Harrison, Jr.: Yeah, I don't have a problem with you doing it that way. I would just seek permission this evening for, to ask for quotes for those particular ditches, and whenever you receive the quotes back, bring them in and they can be opened at that particular meeting.

Jeff Mueller: Okay.

Joe Harrison, Jr.: When would you contemplate receiving the quotes?

Jeff Mueller: I doubt if we'll have them by June 3<sup>rd</sup>.

Joe Harrison, Jr.: Yeah, so it would be the next meeting?

Jeff Mueller: Because we've got some paperwork to do to get ready, and we've got some mailings and stuff.

Joe Harrison, Jr.: So, that would be the 17<sup>th</sup>?

Jeff Mueller: Yes, probably at the earliest.

Joe Harrison, Jr.: Okay.

Jeff Mueller: And we really don't want to be doing this work until it dries up anyway.

Joe Harrison, Jr.: So, the bottom line is you just want permission to send out quotes, and they'll either come in by the 17<sup>th</sup> or in July?

Jeff Mueller: Yes.

Joe Harrison, Jr.: Okay.

President Melcher: Do you have any questions, Marsha?

Commissioner Abell: I don't think so.

Jeff Mueller: I do want to point out one other thing on Sonntag Stevens, we've had some, like I said, we've had some drainage issues with a couple of homeowners, and our ditch runs parallel to the Vectren power lines through there. Now, they've got 68, 138 and I think a 345 line running through there, and even though we have the right to clean our ditches, we have to be careful with those power lines and work with Vectren making sure we either have small equipment in there, because you do tend to have a potential for arcing. You don't have to worry about, when you're talking about high voltage, about touching the line, if you're within 20 or 25 feet, the line can actually arc down on the equipment. So, we're going to need to, I've already gotten in contact with Vectren, we're going to have to work with them, we may even have to, like I said, specify to our contractors that you're going to have to use a really small piece of equipment. That's an issue we're working through.

Joe Harrison, Jr.: Yeah, you might want to get something from Vectren in writing. Maybe they'll describe exactly what they're looking for, and you can include that with your quote.

Jeff Mueller: Right now they're supposed to, yeah, they're supposed to get back to me with the height of things, and then, like I said, then we can specify from there. It's an OSHA requirement, but I had the same thing in the mining industry with industry requirements on these power lines. Like I said, you have a certain amount of distance that you've got to stay away from the bottom line.

Joe Harrison, Jr.: They'll probably want a certificate of insurance, I would think Vectren probably would, and obviously the county—

Jeff Mueller: Okay.

Joe Harrison, Jr.: —for that project, for that one.

Jeff Mueller: Okay, well, we'll get with you and work on that, when that comes up. Then, like I said, Vectren needs to actually dig a small ditch across their property. It's only three or 400 feet long, but that will actually help some drainage on our streets.

President Melcher: So, we need a motion for the additional work on these drainage, on this page?

Jeff Mueller: Yes.

President Melcher: On these ditches.

Commissioner Abell: To get quotes?

President Melcher: Just to get the quotes.

Joe Harrison, Jr.: Just simply to get quotes, right now.

Commissioner Abell: I move to get, I'll make a motion to get the quotes.

President Melcher: I'll second it. All in favor say aye.

Commissioner Abell: Aye.

President Melcher: Aye.

**(Motion approved 2-0)**

Jeff Mueller: Okay.

<b>Ditch Maintenance Claims</b>
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Jeff Mueller: The only thing else I've got is I've got some ditch maintenance claims. There's a summary sheet in your packet. This is mainly for some of the spring mowing, a lot of the spring, total figures of \$18,000 in claims. This is for all of the work that you've previously approved.

President Melcher: Alright, we need a motion to approve.

Commissioner Abell: So moved.

President Melcher: Second. Call the roll please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 2-0)**

President Melcher: That's it?

Jeff Mueller: I have nothing else on mine, no.

<b>Public Comment</b>
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President Melcher: Any public comment? I'll take a motion to adjourn.

Commissioner Abell: So moved.

President Melcher: Second. We're adjourned.

(The meeting was adjourned at 5:52 p.m.)

**Those in Attendance:**

Stephen Melcher	Marsha Abell	Jeff Mueller
Joe Harrison, Jr.	Madelyn Grayson	John Stoll
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Stephen Melcher, President**

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**Marsha Abell, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
JUNE 3, 2014**

The Vanderburgh County Drainage Board met in session this 3<sup>rd</sup> day of June, 2014 at 5:45 p.m. in room 301 of the Civic Center Complex with President Stephen Melcher presiding.

**Call to Order**

President Melcher: Okay, we'll go ahead and start the Vanderburgh County Drainage Board. It's June 3, 2014. It's about twelve minutes till six.

**Pledge of Allegiance**

President Melcher: If you could all stand for the Pledge.

(The Pledge of Allegiance was given.)

President Melcher: Thank you.

**Approval of the May 20, 2014 Drainage Board Meeting Minutes**

President Melcher: We need a motion for approval of the previous minutes.

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: Thank you.

**Drainage Encroachment Agreement: Eun Suk Lee  
10244 Anchor Way**

President Melcher: Next we have the drainage encroachment agreement for Eun Suk Lee, 10244 Anchor Way. Did I pronounce that right?

Jeff Mueller: I was going to say Mr. Lee.

President Melcher: Aww, you were going to cheat.

Jeff Mueller: I know. He's here tonight.

President Melcher: I usually can't pronounce English. Alright.

Jeff Mueller: What we have out here is, this is out at Stone Creek, which is north of Kansas Road. Mr. Lee is requesting to encroach on the easement. He, unfortunately, got started on a patio project and didn't realize that he was within the

drainage easement. The easement is actually all around this lake right here. His patio encroaches approximately right in this area here. This kind of shows a little bit better, and then I'll take you to this drawing, you can kind of see on the drawing his upper patio and that octagonal patio that you had, you can't see what portion is encroaching on that. So, he has placed before us an encroachment agreement. Everything is in order for it. It's just a matter if you all want to approve it or not. I don't have any problems with it. It's around, you know, a retention pond, it's not like it's going to be blocking a potential ditch or anything like that. So, I don't have a problem with it.

President Melcher: So, that's a recommendation?

Jeff Mueller: That's a recommendation, I'm sorry, Mr. Melcher.

President Melcher: That's what we go by.

Jeff Mueller: Okay. I recommend approval.

President Melcher: Okay, any questions/discussion?

Commissioner Abell: I don't have a problem with it either, but I do have a question.

Jeff Mueller: Yes?

Commissioner Abell: Is there a homeowners association out there?

Eun Suk Lee: Yes.

Jeff Mueller: Yes.

Commissioner Abell: Are they okay with this? Or, do they know about it or anything? I know some of those homeowners associations out there have been having problems with their members can't get along.

Eun Suk Lee: Well—

President Melcher: You'll have to state your name for our record.

Eun Suk Lee: Eun Suk Lee, 10244 Anchor Way. You're asking me about the homeowners association?

Commissioner Abell: Have you heard from any of them? Have they said anything to you?

Eun Suk Lee: Not about my particular home, but, I mean, of course, there's always a problem with the homeowners association.

Commissioner Abell: I know, that's why I asked. I mean, I really don't have any problem with it. I'm going to vote for it.

Eun Suk Lee: No, there's nothing in it that says that I cannot build a deck.

Commissioner Abell: Okay.



Eun Suk Lee: Or put a yard barn or anything like that in it.

Commissioner Abell: Okay.

President Melcher: Okay.

Commissioner Abell: I just wanted to make sure we weren't going to step on any toes.

Eun Suk Lee: Okay.

President Melcher: Any other questions?

Commissioner Abell: That's it. Thank you.

Eun Suk Lee: Thank you.

President Melcher: Anybody from the audience? I would entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Melcher: Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

<p><b>Request to Connect to Crawford Brandeis Legal Drain Lochmueller Group</b></p>
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President Melcher: Okay, next, request to connect to Crawford Brandeis legal drain.

Jeff Mueller: Yes, I would like to, I'm going to apologize, I'm going to bring this map forward to show you all, because it's a little bit difficult to handle otherwise.

President Melcher: Just put it in front of Joe.

Jeff Mueller: Okay.

Madelyn Grayson: Make sure he's got his microphone on so we can catch your comments.

Jeff Mueller: I'll go back to the podium.

Madelyn Grayson: I've got a cordless mic too if you need it.

President Melcher: We've got it.

Jeff Mueller: The Crawford Brandeis ditch, the design work on that was done back in, I think it was 19....bear with me, around 1996-'97 time period.

Commissioner Abell: You might have to come up and show us.

Commissioner Kiefer: Here's Morgan, here's Burkhardt.

Jeff Mueller: Okay, so, what we have is, here's Burkhardt Road, and, you know, here would be the Wal-Mart—

Commissioner Abell: Oh, this is the Promenade.

Jeff Mueller: —okay, and this is Promenade. Okay, we've got the double pipes running down through here, and, what it is is that when the study was done for all of this piping, there was a certain amount of flow that was to be allowed to come off these areas, this particular area right here, 157.54 cfs is what was designed to come off of this. So far the Old National Bank building is right here, and Promenade One is right here. I've got those numbers back there, but they're pretty insignificant, and the number, what Promenade Three is going to be doing, their drainage plan will be going through the Board of Public Works, but they do have to come before you for permission to hook up, because it is a regulated drain, but they've got some area up in here, they've got four ponds that they're going to have up here. Those ponds are going to flow this way. A lot of the rest of this area is going to flow over into a large lake over here. So, all we're doing is approving their connection into the Crawford Brandeis Ditch. Okay? If you'll let me go back to my notes for just a second. What we have there is....I'll come up. The William Hirsch, which was the Old National Bank, they were designing 2.47 cfs. The Promenade One, 8.26; the section three request, which is up here is 7.25. So, all in all, 157 cfs was what was designed from this area to go into there, and right now we've got just under 20 cfs. We may not have any more going in there. So, based on that, my recommendation would be to allow them to go ahead and connect to Crawford Brandeis.

President Melcher: Okay.

Commissioner Abell: Okay.

President Melcher: Is there any questions? Marsha do you have a question? Joe?

Commissioner Kiefer: No, good job explaining it.

President Melcher: Okay, anybody from the audience? I would entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Melcher: Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

<b>Other Business</b>
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President Melcher: Is there any other business?

Jeff Mueller: I do have one last item that was added here. It's on the Glynn Gauger Subdivision. It's a small subdivision. That's G-l-y-n-n, G-a-u-g-e-r. Cheryl Smith, in that drainage plan that was approved for them, I don't know, two or three years ago, they were to put a pipe across their front yard in kind of a swale. It was 105 foot of pipe, and it was to be concrete. What they're requesting is that they go ahead and they would continue to put the concrete pipe where their driveway is, but other than that, they would put, instead of 15" reinforced concrete pipe, they would be putting in 15" of...let me get back to that, it's the 15" of the dual wall plastic pipe. I don't have any problem with this. I recommend approval. It is a change of material is all, and our drainage code does require that a change of materials is considered a major change and has to go before the Drainage Board.

President Melcher: Okay, any questions? I would entertain a motion.

Commissioner Abell: So moved.

Commissioner Kiefer: Second.

President Melcher: Okay, roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

That's the only other business?

Jeff Mueller: Yes.

**Ditch Maintenance Claims**

President Melcher: Okay, you got any ditch claims?

Jeff Mueller: Not tonight.

**Public Comment**

President Melcher: There's really nobody for public comment. Anybody else have anything to say?

Commissioner Abell: You know it's going to be a long time before we meet again?

Jeff Mueller: We've got, don't we have a June 17<sup>th</sup> and then it's July–

Commissioner Abell: Oh, that's right, but after that–

Jeff Mueller: Yes, then we have like a four week spell.

Commissioner Abell: I was going to say, then you'll have any claims–

Jeff Mueller: Yes, the claims will be at the next meeting. We do have some, we'll have some by then.

Commissioner Kiefer: Jeff, as always, you do good work.

Jeff Mueller: Well, it does look like it could rain.

President Melcher: Can you hear it yet? Anything else to come before the Drainage Board this evening?

Commissioner Kiefer: Move to adjourn.

Commissioner Abell: Second.

President Melcher: Okay, all in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: We're adjourned.

(The meeting was adjourned at 5:50 p.m.)

**Those in Attendance:**

Stephen Melcher  
Jeff Mueller  
Eun Suk Lee

Joe Kiefer  
Joe Harrison, Jr.  
Others Unidentified

Marsha Abell  
Madelyn Grayson  
Members of Media

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Stephen Melcher, President**

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**Joe Kiefer, Vice President**

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**Marsha Abell, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
JUNE 17, 2014**

The Vanderburgh County Drainage Board met in session this 17<sup>th</sup> day of June, 2014 at 5:24 p.m. in room 301 of the Civic Center Complex with Vice President Joe Kiefer presiding.

**Call to Order**

Commissioner Kiefer: I would like to call to order the Vanderburgh County Drainage Board for June 17, 2014.

**Pledge of Allegiance**

Commissioner Kiefer: Madelyn, would you lead us in the Pledge please?

(The Pledge of Allegiance was given.)

Commissioner Kiefer: Thank you.

**Approval of the June 3, 2014 Drainage Board Meeting Minutes**

Commissioner Kiefer: Is there a motion to approve the previous minutes?

Commissioner Abell: So moved.

Commissioner Kiefer: Second. All in favor say aye.

Commissioner Abell: Aye.

Commissioner Kiefer: Aye.

**(Motion approved 2-0)**

**Permission to Open Bids for the Sonntag Stevens/Vectren  
Silt Dipping Project**

Commissioner Kiefer: Next is the Sonntag Stevens bids. Jeff, I guess, or Linda?

Jeff Mueller: Linda's got them.

Linda Freeman: We would like to open these.

Commissioner Kiefer: Okay, well, then, while you're opening that, we'll move on.

Joe Harrison, Jr.: I'll open them.

Commissioner Kiefer: Yeah.

Jeff Mueller: Commissioner Kiefer, before we move on, I would like to explain what we're doing on this.

Commissioner Kiefer: Okay.

Jeff Mueller: Okay?

Commissioner Kiefer: Yep, that would be good.

Jeff Mueller: I think I need a set of binoculars for this thing. Sonntag Stevens, I'll work at it from here, is a regulated drain that is essentially north of Lynch Road, behind Whirlpool and over Oak Hill. The area that we're interested in right now, or that we're opening some bids to clean the ditch through here. I'm going to bring this up a little bit better. This is the Clover Lawn Subdivision. What we're going to be doing is cleaning this ditch along here, and what that will do is to alleviate some flooding when you first come into the entrance of the subdivision. The other thing we're going to try, what we're going to do is we're going to clean the ditch from here on around. If you see the blue line piece right here, across that blank area, that crosses Vectren property. So, the bids that we're getting, most of them are going to be our portion of it, but the other piece is we're going to request....we've talked to Vectren about would they clean out that portion of the ditch, and, I think, where we are right now is we're going to tell them that here are our bids we got, and this would be your cost to clean that little piece. It shouldn't be that much. The reason that we want to clean this is—

Commissioner Kiefer: Wow!

Jeff Mueller: – if you can see this water right here, this is Blossom Lane. This is to the north. Blossom Lane has got three problems that are causing this problem. One is they're getting an awful lot of water from Burgdolt Road. We believe that part of that is due to some clogged pipes up there. We've been talking to the County Highway about that. The second problem is that there is a private drain in this back yard that may have some problems. The third problem is getting the water away. Right now, the private pipe goes into the ditch under Vectren, it then goes into our regulated drain. I think that that pipe that's in the subdivision is only running at about 50 percent capacity because of that ditch problem. So, we're not going to solve all of these people's problems, but we're going to solve part of it with this work. So, what we are asking tonight, after we open these bids is that when we get them tallied up is that you would give us approval to go ahead and do this work. This work will be paid for out of the Sonntag Stevens Ditch Fund, which, as of today, there's \$47,000 in there. So, we won't have an issue with money on it, okay? So, we're going to have some more drainage ditch projects coming up. Linda's working on those right now, as we talk, but this one we wanted to get done and get going on.

Commissioner Kiefer: Well, that looks pretty serious. It looks like it's much needed.

Jeff Mueller: Yeah.

Commissioner Abell: Do we need to do an approval for them to do this, and then approve the awarding of that? Or, can we just do it all at one time?

Commissioner Kiefer: Or, can we, do we do it under advisement, I thought.

Linda Freeman: Well—

Commissioner Abell: They want to do it tonight.

Linda Freeman: – we want to get it awarded so we can get this, hopefully, accomplished by the end of this month.

Joe Harrison, Jr.: So, we'll read the bids.

Linda Freeman: There's only—

Commissioner Kiefer: Okay.

Linda Freeman: — four of them.

Commissioner Kiefer: Gotcha, okay.

Commissioner Abell: So, we don't have to give you permission to open them and do all of that?

Joe Harrison, Jr.: You already did.

Linda Freeman: You already gave the permission to open them.

Commissioner Abell: Okay, so, all we have to do now is when they come in, approve them?

Joe Harrison, Jr.: Yeah, and then we'll say this is for that project, or it's going to cover that, right?

Commissioner Kiefer: Okay, do you want me to go on and come back to you guys? Or, are you about—

Joe Harrison, Jr.: Yeah, we've just got....go on and keep going.

Commissioner Kiefer: Okay.

<b>Delores Rapp Drainage Petition: Review &amp; Update</b>
------------------------------------------------------------

Commissioner Kiefer: We'll go down to the Delores Rapp drainage petition.

Jeff Mueller: In your packet you'll have a couple of things in there. One is something from Mr. Jeffers, this was his report on an obstruction petition that occurred back in 2011. The other thing you have is some notes, part of the minutes from the August 9, 2011 meeting, which was when the obstruction hearing occurred on this. Mr. Melcher had been a Board Member then, but, I think he was the only one of the three of you that was here. Delores, Mrs. Rapp, is here tonight, and I think that she would like to address you. To kind of just give a quick summary, and then I'll let her talk, then I'll add some more is that, the issue is is that while there was some work done there, she's not convinced that the work, there probably needs to be some more work is her opinion. Since this was a drainage obstruction, it's kind of like, I didn't know exactly how we should do it. I thought since there was an obstruction petition, and the Board made a ruling on it, that it should come back to the Board, versus me just, you know, writing letters or whatever. So, I kind of wanted to do all of this where everybody was involved, but I'll let her talk to you here for a minute, and then I'll come back with some additional information. You'll need to state your name and your address too.

Delores Rapp: (Inaudible comments made away from the microphone.)



Commissioner Kiefer: Thank you.

Delores Rapp: I'm going to give you some pictures here that will show the water very well, if I may. It's about one third of my yard.

Commissioner Kiefer: Do you want a copy?

Joe Harrison, Jr.: Yes.

Commissioner Kiefer: You can give Madelyn a copy too.

Delores Rapp: It's not all the same conditions.

Joe Harrison, Jr.: I'll pass them out, if you want me to.

Commissioner Kiefer: That must be you in the picture.

Delores Rapp: Well, I can't believe it was 2011, and here it is '14, and it's been doing the same thing. It really didn't help at all. I bought my house in 2010. In the closing there was a very small printed note on one of the papers saying that there was a small water problem in the back of the corner, but it's more than a small. I've tried to talk to...this involves two owners now, there was one owner when I moved there, and then his solution was to sell it to another young fella. The first young fella had a dog which entered into it, the second one doesn't. When we were at the first meeting, I thought I would be halfway agreeable and I suggested that if the first owner wanted to cut a place in the fence...the fence is almost six foot tall and it's solid, and it's all around the back yard, over where the water runs to get out of the subdivision. That, I think, well, he did, Mr., the previous Surveyor did work with the first owner. He was out there several times. The opening is a three foot opening, about two and a half feet high. That's not sufficient, because the water is wider than that, it's like ten feet. So, that's, my main thing is, it's just not working and I don't think it's going to unless something drastic is done. If he would remove that fence it would probably take care of it, or at least the back portion of it. The first fella, he just sold it, that was his solution to it. I think that he probably told the new owner, I think that, I don't know if they knew each other or not, but they're the same age and all. I think he probably told him to avoid that crazy lady next door. So, I can't really get him to talk to me at all. He just hides out. So, at this point Mr. Mueller called. I was really glad to hear from him. He had read the records and was on the problem. So, right before he called I signed a contract, I thought, I don't know anything else to do but try to get some dirt brought in. I really think it would just wash away again. So, I'd signed a contract, but they are holding up on it, however, there are some fairly expensive penalties if I don't proceed with this, you know, in a timely manner. So, I'm here tonight to ask you to please solve my problem.

Commissioner Kiefer: Okay, thank you so much for coming tonight and taking time out. Jeff, do you have a recommendation? Or, do you have any—

Jeff Mueller: I have some things I wanted to show you.

Commissioner Kiefer: Okay.

Jeff Mueller: The subdivision in question, it's the North Greens, Phase One. It was platted in September 1993, so the drainage for this was before the 1994 ordinance, which was, from my understanding and going back to Mr. Jeffers' comments, the

reason it was handled through a drainage obstruction petition instead of through a handling of the, or a violation of the drainage plan. What you have in your notes, you know, I've read through these and there's three people involved; Mrs. Rapp, the previous owner was Mr. Goldbach, I believe that's what his name is. The new owner is a Matthew Fister. Then, another person who also spoke at that meeting, and this is all in these notes of 419, which is on the other side, is a Susan Holstein. But, on page eight of the notes you'll see where Commissioner Winnecke said he made a motion that we accept the County Surveyor's recommendation to have the pipe removed from the drainage easement, along with other obstructing materials and objects and the previously open swale be restored in accordance with the original drainage plan. So, what actually was here, my understanding was that there was an eight inch pipe, and then that, what happened was the pipe has been removed and there was some concern about people having dogs and some stuff, so, everybody was trying to get along with everybody out there and try to figure out how to work together, but also to solve the problem. So, there was some discussion about whether the fence could be left or not, and Mr. Jeffers in his comments said he was going to meet with everybody, and I think he did and tried to work some things out. You can see, this is Mrs. Rapp's back property, and you can see the hole on there, and, like I said, they did cut a hole in the fence. There is some metal bars there, you know, which, I think, the idea was to help keep the dogs out, but to keep the flow of water going through. You can see that part of the problem is that if you don't maintain these things, you're still going to get a blockage. That's part of what's happened out there. Then, this is using a long lens, because since I did not think that this was open, I did not go on their property, because, as you're aware of, once we have an obstruction petition and we file it, then the Surveyor has the right to go on the other person's property, but, until that point, I do not feel I have that right. Mr. Harrison is agreeing with me. Anyway, so, I did shoot this picture through the door there of what was going on there. So, what we have is, on the other notes was that Mr. Jeffers did talk about there were some people concerned about well, what if you made us move our fences down, and Mr. Jeffers even made the comment if we did a drainage encroachment agreement, then perhaps you could keep your fence in the drainage easement. I got with Madelyn today, and checked and there has been no drainage easement encroachment filed on this. So, I guess, the question that I have is, we had an order to remove an obstruction. Some of it at least has been done, as Mr. Rapp has told you, she's not completely happy with the solving of the problem. Also, we've got an issue of we've still have a fence that's encroached in the easement. So, my question is, I mean, do we, the folks that this was filed against before, they're not here to give their side of it, but we have an order that's already been issued. I don't know how to legally proceed, or how we want to proceed with this. So, I'm kind of going to rely on Mr. Harrison a little bit for his comments, and then see how you all, what your all's thoughts are about where do we go from here.

Commissioner Kiefer: Joe?

Joe Harrison, Jr.: I was afraid you might say that. Well, the encroachment agreement was not done.

Jeff Mueller: That's correct.

Joe Harrison, Jr.: That was a part of the order?

Jeff Mueller: Well, it wasn't actually part of the order, but Mr. Jeffers said that if you want to leave your fence you really need to do that. So, that's never been done.

Joe Harrison, Jr.: Okay.

Jeff Mueller: There is a 15 foot easement back there, I'm sorry, there's a 15 foot drainage easement back there.

Joe Harrison, Jr.: I understand, but it looks as if that was a consideration of the request by the Commissioners back in '11. Wasn't it?

Jeff Mueller: Well, like I said, you've got the order that was, the order that was voted on is on page eight--

Joe Harrison, Jr.: Yeah.

Jeff Mueller: -- of the minutes.

Joe Harrison, Jr.: Okay.

Jeff Mueller: Then, afterwards there was quite a bit of discussion about, well, how can we get along and try to help everybody out and people were concerned about their fences. This Susan Holstein made a comment about, you know, she was wanting to try to keep her fence up, and Mr. Jeffers made the comment that with an encroachment agreement, you know, that would be a possibility, but, it doesn't look like that part was ever followed through. Then, like I said, Mrs. Rapp's comment is, you know, while I think everybody tried to work with everybody out here, and we did get an eight inch pipe out of there and got a wider opening, her concern is that it's still, she's still getting too much, you know, she's not getting her water through there.

Joe Harrison, Jr.: Now, let me ask you this, on the owners certificate, it is included with the pictures and all of that. Have you looked at that? I guess this runs with the land?

Jeff Mueller: Yes, that's the way I would say it would be, it's a drainage easement.

Joe Harrison, Jr.: Yeah. It says in here, and I assume it would apply to the neighbors property, it runs with the whole subdivision, I'm assuming. But, it does say that "no structures other than such utility facilities or drainage pipes shall be installed within said areas of land and any fence located within said areas of land", I guess they mean drainage easement, "is subject to removal by the Drainage Board or public utility without liability." Do you see that?

Commissioner Kiefer: Well, the picture shows there's a fence clearly across there.

Joe Harrison, Jr.: Right, what I'm asking is, I'm assuming the fence, part of the fence is going across the drainage easement.

Jeff Mueller: Yes.

Delores Rapp: Yes.

Joe Harrison, Jr.: So, they're on record that you can't do that. Right?

Jeff Mueller: Right, and there's another paragraph, Mr. Harrison, on the fact that says, "strips of ground marked as DE (Drainage Easement)--

Joe Harrison, Jr.: Right.

Jeff Mueller: – it goes on to talk about all that, and, again, no fences allowed in the drainage easement without the approval of the Drainage Board.

Joe Harrison, Jr.: Right, and I don't think that was ever done.

Jeff Mueller: No, apparently not.

Delores Rapp: I made the offer to try to be nice.

Joe Harrison, Jr.: Right, I understand. Just to be, for notice and all of that kind of, you know, I just think the only way you're going to rectify the problem is to (Inaudible) the adjoining landowner here for either another obstruction petition or to maybe send an order regarding non-compliance with the first order, and have him appear at this particular Drainage Board, maybe for the next meeting, or some other time in July, maybe the following meeting to give him sufficient notice to hear what he has to say about what he's willing to do, if anything. If not, it may be that there may have to be further action. The bottom line is the original petition she filed, she's still having issues with that same petition, but, I guess, the landowner who lives there now wasn't–

Commissioner Kiefer: The landowner then.

Joe Harrison, Jr.: – the landowner at that time, but it's a subsequent purchaser, and, again, he would still be subject to–

Jeff Mueller: So, Mr. Harrison, would you like me to write a letter saying, you know, that you're, essentially that we're, you know, as far as he's concerned, they're not in compliance with the original order.

Joe Harrison, Jr.: Right.

Jeff Mueller: You know, we talked about it tonight and, you know, you need to either get into the original order or appear before the Board.

Joe Harrison, Jr.: I think he needs to appear before the Board.

Jeff Mueller: Well, I mean, what if he's willing to take the fence down?

Commissioner Kiefer: But he could voluntarily agree to remove the fence, to fix it.

Joe Harrison, Jr.: Oh, sure.

Jeff Mueller: Okay, so, we write that, I'll write something up and you'll look it over, and that's the way we want to handle it? I mean, that's what, I'm just throwing out ideas.

Joe Harrison, Jr.: I think a motion ought to be made by the Board to authorize a letter be sent, and if he has any questions about the letter, he'll need to appear before the Board. How's that?

Commissioner Kiefer: That sounds good.

Commissioner Abell: Well, what are you going to say in the letter? Remove your fence?

Joe Harrison, Jr.: Well, I don't know if we can say that, but I think what has to be done is that he's got to have a plan that has to be approved by the Board to rectify the flooding situation. If it's not something that he can recommend that you can approve, or if he doesn't think it will work, then we're going to have to have a full blown discussion about it, and we may recommend something that he may not want to do and you may have to order it. Don't you agree? I mean, I think you ought to find out what he wants to do, but you're going to recommend what you want to have done in the letter, is that correct?

Jeff Mueller: Well, I think the recommendation would be that, right now it's not working.

Joe Harrison, Jr.: Right.

Commissioner Kiefer: Not working and he needs to comply with the original order.

Commissioner Abell: Yeah, I don't think we want to let him steer this boat.

Joe Harrison, Jr.: Well—

Commissioner Abell: I mean, this is your job, and I think you ought to steer this boat. Tell him what he needs to do.

Jeff Mueller: I mean, that's fine.

Commissioner Abell: Oh, I know you don't mind, but, I mean, I'm just throwing that out, and, actually, I have been to this place. Now, that I've seen the pictures of it, I remember going out there.

Jeff Mueller: Yeah, I think there's some mention about your shoe size.

Commissioner Abell: Yeah, I was out there. I was. You know, as it's well known, I'm also a realtor, and that does run with the land. If he doesn't like it, you know, the title company could talk to him about what they found in the public record, but, he bought a house, it has a drainage requirement, he's in violation of it.

Delores Rapp: I think he probably knew it.

Commissioner Abell: If he doesn't want to do what we recommend that he do, then I think we send him an order and tell him to tear the whole thing down.

Joe Harrison, Jr.: Yeah, I mean, clearly, this Board has the power to have him remove the fence if it's in the drainage easement.

Commissioner Abell: Yeah.

Jeff Mueller: Well, and, like I said, we can say that, you know, it says here, you know, that he has to come before the Board if he would even want to have the right to leave that fence in there, and that hasn't been done. So, I think, we can say that it's obvious things aren't working—

Joe Harrison, Jr.: Right.

Jeff Mueller: – I mean, I can word something. I think I understand the tone of the Board is that you guys have got to do something to fix it. Right now you're really not allowed to have a fence in the easement, you know, there's an obstruction there and you have to solve the problem.

Commissioner Kiefer: Can we put a time limit on it?

Joe Harrison, Jr.: Well, no, I think we have him show up at a hearing.

Commissioner Kiefer: If he–

Jeff Mueller: Well, I think–

Commissioner Kiefer: – agrees–

Commissioner Abell: Yeah, but if he agrees, I would like to see him agree that he's going to have an engineer design it, because, obviously, if it's going to work, it's going to have to be designed by somebody that knows what they're doing, not just cut a hole in a fence and put some bars in it. I could have done that, and I know nothing about it.

Jeff Mueller: Or, if he completely removes the fence though–

Joe Harrison, Jr.: Right, that will take care of it.

Jeff Mueller: — I don't think the engineering design is necessary.

Commissioner Abell: Well, if he completely removes the fence, sure.

Jeff Mueller: I mean, if he takes it out of the easement, I think he's done that.

Commissioner Kiefer: But, short of removing the fence, he needs to be here.

Joe Harrison, Jr.: Right.

Commissioner Abell: Yeah.

Linda Freeman: Out of the easement.

Jeff Mueller: Okay.

Commissioner Kiefer: I mean, out of the easement, the fence out of the easement, yes.

Jeff Mueller: Okay.

Commissioner Abell: Right.

Commissioner Kiefer: Thank you.

Jeff Mueller: Well, then, I'll write a letter, Mr. Harrison will look it over. I mean, we could circulate it to you all too if you had any comments.

Joe Harrison, Jr.: But, if he doesn't want to do it, he needs to be here.

Jeff Mueller: Okay, alright.

Commissioner Kiefer: I think just sending it to Joe to take a look at is sufficient.

Jeff Mueller: Okay, just to Joe?

Commissioner Kiefer: Yeah.

Jeff Mueller: Alright.

Commissioner Kiefer: Okay, so, is there a motion?

Commissioner Abell: We will do something, Mrs. Rapp.

Jeff Mueller: Okay?

Commissioner Abell: Yeah, I move—

Jeff Mueller: Do you have any comments on it?

Delores Rapp: Well, I hope, no, I'm for you being very definite about it.

Jeff Mueller: Okay. Alright.

Commissioner Abell: We're going to help you. We're going to get something done.

Delores Rapp: This has been going on a long time.

Jeff Mueller: And, she's right, as a matter of fact, Mr. Jeffers had a memo in the file and it's like these two homes, it was before you moved in and before even the previous owner. It's like there's been a couple of issues out there, and it's like, I don't know why there seems to be this magic fence at that one property that they want to block the drainage, but anyway, it's got a history to it.

Delores Rapp: When I bought it, at closing, when we were ready to sign, down at the bottom of one paper there was, and I was a realtor too, so, I should have known better, I guess, but, you know, at that point you don't want to do anything but go ahead. It did tell me that there was a small drainage problem.

Commissioner Abell: Well, we would never tell you it's a big one.

Jeff Mueller: We will get a letter out here. It will take a few days for me to—

Commissioner Kiefer: Yeah.

Commissioner Abell: We'll work on it.

Jeff Mueller: — come up with something and Mr. Harrison will get it, but we'll get something out.

Delores Rapp: You don't know how happy I was when he called. I mean, he called me, I didn't call him. So, he is doing his job.

Commissioner Abell: Yeah, he's an okay guy.

Commissioner Kiefer: Thank you, Mrs. Rapp, appreciate that.

Commissioner Abell: I'll move that we move forward with this as outlined.

Commissioner Kiefer: I'll second that.

Jeff Mueller: Okay.

Commissioner Kiefer: Can you do roll call please?

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

**(Motion approved 2-0)**

<b>Reading of Bids for Sonntag Stevens/Vectren Silt Dipping Project</b>
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Commissioner Kiefer: Okay, now we can go back to the Sonntag Stevens bid.

Jeff Mueller: Do you got some bids?

Joe Harrison, Jr.: Yes, and I think I somewhat understand them. There were several bids submitted. What I'll do is kind of go across and read the submissions. Kip A. Staub, LLC submitted a bid in the sum of \$582, five hundred and eighty two dollars, for the Vectren portion, is that correct?

Linda Freeman: Yes.

Joe Harrison, Jr.: Then, the Sonntag Stevens portion is \$7,682.40. So, that total bid is \$8,264.40. That's Kip A. Staub, LLC. The next bid submitted was by Mark Naas Farms, and the Vectren portion is \$421.50. The Sonntag Stevens portion is \$5,563.80, for a total bid of \$5,985.30. The next bidder was O'Risky Excavating, the Vectren portion of the bid is \$1,125.

Commissioner Kiefer: A thousand what?

Joe Harrison, Jr.: One twenty five. \$1,125. The Sonntag Stevens portion of the bid was \$14,850. Then, if you add those two amounts up, you come to a total bid amount of \$15,975, fifteen thousand nine seventy five. The final bid was submitted by Vieira?

Jeff Mueller: Right.

Joe Harrison, Jr.: Brothers Excavating, the Vectren portion was \$300. The Sonntag Stevens portion of the bid is \$5,405.40. So, if you add those two up, the total bid amount is \$5,705.40. Again, five thousand seven oh five forty. They are the low bid



of the four, Vieira Brothers Excavating, total bid \$5,705.40. Does the Surveyor have a recommendation regarding these bids?

Jeff Mueller: Yeah, these are all good companies. They've all done work for us before. With Vieira Brothers being the lowest bid, I would recommend them. I would also like to put, if you decide to go forward with that, that we would also allow Madelyn to stamp the contract and return the three checks, the bid checks of the other three bidders. We would be asking for a completion date of June 30<sup>th</sup>. That would be on the assumption of weather permitting and coordination with Vectren, because we still need to, we've still got to get Vectren's approval to come across their property and get them to pay the \$300 back to us, or get them to pay for it directly, one way or the other. With those things in mind, I would recommend that we move forward with this.

Commissioner Abell: I move that we accept the bid for \$5,705.40.

Commissioner Kiefer: I will second that. Is there further discussion? Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

**(Motion approved 2-0)**

Commissioner Kiefer: Alright, good, we got that accomplished.

<b>Discussion of Fences in Drainage Easements</b>
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Commissioner Kiefer: Alrighty, next is fences in drainage easements discussion. It seems very appropriate.

Jeff Mueller: Yeah, since we had that, I wanted to move on to this a little bit. A lot of the problems that we're getting in drainage, and believe me we've been getting phone calls that you wouldn't believe this year. A lot of the problems are with fences. I've been talking to a couple other folks, Mr. London for one, and some others about, we somehow need to address fences in our drainage easements. Now, I'm not recommending that I just go out with a pad of paper and start writing tickets to everybody, but somehow we've got to get people to realize that there are easements behind their property and you just can't go sticking a fence up and blocking your neighbors drainage. This is going to be my poster child for this. I don't know if you can see that very well, but that stake is a four foot offset stake that says cut .95 feet. Where that's located at is right over here, this is in a subdivision that hasn't been finished yet. The drainage has not been accepted, and right here, this post, set in concrete is where there's supposed to be a one foot cut. People can't wait to put a fence up when they move into a new house. You know, one of our thoughts is, do we do a permitting process or something, but it's something that I think needs to be discussed. Mr. London has put it on the Mayor's agenda of meeting with the SIBA group. I understand that some of the homebuilders are

actually for seeing some kind of a permit, because it's going to help them, you know, with some of the problems that they're experiencing when somebody puts a fence up and it's flooding out a brand new house of theirs. So, not saying that we're going to do anything, but I think we need to start figuring out a way to address the problem. It will make my life easier. It will make the County Engineer's office easier, the city, everybody's easier. I hate over regulation, but I don't know what, we're going to have to do something to solve this problem.

Commissioner Kiefer: Have you talked to these people in particular and said, hey, you're in violation?

Jeff Mueller: No, because it's actually, right now the builder has got a letter of credit sitting on this that he's going to somehow address with these folks.

Commissioner Abell: That's right.

Jeff Mueller: Because before he can get his drainage plan, before he can get his letter of credit released for the drainage, he's going to have to address that ditch, to give us an as built.

Commissioner Kiefer: Yeah, so, good—

Commissioner Abell: They really want those letters of credit.

Commissioner Kiefer: Yeah, well, maybe they will get that fixed then. No, I think you're right, Jeff, and we need to start addressing this, because it just creates problems for neighboring homeowners when this is done.

Jeff Mueller: You know, if we had, and to use another example, we've been trying, the Area Plan has been good about now when people come in on pools sending them over to our office to make sure that the pools aren't in the drainage easement, because, like we said, we don't want another Huang-Huston situation where somebody's spending a lot of dollars just because their pool got past a line it shouldn't have gotten and caused problems. You know, just like Mrs. Rapp tonight, if somebody had came in and said, you know, you can't put that fence within 15 feet of the property line, her problem wouldn't have occurred. So, I think—

Commissioner Kiefer: Well, I know what Vectren would do if there was a fence on their easement—

Jeff Mueller: Right.

Commissioner Kiefer: — it would be gone.

Commissioner Abell: Right.

Commissioner Kiefer: So, we just need to do something and maybe start enforcing some of these a little bit more.

Jeff Mueller: Yeah, but, anyway that's just what's kind of....some of those things are on my plate. Like I said, I don't like to be out there in a vacuum working and you guys hear through the back, what's he doing? So, just that—

**Harper Ditch Inspection Update**

Jeff Mueller: – I only have one other thing then, and that's the Harper Ditch, that's the inspection, you know, with the cameras, we approved that. They're going to start next Tuesday. They'll be behind the Shoe Carnival is where they're starting, so, if you're dying to come in and look in the truck and see what a camera looks like running through a big pipe, they'll be out there. I do plan on being out there, but I wanted to let you know that work is moving forward.

Commissioner Kiefer: Thank you.

Commissioner Abell: How long will that take?

Jeff Mueller: A couple of days.

Commissioner Kiefer: Okay.

**Public Comment**

Commissioner Kiefer: Is there any public comment? None? Okay.

Jeff Mueller: We've got a big crowd tonight.

Commissioner Kiefer: Yeah, well, in that case, I'll ask for a motion to adjourn.

Commissioner Abell: So moved.

Commissioner Kiefer: Second, we are adjourned.

(The meeting was adjourned at 5:56 p.m.)

**Those in Attendance:**

Joe Kiefer  
Joe Harrison, Jr.  
Delores Rapp

Marsha Abell  
Madelyn Grayson  
Others Unidentified

Jeff Mueller  
Linda Freeman  
Members of Media

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Joe Kiefer, Vice President**

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**Marsha Abell, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
JULY 15, 2014**

The Vanderburgh County Drainage Board met in session this 15<sup>th</sup> day of July, 2014 at 6:10 p.m. in room 301 of the Civic Center Complex with President Stephen Melcher presiding.

**Call to Order**

President Melcher: Okay, we'll go ahead and open up the Drainage Board. It's July 15, 2014. It's about ten after six.

**Pledge of Allegiance**

President Melcher: If we could rise for the Pledge.

(The Pledge of Allegiance was given.)

**Approval of the June 17, 2014 Drainage Board Meeting Minutes**

President Melcher: Okay, we need a motion to approve the previous minutes.

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

**Kahre-Hoing Subdivision: Request to Waive Drainage Plan**

President Melcher: Okay, go ahead and go down your list.

Jeff Mueller: Okay, I don't have a whole lot tonight, even though the list looks long. The first thing is the Kahre-Hoing Subdivision, a request to waive drainage. In your packet there's a letter and a small copy of the plat. As the letter explains, there were five tax parcels here, two homes. Essentially, what's being done is that this is being put into a subdivision that will be three lots. Two of the lots have existing homes on it, by our subdivision code, anything with three lots of more requires a drainage plan. However, in the past, we have waived some of these. Since there's already two houses there, I don't think it's right that we, you know, require a drainage plan for two existing homes and one potential one. So, they've asked for a waiver, and I recommend that waiver. It's what we've been doing before. Like I said, we're just waiving it essentially for one lot. You will see in the letter that they sent to you, they do understand that if something would happen where they would build 10,000 square feet, they would still come under the drainage plan at that point, 10,000 square feet of impervious surface, I'm sorry. So, they would still come under the drainage plan at that point. So, my recommendation is to waive the requirement for a drainage plan for this small subdivision.

President Melcher: Any discussion?

Commissioner Kiefer: I make a motion to approve.

Commissioner Abell: Second.

President Melcher: Okay, roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

#### **Delores Rapp Drainage Petition Update**

Jeff Mueller: Next, Delores Rapp drainage petition, the update continued. As you remember, about a month ago Mrs. Rapp was in here and was talking about the problems she was having. It went back to an obstruction petition that she had filed. I wrote a letter, at the recommendation of the Board, requiring that the owner either come in with an engineered plan, or that they remove the fence from the easement. That engineered plan was submitted to me today. Mr. Pfister, who is the neighbor, his dad is an engineer. He's been in to talk to me. He submitted a plan. More importantly, his son went over and talked to Mrs. Rapp. He's done some things on the property. I would like to say, I think the relationship is a lot better between the two neighbors. What they did was, I said, before I would really come to the Drainage Board, I would like for you two parties, now that you've got a plan put together and everything, to talk. Mr. Pfister's dad called me, and he called Mrs. Rapp, they've arranged a meeting for tomorrow night at 7:00. So, what I said is, let's just continue this because it appears like the neighbors are working this problem out, and let's just see what happens from their meeting tomorrow night before we move forward. All I'm saying here is my recommendation here is that we continue it. I'll give you an update next week, or maybe both parties will be in, but we're moving towards a resolution.

President Melcher: That's fine with me.

Jeff Mueller: Okay.

#### **Fences in Drainage Easements Update**

Jeff Mueller: The next thing was, we talked about problems with fences in the easements. We had a meeting, myself, John Stoll, Ron London, the Mayor and the SIBA group about fences in easements. SIBA has the same concerns that we do, and the fact that they get brand new subdivisions out there and before they can even

get their letter of credit released, people have put fences up in it, they understand there's a problem. What the agreement was, was that we would have a meeting with the fence companies to discuss within the same problems with how do we address working something out to keep fences out of the easements. That meeting was going to be held this Friday, but it got postponed. It's now set for August 15<sup>th</sup>. So, we're in discussions with people, and trying to make them aware of the problems with fences in the easements and how can we come to a solution that we can....it will resolve a lot of drainage problems, and also, hopefully, figure out a way that we keep things, keep the water moving, but not damage people's property. So, I just wanted to update you on that.

#### **Harper Ditch Inspection Update**

Jeff Mueller: The next issue is on Harper Ditch. If you'll remember, we hired Hydromax to do an inspection of the ditch. That work is completed. They are going to give us a report, and once they do that I'll be able to get back to you. I was on site when they did part of it, the part under Eastland Shoppes. There's a corrugated metal pipe under there, it's about 35 years old and in amazingly good shape. That was a nice outcome, but I haven't see it from there on over, but it was at least nice to do. Like I said, we're going to have a nice footprint, a nice thing in the file to show here's what it looked like in 2014. So, that when we decide to look at this again, say in four or five years, we'll be able to have something to measure against to see what it looks like. So, when I get that report I'll share that with you.

#### **Other Business**

Jeff Mueller: That's the only thing that I have.

President Melcher: Okay, is there any other business by anybody?

#### **Ditch Maintenance Claims**

President Melcher: You don't have any claims?

Jeff Mueller: No.

#### **Public Comment**

President Melcher: Public comment? No?

Jeff Mueller: It's nice to see Eldon here tonight. I haven't seen him in awhile.

President Melcher: He shook his head. That's why I asked. If there isn't any further business, I'll take a motion to adjourn.

Commissioner Kiefer: I move to adjourn.

Commissioner Abell: Second.

President Melcher: All in favor aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: We're adjourned.

(The meeting was adjourned at 6:15 p.m.)

**Those in Attendance:**

Stephen Melcher

Joe Kiefer

Marsha Abell

Jeff Mueller

Joe Harrison, Jr.

Madelyn Grayson

Others Unidentified

Members of Media

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Stephen Melcher, President**

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**Joe Kiefer, Vice President**

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**Marsha Abell, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
JULY 22, 2014**

The Vanderburgh County Drainage Board met in session this 22<sup>nd</sup> day of July, 2014 at 6:12 p.m. in room 301 of the Civic Center Complex with President Stephen Melcher presiding.

**Call to Order**

President Melcher: Alright, we'll go ahead and start the Vanderburgh County Drainage Board. It's July 22<sup>nd</sup>. It's about twelve after six, it looks like it's twelve after six.

**Pledge of Allegiance**

President Melcher: If everyone would stand for the Pledge.

(The Pledge of Allegiance was given.)

**Approval of the July 15, 2014 Drainage Board Meeting Minutes**

President Melcher: Okay, we need a motion for the minutes.

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: Thank you.

**Carrington Meadows: Section Four: Revised Drainage Plan**

President Melcher: Revised drainage plan for Carrington Meadows, Section Four.

Jeff Mueller: You actually, I brought you a plan for this back in May, and you approved it May 20<sup>th</sup>. Since that time they've kind of adjusted some lots, kind of changed a few things and added a couple of small swales. It's really minor changes that they're doing out there. I would recommend that you approve the revised drainage plan for this.

President Melcher: Any discussion? I need a motion.

Commissioner Abell: So moved.

Commissioner Kiefer: Second.

President Melcher: All in favor say aye.



All Commissioners: Aye.

**(Motion approved 3-0)**

**Paul's Pharmacy: Revised Drainage Plan**

President Melcher: Next.

Jeff Mueller: The revised drainage plan for, I'm going to say Paul's Pharmacy. What this is, I want to make sure I get this right. It's lot two of the Oswald Subdivision of Glenwood Industrial Park, Lot 1, which was a replat of Lot 1. The drainage plan for this was originally submitted in 2006, and a building was built on the site. As far as I know the building was never occupied. Paul's Pharmacy is in the process, or may have acquired this property. When they came before site review we found we didn't have an as-built on site for the drainage. The reason we didn't have an as-built was because the retention was never accomplished. So, they have come back in and requested, they've made some changes to the original drainage plan, and submitted those changes to me. I reviewed those and I don't have any problems with them. Included in your packet there is a letter from Neikirk Engineering. They are requesting two things from the Board, outside of the code. One is, is that there is going to be a dry detention pond that will have a concrete swale in it, but there's also a very shallow ditch that normally requires a concrete swale. This ditch has been there for a while, I don't see any need to put the concrete swale in there. The ditch also has utilities in it, so, I think we would be better off just allowing them not to put the swale, the concrete liner in that small section of swale. The second thing is, is part of the water that they're going to retain is going to be on the parking lot. Our code requires that when you do that, that you have to paint the parking lot a certain area. Normally this is for where you're going to be parking cars, so that when somebody comes to a big mega parking lot and there's some special striping there, they'll know if it starts pouring down rain that their car is at risk. The areas that this is going to be is the driveways, it's not going to be that deep of water. I don't have any problem with recommending that we don't have to do that striping. So, I recommend the plan. I do recommend their two requests.

President Melcher: Okay, is there any discussion about it? Then, a motion to accept it, and with the requests that they have on the striping.

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

**Delores Rapp Obstruction Petition Update**

Jeff Mueller: Delores Rapp drainage petition. Mrs. Rapp met with the neighbor, and they are still working on things. Things are cordial. As I told her, I would prefer that if you two, and as I also told the neighbor, his dad, as long as you two are working,

I would just prefer that you guys work it out together and let's try to keep it away from the Board. So, right now that's where we're at. If things come the other direction, then we'll be back here, but right now they're, everybody seems to be getting along, everybody is trying to solve the problems. So, I hope you don't mind that I don't bring this before you all.

President Melcher: No.

Commissioner Abell: We don't mind.

Jeff Mueller: That's kind of what I thought.

#### **Other Business**

President Melcher: Okay, other business?

Jeff Mueller: Just to let you know that, I'm going to use Pat Seib's wording, our "Tour de Drainage" is tomorrow. Pat Seib, myself and John Stoll will be out looking at our laundry list of problems. Some of them which, you know, you're aware of. So, I just wanted to let you know we're going to be out looking at some things.

President Melcher: All three of you?

Jeff Mueller: Yeah, it's one of those where who's net...it's easier when all three of us are together and we can figure out who's bailiwick it is. Sometimes it's part mine and part theirs and everything else, and, you know, three heads are better than one.

#### **Ditch Maintenance Claims**

President Melcher: Okay, do you have any maintenance claims?

Jeff Mueller: Yeah, I've got a summary sheet for you. There's \$18,398.46. I did want to point out that one of those claims is for the Harper Ditch inspection, which I have, and I've been looking at. The movie is fascinating. I'm thinking about talking to Showplace, we might want to have people come in and pay to see it it's so exciting. No, the inspection went through, I'm still looking at it and looking through the reports. Once we get through it, I'll summarize it and tell you what happened on it.

President Melcher: Are you in the movie?

Jeff Mueller: No, I'm not.

President Melcher: I thought maybe you got to go in it.

Jeff Mueller: Yeah, no, I'm a little claustrophobic when it comes to those kind of things. The other bill that you'll see in there is the special work for Sonntag Stevens, which if you'll recall Blossom Lane there was some flooding issues up there. We haven't solved the problems, but by opening up that ditch it will get rid of the water quicker. So, we have helped that neighborhood somewhat, but there's still some more work to be done there, and that's some of the things we're going to look at tomorrow. But, anyway, there's a request for ditch claims for that amount. Like I said, there's a summary sheet for you there.

President Melcher: Any questions? All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: Thank you.

<b>Public Comment</b>
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President Melcher: Public comment? I guess, that's the Engineer then? Okay, I need a motion to adjourn.

Commissioner Abell: So moved.

Commissioner Kiefer: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: We're adjourned. Thank you very much.

(The meeting was adjourned at 6:18 p.m.)

**Those in Attendance:**

Stephen Melcher

Jeff Mueller

Others Unidentified

Joe Kiefer

Joe Harrison, Jr.

Members of Media

Marsha Abell

Madelyn Grayson

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Stephen Melcher, President**

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**Joe Kiefer, Vice President**

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**Marsha Abell, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
AUGUST 12, 2014**

The Vanderburgh County Drainage Board met in session this 12<sup>th</sup> day of August, 2014 at 5:55 p.m. in room 301 of the Civic Center Complex with President Stephen Melcher presiding.

**Call to Order**

President Melcher: We'll go ahead and call the Vanderburgh County Drainage Board to order. It's about five minutes till six.

**Pledge of Allegiance**

President Melcher: Would you all rise for the Pledge.

(The Pledge of Allegiance was given.)

President Melcher: Thank you.

**Approval of the July 22, 2014 Drainage Board Meeting Minutes**

President Melcher: I need a motion for approval of the minutes.

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: Thank you.

**Proposed Drainage Code Revisions**

President Melcher: You can run it on down now.

Jeff Mueller: Do you want me to fire off?

President Melcher: Yep.

Jeff Mueller: Okay. The first thing on the list is proposed drainage code revisions. I sent you all an e-mail this week, and I know you were probably pretty excited when you opened that one and saw it was about 25 pages. What I've been working on is trying to update, do some updates, some changes, some things to the code. Every time when I think I've got a change made there's something else that comes up, but I've kind of drawn a line in the sand and come up with some proposals. What I'm doing right now with those, if you look on your next page, it kind of gives you a summary of proposed changes. What I'm proposing to do next is I'm circulating those right now with Mr. Stoll, Mr. London of APC and Mr. Schmitt, the City

Engineer, to get their comments back, and then after that we would discuss either with you or I could take them to, I would like to take them to the developers and to the engineering firms and let them, get their comments on some of these proposals before we walk through them with you in detail, to see what issues might be... I mean, some of them are just grammar, some of them are just updates, and then there's a few that, you know, some people may have some qualms with. I would like to vent all of that before we ever brought that up to, you know, to an issue with you all.

President Melcher: So, the 25 pages is condensed to one?

Jeff Mueller: Hopefully not.

President Melcher: Well, I was just asking.

Jeff Mueller: Yeah, and I don't know if you noticed or not, but what I did was I put in the current code, I put in the proposed change, and then I put in a comment on why, you know, I think that change ought to be put in there.

President Melcher: Okay. I do agree with you, you need to hit everybody, you know, hit the builders and everybody.

Jeff Mueller: Yeah, I'm not going to try to do this in a vacuum naturally.

President Melcher: Because if we do, they're all going to be here and then we're going to be negotiating it all right here. So, let's find out first what's needed.

Jeff Mueller: Yes, okay.

<b>Posey County Application for Section 319 Nonpoint Source Mgt. Grant</b>
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Jeff Mueller: Alright, the second thing on the agenda is there's a Posey County application Section 319 for nonsource management grant. That's about a five or six pager in there. We won't be going through that. What I had was, what generated this was that I had a request from Carrie Parmenter, she's the Posey County Soil and Water Conservation District Technician. It's a grant that Posey County is trying to get on Big Creek. They've told us that they're not asking for any money, they might be asking for some donation in kind services, ie: my time or someone else's time, but what it essentially is is a grant for them to have a technician to do education and to work with farmers along Big Creek, I mean, right now it would be in Posey County, for soil and water conservation practices and stuff like that. So, all they're looking for from me specifically would be just a letter, similar to what the Posey County Surveyor wrote. If the Drainage Board also wanted to do that, that would be fine with them. I did talk to Mark Abell of our Soil and Water Conservation District, and he said this is kind of just a standard type grant, you know, where they're trying to get all the support they can from, you know, the written support so that they can get their money to move ahead with this program. I was going to probably write a letter on behalf of the County Surveyor saying I supported it, and if the Drainage Board wants me to draft one, that's fine too, for them. What you have right now with you is just a draft application, but I asked them to submit something to me so that I know what it is they're asking to do. If you want to chew on that one for awhile, or questions.

President Melcher: Any questions? Me neither. Does the attorney have any?

Joe Harrison, Jr.: I don't see a problem with, if you all want to submit a letter on behalf of the Drainage Board, get it drafted and get it signed, if you want to approve that, as well as his recommendation.

President Melcher: No, that's fine. Do you want to, if you could get a draft and get it to Mr. Harrison.

Jeff Mueller: Okay.

President Melcher: Then he could look at it on the legal side of it.

Jeff Mueller: Alrighty.

President Melcher: Then we could do it at our next meeting.

Jeff Mueller: Okay.

<b>Mazzier Subdivision Request to Exempt Retention Requirements</b>
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Jeff Mueller: The next thing is the Mazzier Subdivision, a request for exemption of the retention requirements. One of the things in my proposed code, as a matter of fact, is that we bring an awful lot of these before you, you know, the drainage code provides that any major residential subdivision, which by definition is three lots or more, has to have a drainage plan and retention requirements. A lot of times these three lot major subs are actually only one or two new lots. It's, you know, somebody dividing up ground, and then, you know, maybe creating a lot. In this particular case, there is an existing home there and there will be two new lots created, and they're asking for an exemption to their retention request. We've done these before. It's my recommendation that we would approve this one.

President Melcher: Any questions? Well, I'll need a motion then.

Commissioner Abell: So moved.

Commissioner Kiefer: Second.

President Melcher: Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

President Melcher: Thank you.

**Childers Drainage Easement Encroachment Agreement  
Stonecreek Subdivision: Section 1, Lot 3**

Jeff Mueller: Next is Stonecreek One, Section, Stonecreek, Section One, lot three, a drainage easement encroachment request. The request is for an encroachment within the lake maintenance easement. I went out and looked at that, there is a large easement on there, so what they're proposing on doing, which is shown up here on the photo, is just putting a storage shed. If you can envision a lake, I would have had a picture, but my telephone, my phone went out on me, but if you can envision a lake, it's got quite a bit of large drainage easement area, lake maintenance area around it, and they're wanting to just put a storage shed right behind their house. It's not going to be blocking anything, as far as drainage goes. Stonecreek, Commissioner Abell would probably ask this question, they have a homeowners association, and included with their submittal is a letter from the homeowners association saying they have no problems with this. The homeowner is here tonight. I don't know if you've got any questions for him or not. My recommendation would be to approve this encroachment.

President Melcher: Any questions?

Commissioner Abell: So moved.

Commissioner Kiefer: Second.

President Melcher: Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

Jeff Mueller: Okay.

**Edwards Drainage Easement Encroachment Agreement:  
Windham Estates: Lot 18**

Jeff Mueller: Next is Windham Estates, lot 18, another drainage easement encroachment request. This again is an easement for the lake maintenance encroachment. It would allow, I do have this drawing if I can get it to the next one, I have it right there. This is Windham Estates, which is out off Green River Road. They have a large lake here. The drainage maintenance for the lake goes way up into here. Mr. Denton is here. He's wanting to, he's got an interested home buyer and they want to put a pool on it. When they do that, they're also going to relocate the ditch, actually, when they do relocate that ditch it's going to be a better

relocation, because the way the ditch is going right now through this easement, it's actually cutting into the lake, and it's going to make a nice, better transition through here. I think it's only going to help improve the drainage through there. As far as the lake, it's not going to block anything that's going to be required to do any maintenance to the lake itself. So, my recommendation again would be to approve this encroachment. Mr. Denton and Mr. Combs are here if you've got any questions of the developers out there.

Commissioner Abell: What's he going to encroach? It's not the pool, is it? What's the encroachment? It's not the whole swimming pool?

Jeff Mueller: It's on the lake maintenance. The actual lake maintenance—

Commissioner Abell: Oh, okay.

Jeff Mueller: — goes all the way up through here.

Commissioner Abell: Okay.

Jeff Mueller: Again, you know, when they put these easements together on these lakes, sometimes they put pretty large areas, as we've seen before.

Commissioner Abell: Okay.

President Melcher: And, this lake is part of this property?

Jeff Mueller: Yes. Portions of it are, yes. Do you guys know exactly where your line is?

Donnie Denton: The line goes right out through the lake.

Jeff Mueller: Through the lake.

Chris Combs: Through the lake, exactly.

Donnie Denton: The back side though, they own half of the lake—

Madelyn Grayson: Can you come to the microphone so we can get your comments, and state your name also.

President Melcher: We always have questions on these little lakes.

Donnie Denton: Yes.

President Melcher: Because they always come back to haunt us.

Donnie Denton: Yeah, I'm Donnie Denton, the developer, with Chris Combs here.

President Melcher: Okay.

Donnie Denton: Basically, that lot on that corner wraps the entire back side of the lake all the way to halfway to the lake.

President Melcher: Okay.



Donnie Denton: Half of the lake in the back. So, they're responsible to maintain all of that grass around there. The way they drew the lake maintenance, and Chris and I neither one caught it when we submitted it, is they cut half of the lot, basically they went right through it is what they did. Now, being a cul-de-sac lot, you have to push the house back to be able to get it in there. When you do that, that put the pool into the lake maintenance easement.

President Melcher: Okay.

Donnie Denton: So, we're just proposing that the lake maintenance easement actually follows the lake, instead of cutting halfway across the dry lot.

President Melcher: I understood it better now.

Donnie Denton: Yeah.

Commissioner Abell: Okay.

President Melcher: Any questions? I would entertain a motion.

Commissioner Abell: So moved.

Commissioner Kiefer: Second.

President Melcher: Roll call.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

<p><b>Maidlow Ditch: Application to Affect Regulated Drain: Encroachment Request: Brock Schmitt: 2130 Nuebling Road</b></p>
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Jeff Mueller: Next is an encroachment on Maidlow Ditch by Brock Schmitt at 2130 Nuebling Road. The request here is that Maidlow, as being a regulated drain, we have a 75 foot right-of-way for maintenance on each side of those ditches. What they are requesting is that they want to put a pond in on their property. In the process of putting the pond in, they were wanting to slope out some of the material into our 75 foot. What they're actually going to be doing is 30 feet along the edge of the creek top they won't be doing anything, and after that point they'll be adding a little dirt for a 4:1, eventually adding four feet of material when they get out of the 75 feet. This is not in a floodway. It's very similar to the house right next door, where they've already done this with a pond. I don't see any problem with it. We're going

to be able to maintain the property. I don't have any problems with it. I've been out there to look at it. Like I said, I have no problems and would recommend approval of it.

President Melcher: Okay. Any questions?

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Kiefer: Okay. Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

<p><b>Big Creek Drainage Association: Request for Additional Work: Barr Creek/Mike Martin Property: Tree Cleaning</b></p>
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Jeff Mueller: Next, Big Creek Drainage Association, some additional work on Barr Creek, along the Mike Martin property. Originally Big Creek met with me during the spring and had submitted a proposal that was a little bit more than I wanted to do out there on that property. We were going to actually get into some hefty permitting issues with the Corps of Engineers. What we've done is we've backed off the plan. On Mr. Martin's property there are some trees that are actually into the creek, and some more trees are getting ready to go into the creek. So, what we're actually looking at now is just pulling out some trees in Big, I'm sorry, in Barr Creek, pulling out some trees and doing a little tree cutting along there, and a little minor maintenance, I guess. Big Creek Drainage Association submitted a plan for not to exceed \$4,000 on this project. Eldon Maasberg is here from Big Creek if you have any questions from him, from the Drainage Association. Again, my recommendation would be to approve this work.

President Melcher: Okay, any questions? I would entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Melcher: Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

<b>Fenway Park: Lot 36: 821 Comiskey Court: Encroachment Request</b>
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Jeff Mueller: Next is Fenway Park, lot 36, 821 Comiskey Court. The owners of this lot requested an encroachment on the lake easement originally. Which, when I looked at it, I didn't have a problem, but the problem that I did have with it is that they're proposing to build a pad and a storage building right here. The problem with that is, we have, besides the lake easement, we have a six foot drainage easement on each side of these properties. That 12' easement serves for a pipe that drains from the street to the lake. The pipe is in existence, and the pipe, as you are aware on our subdivision ordinances or on our drainage ordinance, there is a payment of two dollars, the developers are allowed to make a two dollar a foot payment, and then the county would accept the maintenance for those pipes. That is a pipe that would be maintained by the county. So, the owners have requested, like I said, to encroach on this easement. The problem that I have with it, if it was just the lake I wouldn't have had a problem with it, with the pipe being there, I do have a problem with it. The owners are here tonight, I think, I told them if they've got an issue with it, they could address the Drainage Board. There has been some other talk, you know, they've talked about well could we move the easement over, move the pipe over, different things have kind of been brought up, but, you know, my recommendation as the Surveyor is to, I mean, if we're going to allow a concrete pad with a building within about one foot of a pipe that we're going to eventually have to maintain, I don't think that's a good idea. That's just my recommendation. It's your guys' decision on what you want to do with it. I'm sure they may be here to address this.

Commissioner Kiefer: Jeff?

Jeff Mueller: Yes?

Commissioner Kiefer: Could you take your cursor again and point to the screen where you're talking about again?

Jeff Mueller: Yeah, I can't see very good, but there's a six foot drainage easement going up along the property.

Commissioner Kiefer: I see that.

Jeff Mueller: Okay.

Commissioner Abell: Is that the dotted line?

Commissioner Kiefer: Where it says six DE?

Jeff Mueller: Yes.

Commissioner Abell: Okay.

Jeff Mueller: Yes, the six DE. So, with, right, there's a six DE there, and there would be a six DE on the other. So, there would be 12 feet of drainage easement. Right down through the center of that, on the property line, is the pipe that the county is responsible for maintaining. Now, what they're wanting to do is put a, well, they've actually gotten, unfortunately gotten a little ahead of the game, but they have a concrete pad and they want to build a building there. That concrete pad is about four to five feet into that easement. I mean, they've, you know, the question is, well, could we go ahead and allow them to encroach, and then if we ever had to replace the pipe, they would be responsible for the building? I mean, there's all kind of things, I guess, we could talk about doing, it's what the Board would like to investigate. Or, if the other option, is just to say, no, I'm sorry, you're going to have to take your pad off the drainage easement.

Commissioner Abell: Is the pad already there?

Jeff Mueller: Yes.

Commissioner Abell: Well, you know, I'm not a big believer in the forgiveness or permission thing, but, since the pad is already there, my opinion is, if they want to put a little storage building on there with the understanding that if we want it torn up, it's torn up at their expense and moved if we've got to get down there.

Commissioner Kiefer: Jeff, is it going to block, I mean, we've heard story after story of somebody building something on an easement, and then the next thing you know the neighbor has problems with drainage.

Jeff Mueller: No, it's not going to block any drainage. The street drainage is coming through the pipe.

Commissioner Kiefer: Okay.

Commissioner Abell: It's just our getting to our pipe underneath.

Jeff Mueller: It's going to get in our pipe easement. It could be 30 years or 40 years from now before we ever have to get in there, but that's why I say it's your guys' call.

Commissioner Abell: I think Mr. Harrison needs to advise us.

President Melcher: Go ahead.

Joe Harrison, Jr.: Well, the one thing that would have to be done, if they approve it, is that the encroachment agreement would have to, obviously, be recorded. It would run with the land. They would be responsible for, or their successors and assigns would be responsible for moving the concrete slab and the storage barn on top at their own expense whenever—

Commissioner Kiefer: I think that's a good idea to have it recorded that way, so it will come up in title search and will always be known.

Commissioner Abell: They would have to pay the expense of that.

Joe Harrison, Jr.: Oh, yeah, the county's not paying it.

Commissioner Kiefer: Yeah.

Jeff Mueller: Of course, all of our encroachment agreements are recorded.

Joe Harrison, Jr.: They're recorded, but I want to make sure—

Jeff Mueller: We would be adding some additional language to this particular one.

Joe Harrison, Jr.: Yes.

Jeff Mueller: If that's what you all want to do.

Commissioner Kiefer: I would think so. I mean, that's my opinion.

President Melcher: I would think we would want to. I would like to see the language before we vote on it.

Joe Harrison, Jr.: Oh, yeah.

Jeff Mueller: All we're doing tonight, I guess, is I'm feeling you out on it. This is an option.

Joe Harrison, Jr.: It would have to come back.

Jeff Mueller: If you're feeling comfortable enough to do that, then I will proceed in that direction.

President Melcher: I feel comfortable enough to look into it.

Jeff Mueller: Okay.

President Melcher: I'm not saying I'm going to be for or against. Maybe, if there's any cost because of that, they have to pay that cost.

Joe Harrison, Jr.: Sure.

President Melcher: In other words, they might not have to tear it down or move it, but there might be some costs, we can't get a machine in there, so we've got to hand do it. So, that's going to be labor, and somebody ought to pick up that cost.

Commissioner Abell: Yeah.

Joe Harrison, Jr.: Yeah, the county will incur some costs.

President Melcher: Whatever costs the county would pick up above normal would have to be incurred by them.

Jeff Mueller: The property owner is here, I mean, could you come up and address, so you can kind of understand what's being said?

President Melcher: I was going to get them up. So, this works.

Commissioner Abell: Quite frankly, the building isn't going to make a bit of difference one way or the other. The slab's going to be the big expense, and if it's already there, I mean.

Shannon Souder: Hi, my name is Shannon Souder, and I'm the property owner. I'm just requesting that we are allowed to put this building up. We understand what the easements are, and if there's any extra cost we are willing to pay that. There is also an empty lot next to us that we are wishing to purchase and we're starting to make an agreement for that, and our children would be located on that lot. So, anything that we can do, as far as for that lot, building a new house on it, we will push back off to allow extra room on that side. So, we're willing to work with you.

President Melcher: Well, we're just trying not to get any extra costs to the county down the road, because we might not be here then.

Shannon Souder: Yeah.

President Melcher: Because we were already, you might have heard me say we worry about lakes, that's what happens, it's 20 years later and we're here trying to figure out how to solve the problem. So, if you're willing to, I guess, you'll be putting it together and let Harrison look at it, Jeff?

Jeff Mueller: Yeah.

President Melcher: If you're willing to sign off on that, then whatever cost it would be at the time that it ever has to be done, you're liable for it.

Shannon Souder: Yes.

Joe Harrison, Jr.: And would run, obviously, with the land. So, whoever—

Shannon Souder: Uh-huh.

President Melcher: So, if you sold the land, the next person would have to know that.

Shannon Souder: I understand.

President Melcher: Because we've ran into that too. Okay, why don't we just...anybody got anymore questions? Do you have anymore questions?

Shannon Souder: No.

President Melcher: Okay.

Shannon Souder: My intention is to keep the land for as long as I live. So, I hope not to sell it for quite a while.

President Melcher: I understand.

Shannon Souder: Thank you.

President Melcher: Okay, what we'll do is table it tonight, and work up the agreement and bring it back to us whenever it's ready for us to vote on it.

Jeff Mueller: Okay.

Joe Harrison, Jr.: Whenever it's ready. If it's next week or the following meeting.

Jeff Mueller: Yeah, they haven't submitted a formal encroachment agreement yet, because of this issue.

Joe Harrison, Jr.: It may be the following meeting, you know.

President Melcher: Yeah.

Joe Harrison, Jr.: It may be two meetings from now.

Jeff Mueller: It may be two meetings, because I will tell you that our plate is getting pretty full for next week already.

Joe Harrison, Jr.: Maybe they will know more about their progress with the lot next door by then.

Jeff Mueller: Okay.

Jason Baize: We actually have an agreement for that. The only thing that's not there is the actual document for what we need.

Jeff Mueller: You need to...okay, that's fine.

President Melcher: Okay.

Commissioner Kiefer: Okay.

President Melcher: So, I'll just table it.

Jeff Mueller: Okay.

<b>Other Business</b>
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President Melcher: Other business?

Jeff Mueller: The only other thing is, I will tell you, I'm going to try to kind of fill you in on things that are coming, sneak previews or whatever. Just to let you know, next week we will be looking over Schnuck's North. They have submitted a preliminary drainage plan. That's for a subdivision on the northeast corner of Boonville-New Harmony and Highway 41, and, I think, also it's close to a piece of property that's up for rezoning, Mr. Melcher, that we'll be seeing Thursday. There's a house just to the north of that on a rezoning parcel. Just to let you know that's coming up. We've got some other things cooking on a few things that might be good for the county that I've been in some meetings on and we'll be bringing those drainage plans as they come. I don't have a drainage plan on anything else, any other places at this time. That's all I have.

Ditch Maintenance Claims

Jeff Mueller: I have no maintenance claims tonight.

Public Comment

President Melcher: Public comment? Is there anybody from the public? Okay.

Commissioner Kiefer: Move to adjourn.

Commissioner Abell: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Melcher: We're adjourned.

(The meeting was adjourned at 6:17 p.m.)

Those in Attendance:

Stephen Melcher	Joe Kiefer	Marsha Abell
Jeff Mueller	Joe Harrison, Jr.	Madelyn Grayson
Shannon Souder	Jason Baize	Donnie Denton
Chris Combs	Others Unidentified	Members of Media

VANDEBURGH COUNTY  
DRAINAGE BOARD

Stephen Melcher, President

Joe Kiefer, Vice President

Marsha Abell, Member

(Recorded and transcribed by Madelyn Grayson.)



**VANDERBURGH COUNTY  
DRAINAGE BOARD  
AUGUST 19, 2014**

The Vanderburgh County Drainage Board met in session this 19<sup>th</sup> day of August, 2014 at 5:40 p.m. in room 301 of the Civic Center Complex with President Stephen Melcher presiding.

**Call to Order**

President Melcher: Okay, we'll go ahead and start the Vanderburgh County Drainage Board. It's August 19, 2014. It's about twenty minutes till six.

**Pledge of Allegiance**

President Melcher: If we could all rise for the Pledge. Jeff, do you want to lead us in the Pledge?

(The Pledge of Allegiance was given.)

**Approval of the August 12, 2014 Drainage Board Meeting Minutes**

President Melcher: Okay, we need approval of the minutes of the previous meeting.

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: Thank you.

**Fenway Park: Lot 36: 821 Comiskey Court**

President Melcher: You're on.

Jeff Mueller: Okay. The first thing on the agenda was Fenway Park. Those folks were in here last week on a drainage easement, but they have not brought me any paperwork back. So, I guess we are just tabling that one for now.

President Melcher: Okay.

Jeff Mueller: Okay.

President Melcher: Can't move without it.

Jeff Mueller: Nope.

**Schnucks North: Preliminary Drainage Plan**

Jeff Mueller: The next thing is Schnucks North. I have a request for a preliminary drainage plan. This is a portion of an area that was originally platted as Grant Hill Commercial Park North. It is the area north of Boonville-New Harmony Road, in between Old State and 41, to about 900 feet north of Boonville-New Harmony. It includes everything in that area, except for there was one house there on the corner of Old State and Boonville-New Harmony. The subdivision that is going to be proposed is for one large lot and eight smaller lots, including in those eight smaller lots is the existing lot where German American Bank is located right now. One thing, this does not include the parcel that went before the Area Plan Commission. So, when they, and that piece still has to come back to you all, I believe, for a rezoning, but when they do the final drainage plan, they can include that small area in with this. So, they're only asking for a preliminary approval on this so that they can move ahead with the subdivision approval at Area Plan in September. I recommend that we approve the drainage plan.

President Melcher: Any questions? So, I would entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Melcher: Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

**Federal Express Ground: Final Drainage Plan**

Jeff Mueller: Next is Federal, Fed Ex Ground, a final drainage plan. What they've requested is there's a portion of Lot 15, which is just north of the existing Fed Ex parcel out in the V.I.P. Park, for a parking lot expansion on this lot. All they're going to be doing is adding approximately three acres of parking. They've submitted a drainage plan which includes a small detention pond. I've reviewed the plan and I recommend it for approval. This would be for a final drainage plan on this one.

Commissioner Abell: So moved.

Commissioner Kiefer: Second.

President Melcher: Any discussion? Anybody? Call the roll please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

<b>Kinway Park: New Preliminary Drainage Plan</b>
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Jeff Mueller: Okay, next is Kinway Park. This is a residential subdivision that's proposed on Heckel Road, essentially just to the west of the ballfield complex. Originally we had a preliminary approval on this on April 8<sup>th</sup>. Since that time there's been significant changes in the layout of the subdivision, quite a bit of movement in the streets, location of ponds and everything else. So, we recommended that they come in with a new drainage plan. What they're coming in tonight with is a request for approval of a preliminary plan only. This was, one thing that happened on this was last night I received an e-mail, and there's a series of e-mails, and rather than give them to you and read them in reverse, I've given you a packet going from the back part of it to the front, because the e-mails that I have, some of those were requested to be read into the record tonight. What happened was, initially I received an e-mail from Michael Schopmeyer of KDDK. Mr. Schopmeyer represents the Convention and Visitors Bureau, which is the adjoining landowner. His letter was as follows, it says:

"Dear County Drainage Board and Area Plan Commission: We are writing to you on behalf of our client, the Evansville-Vanderburgh County Convention and Visitors Commission Building Corporation ("CVB") regarding the above. The CVB is the owner of the new sports complex currently being constructed on Heckel Road. The CVB received a notice letter as an adjoining landowner on the proposed Subdivision. The notice letter contained a copy of the proposed plat for the Subdivision. In review of the enclosed plat, we have some concerns regarding the proposed drainage of the Subdivision. The outline of the detention pond, which we understand is shown in the notation LMSDE on the Subdivision plat, appears to run in a straight line abutting the CVB's property. It is not clear from the plat the exact location of the detention pond or how the detention pond will be accessed for purposes of maintenance and upkeep. It does not appear that there is ample room surrounding the detention pond for maintenance and mowing. In speaking with Cash Waggner & Associates, Mr. Scott Buedel indicated that revisions to the plat were still ongoing. Additionally, Mr. Buedel has indicated that the drainage of the detention pond will be in the northeast corner of the property which is not shown on the plat and such drainage would directly affect the CVB's property. Further, it appears from the plat the ownership of the detention pond will be in each homeowner's individual name. The CVB would like to

see the detention pond ownership be placed in the name of the Homeowners Association for the Subdivision. The CVB believes that by placing title to the detention pond in the Homeowners Association name, that the detention pond will be better maintained which will directly affect the CVB's property. Given the close proximity to the detention pond to the CVB's property, the CVB would also like to see the installation of a fence along the boundary line of the subdivision and the CVB's property. The CVB would like to coordinate with the Subdivision on the installation of such a fence. Based on the above, we do not believe that this Subdivision plat is ripe for approval by the Drainage Board as the exact outline of the detention pond cannot be seen on the plat. We would respectfully ask the approval of this Subdivision drainage plan be delayed until the engineers for CVB and the Subdivision can meet and an updated and more clearly defined plat can be tendered to the Drainage Board. As such, we would ask for a continuance of the Drainage Board hearing scheduled for tomorrow evening. After review of the above, please let us know if this matter will be continued on the Drainage Board's agenda tomorrow. Additionally, please us hear any comments or concerns."

Jeff Mueller: Now, without going through a whole lot of this, there were some phone calls and letters back, and I would kind of just like to cover what Krista Lockyear covered, because I think it will clear up some things and make this a little bit easier for tonight. These comments were also requested to be put in there. It said:

"Mike, I tried to call to discuss but understand you were in a meeting. Unfortunately, I will be unavailable until around noon, so I wanted to get dialogue moving asap on this matter, as postponing the Drainage Board hearing tonight is very destructive for our client's construction plans. I've spoken with both my client and Scott Buedel regarding the preliminary drainage plan on the agenda for tonight's Drainage Board. While you raise some issues and questions on behalf of your client, CVB, we do not believe any of those are reasons for the Drainage Board to postpone tonight's consideration. Agreement on your points below would not be precluded, or even considered, by the preliminary drainage approval, which is an engineering calculation. We respectfully request that you agree we can address these matters more appropriately through the site review and subdivision approval process. The proposed subdivision plat you have reviewed does not contain the specifics of the drainage plan, because those details are contained within the drainage plan, not the subdivision plat. You are correct that the detention pond will drain in the northeast corner of the property, which is appropriate due to the topography of the land. However, the Drainage Board will require that the detention basin is large enough to hold the increased runoff generated by the development, preventing any negative impact on your client's property. The detention basin will be designed so that sufficient space exists for mowing and maintenance. With regard to the ownership of the detention basin, this matter was also discussed at site review. While the exact ownership is not yet determined, be it formal Homeowners Association or Outlot under other ownership, this is not a matter that must be addressed by the Drainage Board, rather it can be finalized by the subdivision plat. The matter of the fencing along the boundary is also more appropriately a subdivision matter, as it will have no impact on drainage. Our client

would be more than happy to meet with you and discuss these matters. As soon as I'm out of my meeting I'll try to contact you again, but I reiterate that allowing the Drainage Board to move forward with tonight's preliminary approval would be much appreciated, and we can still address the issues you raise."

Jeff Mueller: I agree with most of her comments, by the way, on that. The next point on that, like I said, we're going in reverse order from the e-mail, but forward to you. It said:

"Krista, thanks for your proposal. It sounds like a good plan. What time can we meet next week?"

Jeff Mueller: Now, my only comment to this was, I've got these e-mails, but what's happened? I requested, I said in an e-mail to Mr. Schopmeyer, it says:

"It will be my recommendation to the Drainage Board that the preliminary drainage plan, as submitted, be approved. Do you wish your original correspondence to be submitted as comments to the preliminary plan? In view of the correspondence that has occurred, is the CVB withdrawing its objection to the preliminary drainage plan that is to be heard at tonight's Drainage Board meeting?"

Jeff Mueller: And, finally the response:

"Jeff, we will not appear tonight and will withhold the objections made for now, but would ask that both our letter on behalf of the CVB and Attorney Lockyear's response on the petitioner's behalf be entered into the record."

Jeff Mueller: Which we just did.

"We would ask that before a final plan is approved that we be notified."

Jeff Mueller: So, a lot of reading. The CVB's got some issues with this. I, like I said, agree with Ms. Lockyear's comments that what they've done on their drainage plan meets our criteria for a preliminary plan. I recommend it for approval. I believe one of the developers is here, if you've got any questions, as well as Mr. Meritt from the consulting firm, if you've got any questions on this issue.

Commissioner Kiefer: We're not voting tonight, are we?

Joe Harrison, Jr.: Yeah.

President Melcher: Yeah.

Commissioner Kiefer: Oh, on a preliminary?

President Melcher: Preliminary. Any questions?

Commissioner Abell: I move for approval.

Commissioner Kiefer: The preliminary plan?

Commissioner Abell: For the preliminary plan. I agree with Krista Lockyear's letter also.

Commissioner Kiefer: Even though nobody's here from the other group to...they're not favorable to it. The CVB's not favorable to it, right?

Jeff Mueller: No, no, no, they are okay with moving ahead—

Commissioner Abell: They're okay.

Jeff Mueller: — with the preliminary plan, but they want to meet before the final plan goes through.

Commissioner Kiefer: Oh, okay.

Jeff Mueller: And, they want to be notified of it.

Commissioner Kiefer: Alright, with all of that reading, I was just wanting to make sure.

Jeff Mueller: I understand. I had to read it.

Commissioner Kiefer: Yeah, okay, in that case I'll make the second.

President Melcher: Okay, roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: With all that was said, and since it's a preliminary plan, I'll vote yes.

**(Motion approved 3-0)**

Jeff Mueller: Okay.

<b>Other Business</b>
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President Melcher: Other business?

Jeff Mueller: Just a couple of things. If you remember, last week there was a proposal for me to send a letter in support of, to the Posey County Soil and Water Conservation for a 319 grant application. In your packet I have put together a letter and signed it. Also, I wrote a letter, took the liberty and wrote a letter, and Mr. Harrison has reviewed it. If you all care to send a letter too, there's one prepared for

you all with your signature. You've got a copy of that in your files. I could read it if you want, or however you want to cover that.

Joe Harrison, Jr.: Are you okay with that? If you are, there's a motion.

President Melcher: Yeah, I'm okay. We just need a motion.

Commissioner Kiefer: I'll make a motion.

Commissioner Abell: Second.

President Melcher: Any discussion? Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

<b>Ditch Maintenance Claims</b>
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Jeff Mueller: The only other thing I have is ditch claims. The total amount is \$26,677.46. One of those claims is re-submitted. It was approved at a previous meeting, but we didn't pay it, and now we are paying it.

Commissioner Kiefer: Okay, I'll make a motion to approve the claims.

Commissioner Abell: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: Okay, thank you.

<b>Public Comment</b>
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President Melcher: Any public comment? Anything? I need a motion to adjourn.

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Melcher: We're adjourned. Thank you.

(The meeting was adjourned at 5:53 p.m.)

**Those in Attendance:**

Stephen Melcher

Joe Kiefer

Marsha Abell

Jeff Mueller

Joe Harrison, Jr.

Madelyn Grayson

Others Unidentified

Members of Media

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Stephen Melcher, President**

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**Joe Kiefer, Vice President**

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**Marsha Abell, Member**

(Recorded and transcribed by Madelyn Grayson.)



**VANDERBURGH COUNTY  
DRAINAGE BOARD  
SEPTEMBER 16, 2014**

The Vanderburgh County Drainage Board met in session this 16<sup>th</sup> day of September, 2014 at 5:41 p.m. in room 301 of the Civic Center Complex with Vice President Joe Kiefer presiding.

**Call to Order**

Commissioner Kiefer: I would like to call to order the Vanderburgh County Drainage Board's September 16, 2014 meeting.

**Pledge of Allegiance**

Commissioner Kiefer: I would like to ask Madelyn to lead us in the Pledge.

(The Pledge of Allegiance was given.)

**Approval of the August 19, 2014 Drainage Board Meeting Minutes**

Commissioner Kiefer: Okay, my mic was turned off, now it's on. Is there a motion to approve previous minutes?

Commissioner Abell: So moved.

Commissioner Kiefer: Second. All in favor say aye.

Commissioner Abell: Aye.

Commissioner Kiefer: Aye.

**(Motion approved 2-0)**

**Big Creek: Posey County Form 319  
Drainage Board Support Letter & IDEM Response**

Commissioner Kiefer: Next is the Big Creek, Posey County Form 319 Drainage Board Support Letter/IDEM Response. Mr. Surveyor, if you could.

Jeff Mueller: Yes, if you recall, a couple of weeks ago we did two letters to IDEM for a 319 grant support for Posey County. One of them was from me as the County Surveyor and one of them was from the Drainage Board. IDEM did not like the Drainage Board one, because although it said we supported, the Board supported it, it didn't say anything about any financial or any helping with people or anything else. So, we can do one of two things, we can alter the letter to where it says a commitment of time, money or items in support of the grant, or we can just request to remove it from the list of partners. Now, me, as Surveyor, would still be there. The commitment from me was that, you know, I would, you know, be involved with some time. So, it's up to you all what you want to do with that. You can see there's an e-mail from Carrie Parmenter from Posey County on this issue. So, it's whatever the Board's pleasure is on that.

Commissioner Kiefer: What's your—

Commissioner Abell: I can't believe somebody says they don't like your letter.

Commissioner Kiefer: Yeah.

Jeff Mueller: Essentially, that's what it comes down to, yes, they don't like our letter.

Joe Harrison, Jr.: Well, we're not going to, I don't think the Drainage Board is going to give any money.

Jeff Mueller: Right.

Joe Harrison, Jr.: So, I don't know, I don't think there's much we can do, is there?

Jeff Mueller: My suggestion would be that we just pull the Drainage Board letter.

Joe Harrison, Jr.: Yeah.

Commissioner Kiefer: What was that suggestion?

Jeff Mueller: That we pull the Drainage Board letter.

Joe Harrison, Jr.: Yeah.

Commissioner Kiefer: Okay.

Commissioner Abell: What if the County Commissioners sent a letter?

Joe Harrison, Jr.: I think they want money.

Jeff Mueller: Well, they want something besides just saying we support it. That's why I said for the Drainage Board, for the County Surveyor, I said, you know, I would commit to go to some meetings. That was our commitment, you know.

Joe Harrison, Jr.: I think, I don't think there's anything else we can do.

Jeff Mueller: I don't either.

Joe Harrison, Jr.: So.

Commissioner Kiefer: So, the—

Joe Harrison, Jr.: A motion to withdraw the letter of support. Right?

Jeff Mueller: Yes, that would be my recommendation.

Commissioner Kiefer: Okay.

Commissioner Abell: Move to withdraw.

Commissioner Kiefer: Commissioner Abell moves. I second it. All in favor say aye.

Commissioner Abell: Aye.

Commissioner Kiefer: Aye. None opposed. So, it's withdrawn.

**(Motion approved 2-0)**

Joe Harrison, Jr.: But, I think the Board still supports it, it's just withdrawing the letter.

Jeff Mueller: Yes, that's correct.

<b>Construction in Floodway Permit: USI</b>
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Commissioner Kiefer: Next is the construction in floodway permit, USI.

Jeff Mueller: As you know, the Indiana Department of Natural Resources, we get copied, the Drainage Board does on a number of issues. Anything that's a construction in floodway within Vanderburgh County we receive these. This is one of them. It was a construction in a floodway permit that was granted by the Department of Natural Resources to USI. It looks like they're going to do some road work across a dam. I can't really tell you any more than that, because it's just what is in this description.

Commissioner Abell: I think they're building a building back there by the dam.

Commissioner Kiefer: Okay. So, is there something we need to move on?

Jeff Mueller: No, I'm just providing this because it comes...I'm providing you, anything like that I provide you, the Drainage Board, with that information.

Commissioner Kiefer: Okay. Well, thank you for the information.

<b>Sonntag Stevens: Crossing Permit</b>
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Commissioner Kiefer: Next is the Sonntag Stevens crossing permit.

Jeff Mueller: Yes, Vectren, Sonntag Stevens is the regulated drain, it's north of Lynch Road, runs roughly from Oak Hill over to behind Whirlpool. They're, Vectren is redoing some pipe, gas pipelines. All they're going to be doing is crossing underneath the ditch, they won't be doing anything to the ditch itself. As you're aware, anything that does happen in a regulated drain, they are supposed to get our permission. If you'll recall, last year we came out with a fancy little form. They filled the form out, and they're just asking for approval to work underneath our drain.

Commissioner Kiefer: Okay.

Jeff Mueller: I recommend that we give it to them.

Commissioner Kiefer: Okay.

Commissioner Abell: So moved.

Commissioner Kiefer: Second. Roll call, I mean, all in favor say aye.

Commissioner Abell: Aye.

Commissioner Kiefer: Aye. Opposed none. So, that's approved.

**(Motion approved 2-0)**

**Windham Estates: Drainage Plan Change**

Commissioner Kiefer: Next is the Windham Estates drainage plan change.

Jeff Mueller: Yes, on this, if you recall, a meeting or two ago we actually did a little bit of a modification, and you actually gave them an encroachment agreement, and that allowed them to temporarily move a ditch. What they're wanting to do is they are going to actually request to vacate that so it will be permanently taken care of, and to actually move the ditch over to where the easement is. It's a real simple process....let's see here if I can get this—

Commissioner Abell: Is Windham on the east or the west side of Green River Road?

Jeff Mueller: It would be, Windham Estates would be on the west side.

Commissioner Abell: The west side? Okay.

Jeff Mueller: Yeah. Again, this is the lake, the folks are going to build a pool, we allowed them to encroach with it, but what we're doing tonight is approving that the ditch would actually get moved over here, and that they're also going to be filing a vacation. Where we allowed them to encroach before, they're going to actually file a vacation, so that will be permanently taken care of. So, all it is is a small ditch move. No biggie. I recommend it. Actually, it will be better where the ditch is moved to than where it is right now. So, I recommend we allow them to move their ditch.

Commissioner Kiefer: Okay. Good enough for me. Is there a motion to approve?

Commissioner Abell: So moved.

Commissioner Kiefer: Second.

Commissioner Kiefer: All in favor say aye.

Commissioner Abell: Aye.

Commissioner Kiefer: Aye. Opposed there are none. So, that's approved.

**(Motion approved 2-0)**

**Harper Ditch Video Inspection**

Commissioner Kiefer: Next is the Harper Ditch video inspection.

Jeff Mueller: Yeah, I won't show you any live video tonight. I did look through all 3,600 feet of video. People were amazed that I was awake in my office when this was going on. Fairly exciting, but if you recall Harper starts at the Lloyd Expressway, comes up and makes a turn, it goes underneath Eastland Shoppes, underneath Green River Road, underneath the Macy's parking lot—

Commissioner Abell: Oh, yeah.

Jeff Mueller: – and then underneath Newton Avenue.

Commissioner Abell: You didn't canoe that?

Jeff Mueller: I'm sorry?

Commissioner Abell: You didn't get in a canoe and go through that?

Jeff Mueller: No.

Commissioner Abell: You didn't?

Jeff Mueller: No. So, I just want to show you a few still pictures from this, so that you can kind of see what was done. This is not one of our jail cells right there. That is a trash rack. That's where the Harper Ditch comes in right behind Eastland Shoppes. This gives you a feel, this is underneath the Eastland Shoppes. This is a 35 year old pipe. As you can see, it's in very good condition, which is really surprising for a pipe this age, which made me feel much better about things.

Commissioner Abell: But not good enough to get in it?

Commissioner Kiefer: I just, I just thought that this was things you only saw in big cities, like New York or Chicago or something.

Jeff Mueller: Yeah. This is the tie in at Green River Road. Right here the pipe switches and it actually goes to a rectangular culvert. So, at this point right here this would be the eastern edge of Green River Road. One of the issues they brought up, which is to me not a major issue, but because it is a round pipe and the rectangular culvert is so much bigger, we have a little bit of deposits of material here. It's really I think going to affect the flow, because what you actually have is you've got a larger pipe and that's where things are going to settle out. But, as you can see, the overall cross sectional area of the pipe, it's much bigger here, we still have that cross sectional area, so it's not an issue.

Commissioner Abell: That looks enormous.

Jeff Mueller: Yes.

Commissioner Kiefer: No Lochness Monster down there?

Jeff Mueller: No.

Commissioner Kiefer: Or growing—

Commissioner Abell: How big is it?

Jeff Mueller: You could stand in this. I can't remember the dimensions of it.

Commissioner Abell: You would know if you'd gone down there.

Commissioner Kiefer: It's like a cave, you may not find your way out.

Jeff Mueller: Okay. Let the record show that I didn't comment on that. A few of the things they showed, there is a slight deformation near one of the manholes in the

Macy's parking lot. This looks bad in a still picture, but when you see it on the movie, really nothing there. It's really minor. Small joint separation, again, you could barely see it. Another small joint separation. Sorry here. Near Vogel, just a little bit, the coating is coming off. Again, another location, this is underneath Vogel Road itself. Small deformation again underneath Vogel Road. Under Newton Avenue there's a little bit of infiltration. This is where it exits at the Wabash-Erie Canal. So, the pipe's in very good shape. We've got this on file. I think when we talked about this before we thought, you know, we'll probably do this every five years. So, we'll put it in the report to do it. We may look at doing some other pipes again next year, but just wanted to let you know that--

Commissioner Kiefer: Who's responsible for the repair, if there was repair needed?

Jeff Mueller: I was scared you were going to ask that question. We're still researching part of that.

Commissioner Kiefer: Oh, okay.

Jeff Mueller: The portion under Eastland Shoppes, is Eastland's responsibility. It's in a contract with them. Mr. Harrison has been looking at some paperwork I provided him on some other areas.

Commissioner Kiefer: Okay, thank you. Alright, well, thank you very much for that. It was good to see that.

#### **Other Business**

Commissioner Kiefer: Is there any other business?

Jeff Mueller: No.

#### **Ditch Maintenance Claims**

Jeff Mueller: No claims tonight.

Commissioner Kiefer: Okay.

#### **Public Comment**

Commissioner Kiefer: Is there public comment? I don't even see any public out there, so, other than John.

Jeff Mueller: John's probably wishing he saw the movie.

Commissioner Kiefer: Is there a motion to adjourn?

Commissioner Abell: So moved.

Commissioner Kiefer: We are adjourned.

(The meeting was adjourned at 5:52 p.m.)

**Those in Attendance:**

Joe Kiefer	Marsha Abell	Jeff Mueller
Joe Harrison, Jr.	Madelyn Grayson	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Joe Kiefer, Vice President**

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**Marsha Abell, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
SEPTEMBER 23, 2014**

The Vanderburgh County Drainage Board met in session this 23<sup>rd</sup> day of September, 2014 at 5:54 p.m. in room 301 of the Civic Center Complex with Vice President Joe Kiefer presiding.

**Call to Order**

Commissioner Kiefer: I would like to call to order the Vanderburgh County Drainage Board agenda for September 23, 2014.

**Pledge of Allegiance**

Commissioner Kiefer: I would like to have Sheriff Dave Wedding, since it's his birthday, to lead us in the Pledge of Allegiance. Happy birthday, by the way.

(The Pledge of Allegiance was given.)

Commissioner Kiefer: Dave, I won't ask you how old you are. I'll just leave that—

Commissioner Abell: I will.

Dave Wedding: 55.

Commissioner Kiefer: I'm sorry to, you know, digress there for a minute.

Jeff Mueller: No, I just wanted to make note that I spent my birthday at the Board of Zoning Appeals. So, don't say the county officials don't know how to celebrate birthdays.

Commissioner Kiefer: I know. I can see how exciting the Sheriff's birthday is sitting here at a Drainage Board meeting.

**Approval of the September 16, 2014 Drainage Board Meeting Minutes**

Commissioner Kiefer: Okay, approval of the previous minutes.

Commissioner Abell: So moved.

Commissioner Kiefer: Second. All in favor say aye.

Commissioner Abell: Aye.

Commissioner Kiefer: Aye.

**(Motion approved 2-0)**

**Construction in Floodway Permit: Little Pigeon Creek**

Commissioner Kiefer: Next is the construction in floodway permit, Little Pigeon Creek.



Jeff Mueller: Okay, as you're aware, the construction, anything that's required as far as construction in a floodway requires a DNR permit. As the Drainage Board anything that comes before them we are copied on. So, as always, I bring these to you so that they can be a matter of record. This particular one is to allow for certain stream and wetland work as part of the remediation of lost wetlands and streams in the Enclave Subdivision off of Felstead Road. Like I said, the Drainage Board is copied on this so that I'm providing it with you for the matter of record. This remediation site is actually over off of the orchard, the area over in the orchard, but, anyway, I just wanted to let you know that's what's going on with this. No action required or anything, it's just a matter for your files.

Commissioner Kiefer: Okay, thank you. Any questions? Thanks for the update on that.

<p style="text-align: center;"><b>Fenway Park, Lot 36: 821 Comiskey Park Souder Drainage Easement Encroachment Agreement</b></p>
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Commissioner Kiefer: Next is the Fenway Park, Lot 36.

Jeff Mueller: This is a carry over from the August 12, 2014 meeting. At that time there was a request brought before the Drainage Board for approval to construct a storage barn on a drainage easement. The Board agreed to allow the encroachment pending the agreement to be developed with certain language regarding the encroachment. The action on 8/12 was tabled pending development of the required language of the agreement that would be, that would meet the Drainage Board's concerns. That language has been submitted. Mr. Harrison, I believe, also looked over the language and didn't have any problems with it. So, at this time, we would be requesting that you would approve that drainage encroachment agreement.

Commissioner Kiefer: Okay, thank you. Is there a motion to approve?

Commissioner Abell: So moved.

Commissioner Kiefer: Second. Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

**(Motion approved 2-0)**

Commissioner Kiefer: Thank you.

<p style="text-align: center;"><b>Fieldstone Subdivision: Preliminary Drainage Plan</b></p>
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Commissioner Kiefer: Next is the Fieldstone preliminary drainage plan.

Jeff Mueller: Fieldstone is a proposed subdivision located right off Oak Hill Road, north of Heckel and south of Millersburg Road. The preliminary plan has been

submitted and it met the requirements of the Drainage Board code. Therefore it's been presented for your approval. I do believe there might be some remonstrators here for that. I'm not sure.

Unidentified: Yes.

Jeff Mueller: There are? Okay, I wanted to make sure just before we—

Unidentified: Okay.

Jeff Mueller: — moved through with business as usual. To be honest with you, I hadn't had any contact with these folks or anything, but, you know Cash Waggner was required to send out notices. So, I'm assuming they're here because those notices were received.

Commissioner Kiefer: Is, Jeff, I think I may be abstaining from this vote, because I believe this is the property Jim and Jackie Johnston own and are selling. I believe that is, I mean, it looks like it.

Jeff Mueller: I believe you're correct. It's the ground, the access to it is by a 50 foot right-of-way off of Oak Hill Road.

Commissioner Kiefer: Yeah, and I'm representing the Johnston's—

Jeff Mueller: Okay.

Commissioner Kiefer: — in their real estate transaction. So, I'm going to abstain and not vote on this, and with only one other Commissioner here, we'll need to postpone this until Commissioner Melcher is here.

Jeff Mueller: Okay. Do we want to go ahead and hear what folks have to say?

Commissioner Kiefer: Sure, I mean, I think people—

Jeff Mueller: I would like to too, because I haven't heard anything.

Commissioner Kiefer: People have come here tonight, they, you know, have spent time here waiting, they deserve to speak.

Jeff Mueller: No, I agree. Like I said, I hadn't heard any comments.

Commissioner Abell: I agree that we should, but we might want to make sure that they know to come back when Mr. Melcher can hear it too.

Commissioner Kiefer: Right.

Jeff Mueller: Also, I would like to make one other comment for you all. My office is located down the hall. You're welcome to come in and look at the plans and everything and ask questions or anything. So, I don't know if we're going to be spreading plans out here tonight, but if you all would like, I'll give you contact information for that, but feel free to address the Commissioners, okay.

Mark Riley: Maybe that might help us, to not waste everybody else's time. We're a couple of residents who—

Madelyn Grayson: Can you state your name for the record please.

Mark Riley: My name is Mark Riley, 7601 Oak Hill Road. I live right on the north side of Hessman Avenue, which has normally just been a driveway, or actually a gravel road, per se, that we have really maintained ourselves throughout the years. But, with the flood ground behind us and the raising of the dirt on that field to build the subdivision, we're just curious as far as the water flow and flooding and elevation with our properties.

Commissioner Abell: Could you show us on the map where this is?

Commissioner Kiefer: Yeah, it's right there.

Commissioner Abell: Where is the Hessman? Where is the little road he is talking about?

Mark Riley: Here's Oak Hill—

Commissioner Abell: Yeah.

Mark Riley: — and there's a driveway off of Oak Hill into this subdivision.

Joe Harrison, Jr.: It's a curb cut, right? Is that a curb cut off Oak Hill, essentially?

Jeff Mueller: It's just a—

Joe Harrison, Jr.: It's a road that was never extended?

Jeff Mueller: Right, well, I think it was a road that never really, I mean, Oak Hill is right here, a 50 foot strip between these two properties. So, it doesn't actually exist as a road right now.

Mark Riley: And we've been the ones paying the gravel and maintaining the property, which isn't really the issue here.

Joe Harrison, Jr.: Can you—

Commissioner Abell: Yeah, you need to be at the microphone.

Mark Riley: A lot of what we're here for tonight is just information seeking, as far as the elevation, how is everything going to affect us. I just now got my notice today. I know it was mailed Thursday, I believe, as certified, but I wasn't there to sign it and I didn't get it till today. So, this is just all new information and we're just wanting to do our due diligence, as property owners.

Commissioner Kiefer: Thank you. I think what we need to do is probably have somebody....is there anybody here representing Fieldstone?

Jeff Mueller: I know the engineer was not able to meet tonight.

Commissioner Kiefer: Okay.

Jeff Mueller: But, I don't, yeah, there's nobody here from the developer.

Commissioner Kiefer: Okay.

Commissioner Abell: Is everybody that's here to address it just have some questions about it?

Unidentified: A comment. Comments.

Mark Riley: This is the other neighbor.

Commissioner Abell: Okay.

Joe Harrison, Jr.: Jeff, is this the only entrance to that proposed subdivision?

Jeff Mueller: Yes.

Joe Harrison, Jr.: Okay.

Mark Riley: Yeah, previously there was an entrance off of Millersburg, for the farmers access there was a culvert there, but, however, when they redirected Millersburg they did away with that second entrance. We do have a major ingress/egress question on this subdivision, which probably should be Planning Commission maybe, instead of you guys. I'm not for sure of the procedure. How we're going to get a hundred and some cars in and out of there in front of the school and a blind hill, plus school busses. Right now it's dangerous for, I'm the only one that really goes down that driveway right now, and it's tough for me sometimes, it's three or four minutes.

Commissioner Abell: What is your address again? I'm trying to look this up on Google Earth so I can get an idea of what it looks like.

Mark Riley: 7601 Oak Hill Road. I can show you on the map.

Commissioner Abell: I want to look it up on Google Earth. It's 7601 Oak Hill Road?

Mark Riley: Yes.

Joe Harrison, Jr.: Jeff, is there an entrance into that site off Voight Road, or not?

Commissioner Kiefer: That comes in off the back side? It looks like--

David Smith: The entrance comes in off of Oak Hill Road.

Jeff Mueller: According to Mr. Stoll, he wasn't sure if Voight Road had right-of-way all the way up to that site or not.

Joe Harrison, Jr.: Okay.

Jeff Mueller: Is that right, John?

John Stoll: Correct.

Jeff Mueller: Yeah.

Commissioner Abell: Okay.

Madelyn Grayson: Sir, can you state your name for the record before you make your comments?

Jeff Mueller: You need to state your name and address.

David Smith: Oh, David Smith, that's 7515 Oak Hill Road. I'm just across Hessman Avenue from Mark Riley here. We're both on corners there of Hessman Avenue. Did you find it? It should be on the left of the map there.

Commissioner Abell: We're looking at (Inaudible. Microphone not on.)

Mark Riley: Oh, that's fine. I think it's (Inaudible. Not at microphone.)

Commissioner Abell: It's easier to look at on Google Earth and get an idea of what I'm actually looking for.

(Discussion off microphone.)

John Stoll: It was in regard to easements up on Millersburg, and I'm not aware of any, but I spoke to Mr. Riley earlier today and there's not mandate in the subdivision code that you could force someone to acquire off site easements to extend the road across someone else's property. That was the issue I was explaining earlier.

Commissioner Abell: Okay.

Commissioner Kiefer: Mr. Smith, I know you had comments.

David Smith: Yes, I verify what Mark Riley says, we're concerned about congestion with 49 houses proposed back there, and out of one street on to Oak Hill Road. It's, the neighbor is, across the street is Oak Hill School, and those, of a morning there's a tendency for the school busses and the people dropping off their children to school backs up quite a distance towards town. Then anybody trying to come out of Hessman Avenue, which would be about 7:30 of a morning, was going to have to cross quite a bit of traffic coming in from the south, and with the mix of school busses and cars we can foresee a problem. We think there's going to be a real problem there. Therefore, at the least we would like to see some other exit. I think it's already been indicated either Millersburg or Voight Road would be possible exits. It just seems if that could possibly be done now, rather than after we have trouble, several accidents. It makes more sense to put that in the planning now than later. Just, this is my own opinion, that 15 or 20 or 25 houses were in there rather than 49, there would be a lot less congestion. I think it could handle that many without major problems, but we feel like with 49 houses in there, coming out of that one little street...and by the way, when I say turn to the left there, looking towards town, there's a hill there that obstructs the view, and only you can view to the left is only about 200 feet. Therefore, the people coming over the hill are going to see that right at the last minute. That's, I know this is a Drainage Board, but that's our primary concern, and then too the fact that there's just a lot of houses in there on, in that small area coming out of a street on to, a side street on a very busy road.

Joe Harrison, Jr.: Jeff, when is this set to go to Area Plan?

Mark Riley: The 9<sup>th</sup>, at 5:30.

Joe Harrison, Jr.: Or, was set.

Jeff Mueller: It would be that second Thursday of October.

Joe Harrison, Jr.: Okay. So, it was set to go then, but it's not going to be able to go without—

Jeff Mueller: Preliminary drainage approval.

Joe Harrison, Jr.: — preliminary, yeah.

Jeff Mueller: That's correct.

Joe Harrison, Jr.: So, that will be later on. Yeah, those issues you're raising about traffic are really Area Plan Commission.

David Smith: Yes.

Joe Harrison, Jr.: You understand that?

David Smith: I understand that.

Joe Harrison, Jr.: But, without approval from this Body for preliminary drainage approval, it really can't go to Area Plan.

Mark Riley: When is the next meeting that, when is the next Drainage Board meeting?

Jeff Mueller: It would, okay, the Area Plan meets once a month on the second Thursday. So, if, this is the last Drainage Board meeting before the October meeting, so, therefore, without approval tonight it will, it would be pushed back to the November Area Plan meeting—

Joe Harrison, Jr.: Yeah.

Jeff Mueller: — and there would be two Drainage Board meetings prior to that meeting in October in which the preliminary drainage plan can be approved. But, it will have to have preliminary drainage plan approval before it can go to Area Plan.

Mark Riley: Okay, and that date would be...or would we be re-notified? Or can you tell us now?

Jeff Mueller: The next Drainage Board meeting?

Madelyn Grayson: The next Drainage Board meeting is October 14<sup>th</sup>.

Mark Riley: Okay.

Madelyn Grayson: Then the second Thursday in November is November 13<sup>th</sup>.

Joe Harrison, Jr.: There's also going to be a Commissioner meeting, a Drainage Board meeting the—

Madelyn Grayson: October 28<sup>th</sup>.

Joe Harrison, Jr.: The 28<sup>th</sup>, because we don't know when Commissioner Melcher will return.

Mark Riley: So, how will we know if we should be here?

Joe Harrison, Jr.: I would stay in contact with Mr. Mueller.

Jeff Mueller: Why don't you, you have your contact, do you have your name and address so we can contact you? Madelyn's got that information, if you signed in.

Mark Riley: I did. My number is on there as well.

Joe Harrison, Jr.: Is that okay?

Mark Riley: Yeah, and then that way we don't waste a trip.

Joe Harrison, Jr.: Sure, and he might be able to help address some other issues you might have.

Jeff Mueller: But, again, remember that this meeting is for drainage only.

Mark Riley: Right.

Jeff Mueller: I would be happy to explain to you the drainage plan submittal, so that you understand that. I mean, we can meet sometime either at my office, or maybe the developer would want to meet with you. There's any number of alternatives, but we can do that, but, you know, just keep in mind that the goal of this is only to discuss the drainage in the site, okay.

Mark Riley: (Inaudible. Not at microphone.) until it comes back for another drainage meeting.

David Smith: Do you have the two dates in October?

Pat Smith: I would like to know your office, where is your office?

David Smith: Will that be after this meeting? You just had the County Council meeting, Commissioners meeting, would that be just right after?

Joe Harrison, Jr.: Yes, same, exactly the same, it follows the County Commissioner meeting.

Commissioner Kiefer: Okay, thank you very much. We do appreciate when people come to these meetings. That will just be tabled then until the next Drainage Board meeting.

Joe Harrison, Jr.: Whenever Mr. Melcher's here.

Commissioner Kiefer: Or, when Commissioner Melcher returns.

**Creekside Meadows: Section Four: Preliminary Drainage Plan**

Commissioner Kiefer: Next is the Creekside Meadow, Section Four preliminary drainage plan.

Jeff Mueller: Bare with me for one second, okay, Creekside, this is actually Section Four of the Creekside Subdivision, preliminary drainage plan. This is actually just a fine tuning of the previously submitted overall plan for Creekside Meadows. The preliminary plan meets the county drainage code requirements and is being presented for your approval. This will allow the preliminary plat to move forward on this. I recommend it for approval.

Commissioner Kiefer: You're recommending approval?

Jeff Mueller: Yes, sir.

Commissioner Kiefer: Okay.

Commissioner Abell: So moved.

Commissioner Kiefer: Second. Is there any other discussion or public comment? Then, roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

**(Motion approved 2-0)**

**Ditch Maintenance Claims**

Commissioner Kiefer: Next, is there any other business?

Jeff Mueller: I've got ditch claims.

Commissioner Kiefer: Ditch maintenance claims.

Jeff Mueller: Yes.

Commissioner Kiefer: Okay, good deal.

Jeff Mueller: I have claims totaling \$6,648.45. Included in that is an 85 percent claim for \$340. We had to clear a couple trees on Barr Creek that wasn't part of the original submittals back in the spring. I also wanted to let you know that we received a \$300 check from Vectren, which was payment for the amount of work done on their property that tied a drain from Blossom Lane in the Cloverlawn Subdivision to Sonntag Stevens. We've done part of a clean out of the Sonntag Stevens drains this summer. What that did was, I didn't bring but we had some pictures of some flooding on that street, we cleaned out Sonntag Stevens and there was a ditch going across



Vectren's property. By doing that, that got some water to drain off that street, and Vectren not only allowed us to do the work, but they paid for the work. So, I appreciate them coming through and giving us the check, as they promised. Hopefully, it helped a little bit out there, there's some other problems, but at least we got rid of some water.

Commissioner Kiefer: Yeah, that's a good deal.

Jeff Mueller: So, I've got these claims if you want to do a motion for approval.

Commissioner Kiefer: Okay, I'll move for a motion to approve.

Commissioner Abell: So moved.

Commissioner Kiefer: Second. I looked, they were on the last page here, so, roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

**(Motion approved 2-0)**

Commissioner Kiefer: Alrighty.

<b>Public Comment</b>
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Commissioner Kiefer: Any public comment? Then I'll ask for a motion to adjourn.

Commissioner Abell: So moved.

Commissioner Kiefer: Second. We are adjourned.

(The meeting was adjourned at 6:15 p.m.)

**Those in Attendance:**

Joe Kiefer  
Joe Harrison, Jr.  
David Smith  
Pat Smith

Marsha Abell  
Madelyn Grayson  
Dave Wedding  
Others Unidentified

Jeff Mueller  
Mark Riley  
John Stoll  
Members of Media

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Joe Kiefer, Vice President**

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**Marsha Abell, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
OCTOBER 14, 2014**

The Vanderburgh County Drainage Board met in session this 14<sup>th</sup> day of October, 2014 at 5:58 p.m. in room 301 of the Civic Center Complex with President Stephen Melcher presiding.

<b>Call to Order</b>
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President Melcher: Okay, this is the Vanderburgh County Drainage Board agenda of October 14, 2014. It's 6:00 and we're in room 601, 301, excuse me.

<b>Attendance Roll Call</b>
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President Melcher: Would you mind calling the roll.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Here.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: President Melcher?

President Melcher: Here.

<b>Pledge of Allegiance</b>
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President Melcher: If we could rise for the Pledge. Joe, would you mind leading us?

(The Pledge of Allegiance was given.)

<b>Approval of the September 23, 2014 Drainage Board Meeting Minutes</b>
--------------------------------------------------------------------------

President Melcher: We need a motion for the previous minutes.

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Melcher: Okay, roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: I'll have to abstain, because I wasn't here for that meeting.

**(Motion approved 2-0. Commissioner Melcher abstained.)**

<b>Fieldstone Subdivision: Preliminary Drainage Plan</b>
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President Melcher: Alright, next is the Fieldstone preliminary drainage plan, continued from September 23, 2014.

Jeff Mueller: First of all, welcome back, Mr. Melcher, glad to have you. This is continued from the meeting on September 23<sup>rd</sup>. At that time there were four remonstrators. One of the issues was just more of an understanding of the drainage plan in more detail. One was the location of a single entrance off of Oak Hill Road, which as we explained to the remonstrators was not part of the drainage issues. Since the meeting on September 25<sup>th</sup><sup>1</sup>, I had a meeting with four of the remonstrators and went over the drainage plan. One of those remonstrators was Mr. Riley. I called him yesterday, he said he had no problems with the drainage plan as it was presented. The second remonstrator was a Janet Madden. I called her yesterday too, she said she didn't have any problems with the plan, but she may come to the meeting. I don't believe....she's not here. The third and fourth remonstrators were Mr. and Mrs., it's David and Pat Smith. They're here tonight. After that meeting, I also had a visit with Mr. William Berchler, and I believe Mr. Berchler is here, isn't he? Oh, he's not, okay. He was actually in Ashton Park, and his concerns were more about flood water and water coming into the retention pond than it was about the drainage plan from this particular subdivision. One other person that we had was, today David Vaupel, I hope I pronounced that right.

David Vaupel: That's right.

Jeff Mueller: He's here tonight, and I don't know if he...I explained the drainage plan to him, and I don't know if he's got any comments or questions about it that he would like to address to the Board. Do you have any issues, Mr. Vaupel, that you would like to talk about?

David Vaupel: No, I was just questioning—

Jeff Mueller: You need to step to the microphone, please.

Madelyn Grayson: Please state your name also.

David Vaupel: David Vaupel. I live in Ashton Park Subdivision, which is an adjoining property to this proposed subdivision. We have a small retaining pond there and a small ditch that receives water coming to the east side of Oak Hill Road. It comes off of Oak Hill Road and comes down that ditch behind our property. That ditch occasionally overflows with a real heavy rain into our retaining pond in Ashton Park. The main retaining lake in our subdivision also drains into our retaining pond of the four properties; 19, 20, 21 and 22, I believe, are the lots on Dellwood Court in Ashton Park Subdivision. My main concern was to find out where they intend to take all the

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<sup>1</sup>Should be September 23<sup>rd</sup>

water off of their subdivision draining, I guess, south from the southern most lots of the subdivision toward our property on to Dellwood Court. That was my main concern.

Jeff Mueller: Are you fine with the answers then that you got from that?

David Vaupel: Yeah, I appreciate the help.

Jeff Mueller: Okay, alright.

David Vaupel: Thank you.

Commissioner Abell: You're okay with what Mr. Mueller explained then?

David Vaupel: Yes, Ma'am.

Commissioner Abell: Okay.

Jeff Mueller: Okay, so, with that in mind, I don't have anything else. So, I would recommend approval of this, it's for the preliminary drainage plan of Fieldstone.

President Melcher: Okay, is there anybody in the audience that would like to address this Board again?

Jeff Mueller: Oh, I'm sorry, did you want to....I apologize, I forgot Mr. Smith was out here.

President Melcher: Well, I remembered you said they were here.

Jeff Mueller: Yeah, thank you. I'm sorry.

David Smith: My name is David Smith. I don't know whether you people, any of you have a map.

Jeff Mueller: No.

David Smith: Oh, okay. The entrance to that subdivision is Hessman Avenue, and I live right beside of it to the south there. I have lived there, my wife and I, for 50 years. Probably nobody is more familiar with it.

President Melcher: Excuse me, he's still talking.

David Smith: Probably nobody is more familiar with it than I am. My main concern is, on the map it shows high water lines. Actually, I think the lines are quite accurate, but the frequency of the flooding, I think, is increasing lately. I would say the first year we lived out there twenty years or so, maybe one time. Now, maybe the next time, ten years and so forth. Then in recent years it's just kind of bunched up, you know. I have a picture from my back yard of this last flood. They might want to see that.

Commissioner Abell: June of 2014?

David Smith: 2014. I've got some information on the back of the card, but that applies to another flood I got.

Commissioner Abell: That must be back water.

David Smith: So, that could be ignored on the back, because I (Inaudible) something, another flood, but that's basically what I wanted to mention. The, it used to be that what we had to be concerned about was just the heavy rains coming down, flooding that property. The last time, at least I know the last one before that, the rains came on down, but then a day or so later they backed up, you know, because of problems downstream. Another thing I wanted to mention, of course, is the fact that even though the water from upstream, all that land around that goes on up towards McCutchanville, and that's being developed north of McCutchanville keeps getting developed more and more, that it seems like the flooding will get more prominent and more frequent. Excuse me, but it's just a guess, one thing that I noticed on one of the maps was a hundred year projection of the flood. It was explained to me here by Jeff that that's just a possibility, a projection that isn't set in concrete. I basically just wanted to show you a picture of what the flood looks like when it is in full bloom, so to speak. The fact that the problem keeps increasing over the years, and it looks like, of course, it will continue to increase. Now, on that picture, that particular flood, which I believe was in June, the water did come up to on Millersburg Road and flooded a little bit over Millersburg Road and people were running through the traffic, through the water, shallow water. Some of them went on through and some of them turned left when they saw the water and went up Hedden Road. So, that's what, I just wanted to make those comments so that all of the people would be informed of what I know, because nobody, I don't think anybody has lived there anywhere near as long as I have and have seen what's going on there over the years. Thank you.

President Melcher: Any questions? Thank you very much. Is there anyone else in the audience?

David Vaupel: Mr. Melcher?

President Melcher: Yes? Come on to the microphone again.

David Vaupel: While he was talking about the June flood, I saved pictures of the June 13<sup>th</sup> storm on my cell phone and it shows our street completely flooded on Dellwood Court in Ashton Park Subdivision. I took two pictures on my cell phone facing out my back property showing the water coming off of the field where this subdivision is going to built, coming over my ditch and flooding my back yard, if anybody wanted to see those pictures.

President Melcher: Would you like to see them?

Commissioner Kiefer: No, Marsha, do you want to—

Commissioner Abell: No, I'm looking it up on Google Earth.

David Vaupel: Okay. June 24<sup>th</sup> of '13 was when the rain was, when I took the pictures.

President Melcher: You got it, Marsha?

Commissioner Abell: Yeah. I've got it on Google Earth. I was kind of looking at—

David Vaupel: Okay.

President Melcher: Any questions?

David Vaupel: Okay. Thank you.

President Melcher: Thank you.

Glen Meritt: My name is Glen Meritt. I'm with Cash Waggoner and Associates, the designer on the project. I just wanted to make a few general statements. The detention basin for this site, like Jeff said, this is a preliminary drainage plan approval, but there's a large amount of fill that will have to be placed on this site. I mean, it is low. It is in the 100 year flood plain. There are some areas three or four foot of fill has to be placed, but in order to do that we're having to dig a four acre lake, which is going to be greatly oversized. I mean, it is holding the 100 year storm in that lake and releasing at two or three cubic feet per second in the developed state, and right now that undeveloped site is releasing at like 20 cubic feet per second. So, I mean, granted we're going to make some changes when the final drainage plan comes around, but for a preliminary drainage plan we're holding back a significant amount of water. It should only help the drainage issues in this area, in my opinion. I would be happy to answer any questions that anybody might have.

President Melcher: Any questions? No, thank you.

Glen Meritt: Thanks.

President Melcher: Anybody else that would like to speak? Jeff?

Jeff Mueller: No, I think as far as the preliminary, you know, I still recommend, they've met the code on the preliminary plan. I recommend approval.

Commissioner Abell: This still goes to APC?

Jeff Mueller: Yes, it would go to APC in the November 13<sup>th</sup> meeting. Then it has to have final drainage approval.

Commissioner Abell: I'll move for approval to send to APC.

President Melcher: I'll second it. Roll call vote.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: I Abstain.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 2-0. Commissioner Kiefer abstained.)**

President Melcher: Okay, thank you.

**Kinway Park: Final Drainage Plan**

Jeff Mueller: The next agenda item is Kinway Park, final drainage plan. The preliminary plan was approved on August 19, 2014. The developer is Two Kins Investments. As part of the drainage plan the developer is requesting a variance to section 13.04.14. I'm sorry, 13.04.440 C, which requires storm water detention facilities shall be separated by not less than 50 feet from any building or structure. There's a letter there, they're requesting a waiver to go to ten feet. The importance in that particular issue is that it's not to me how far away a building is from a lake, but how much higher it is than the lake. We could be 300 feet away from the lake but it's at the same elevation we could have problems. So, we have allowed this before, as long as the buildings are above the flood plain. That's what we're worried about. The other thing was, if you recall, there was some adjoining owners that made comments, which came about, and I would like to, actually if you would go back to your packet, you'll see a letter of transmittal from Cash Waggner Associates. I had different people come into my office, one was a Mr. Ralph Effinger. He was concerned about the amount of discharge from the basin outlet. As you can see, Mr. Meritt responded to his question, "The current flow for undeveloped conditions that is exiting our site at the northeast corner is 55.67 cfs. The proposed release rate at the northeast corner for the developed subdivision is 17.66 cfs. The proposed detention basin will be storing and holding back a significant amount of water therefore reducing the amount of water discharging to the adjoining properties." The second person that expressed concerns to our office was Michael Evans. He had a drainage, actually his drainage pipe was on this subdivision's property, and he was concerned about where that was going to drain. "He has a four inch drain pipe that stubbed approximately 10 feet onto our property. Since the entire west side of the subdivision has been lowered, a portion of this pipe has since been removed and will now discharge into the rear yard of Lot 24 and drain to Swale #5." So, that person was concerned that his drain pipe, whether it was going to continue to drain, and that will occur. The last issue was with the Evansville Convention and Visitors Bureau. If you remember, we read a lengthy letter, series of e-mails into the files at that meeting, and, so, then the question was, well how does the Evansville Convention and Visitors Bureau feel about this. According to Mr. Meritt, that Kenny Reinbrecht had had conversations with the Convention Bureau and they didn't have any problems with it. Mr. Schopmeyer, who represented them, had sent an e-mail saying, when this comes before final drainage approval, we want to be notified. There is a copy of an e-mail that I sent to him, and it was copied to you and a whole bunch of other people, about that this was coming forward, and his comment back was, "Jeff, receipt confirmed. Thanks for keeping us informed." So, my assumption is that since they've not made any other comments and they're not here tonight, they don't have any problems with this final drainage plan. Therefore, it's my recommendation that the final drainage plan for Kinway Park be approved as submitted, with the one request for the variance on the structures being closer than 50 feet to the retaining pond.

President Melcher: Okay. Any other questions?

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Abell: Second.

President Melcher: Okay, roll call please.



Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

#### **The Reserve at Hidden Lake: Final Drainage Plan**

Jeff Mueller: The next item on the agenda is The Reserve at Hidden Lake, a final drainage plan. When this was submitted we had some additional comments to this. It was supposed to be heard tonight, but the comments we haven't received. It's my understanding from Mr. Morley that the engineer working on this had some health problems, and therefore he's requesting that we continue this until the next meeting two weeks from now.

Commissioner Abell: Do we need a motion?

Joe Harrison, Jr.: Go ahead.

Commissioner Abell: I move to table.

Commissioner Kiefer: Second.

President Kiefer: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: Thank you.

Jeff Mueller: Okay.

#### **The Enclave at Eagle Cliff Subdivision: Revised Drainage Plan**

Jeff Mueller: The third item, or the next item, I'm sorry, is The Enclave, revision to the final drainage plan. It's my understanding right now that a phase one subdivision plat is awaiting submittal for a letter of credit. That plat is moving forward based upon a previously approved drainage plan that was approved July 18, 2013. A revision was submitted on the final drainage plan in May 2014. The information was resubmitted on September 9, 2014, a punch list letter had already been prepared and was sent to the consulting engineer on September 10, 2014 requiring follow up responses. The revision consisted essentially of shifting a basin number two up a valley and some small changes to other various calculations within the subdivision drainage design. A revised drainage plan was submitted on October 7, 2014 that

again addressed the movement of basin two, movement of some drainage on Felstead Road through basin one, and some minor redesign of some drainage swales and pipes. Normally these type of changes are not that unusual and are considered minor, but because of the history of this subdivision and the legitimate complaints received by the county regarding this subdivision, coupled with actions taken by IDEM and the United States Corps of Engineers regarding wetlands and streams, we need a much longer conversation on this issue. The major issues that were raised regarding the movement of the basin were, (1) requirement for revised drainage easements, which have been met; design of the primary and emergency outflow structures, including energy dissipation from the outflows, which from the design perspective have been met; and (3) the timing of the construction. From the submittal that was made October 7<sup>th</sup>, an e-mail from John Stoll that included him and my comments requested additional information on the submittal. An e-mail was submitted back on October 13, 2014 that addressed some of our questions, however, one of the major questions that were not adequately addressed was the timing of construction activities. An e-mail was sent out late yesterday afternoon the 13<sup>th</sup> by Mr. Stoll and we received a response to this e-mail this afternoon. Before moving any further on this discussion, there may be individuals here that would like to comment on this subdivision and what's gone on out there, and I would like to give them that opportunity before I make my recommendations and to hear what they have to say.

President Melcher: Did you have anything, Joe? Is there anybody here that would like to speak on this matter?

Don Fuchs: Good evening. My name is Don Fuchs, F-u-c-h-s, I'm an attorney here in Evansville, Indiana. I have been retained recently by Barbara Bolin, who is the owner of property to the east of Felstead Road that contains, Ms. Bolin has indicated that her pond is approximately three acres, she also owns other property there. Ms. Bolin advised me that on September 1, 2013, over a year ago, that she incurred her first problems with the drainage that comes from this site, moves across Felstead Road over on to her property. She indicates that she has made numerous phone calls to the Vanderburgh County Engineer's Office and has spoken on repeated occasions to Mike Wathen concerning the continued problems that she is incurring insofar as the drainage and the soil that emanates from this and comes over on to her property. I believe this Board is knowledgeable about, I have just done, conducted a little bit of research in the Evansville newspaper, and I see that there are newspaper articles written on this on November 6, 2013; November 8, 2013; March 18, 2014; March 11, 2014; April 16, 2014 and May 10, 2014. I'm not sure that I've got all of those. There may be more. My point is simply this, Mr. Buck and his development is here again before you asking for further approval so that he can continue his development. My client advises me that Mr. Buck has never, or anyone on his behalf has never contacted her to make any type of repair, remediation to her property. Ms. Bolin advises me that this morning she contacted Mr. Wathen again in the County Engineer's office and advised me of the rainfall last night has again moved more water and sediment over off of this site onto her property. I well understand that we have ordinances here that are designed so that we have good development in this county, but I also would believe that those same ordinances are here to protect the other residents of our community and adjoining landowners so that developments like this do not injure their property. This development has been going on for now over a year, there have been repeated promises that these problems are going to be corrected, but they're not, as evidenced by, again, my clients' property was again damaged last night. So, my request is simply this, is that this, any further approvals with respect to this subdivision be delayed, be put on

hold, until such time as Mr. Buck comes forward and addresses the ongoing problems that he's causing to my client's property. Then, secondly, is that he take steps to begin remediation of her problems. There's no need to start that remediation until the problem is stopped, and it's not stopped. It's been going on, folks, for now over a year. It's somewhat disappointing from my client's standpoint that she's had to hire legal counsel to take care of a matter that she thought was, that county officials were here to protect her interests. So, again, my closing statement is, is that we are opposed to this proposed amendment to his plan, and, again, we request that this development and any further of any approval be placed on hold until this issue is addressed.

President Melcher: Any questions?

Commissioner Abell: Mr. Fuchs?

Don Fuchs: Yes, Ma'am?

Commissioner Abell: What type damage does she have? Is it mud on her land or on her driveway? I haven't been out there. I mean, I've been out there, but not since last night.

Don Fuchs: It is mud and erosion that is coming down across Felstead Road and over, and passing down on to her property and into her pond. She says today it's a muddy mess out there today. So, Ms. Abell, to the full extent of what her damages are, we haven't assessed that at this point.

Commissioner Abell: I was going to ask you if you have had anybody look at it?

Don Fuchs: No, we have not, because at this point in time we've had nobody step forward and say that they're going to do anything to remediate those damages. The other thing is, is that the damages continue to be ongoing. So, we would like to see the damage stopped. We would have an opportunity then to assess what her damages are and see what would be an appropriate plan of remediation.

Commissioner Abell: Okay, that's fair. Thank you.

President Melcher: Any other questions?

Commissioner Kiefer: No questions, but just a comment. Don, I would like to say thank you first of all for being here tonight. You know, we always appreciate hearing from any community, anybody in the community, any citizen that has complaints. I know you very well and know that you always do a good job representing people.

Don Fuchs: Thank you.

Commissioner Kiefer: I will say though that our Engineering Department and the County Surveyor and Area Plan Commissioner, they have been out there, gosh darn, I can't count how many times, you know, dozens of times, and I think that we have done, the county has done, followed protocol, they've tried to do everything they can do in a way or a format that is according to the law and empowered to us. I want to say that I know John Stoll is an excellent County Engineer and our Surveyor is excellent, as is our Area Plan Commissioner. So, I do know that they have been keeping an eye on this and trying to resolve these issues quickly and

timely. I'm sure John and Jeff will probably talk to that effect as well tonight, but, we do appreciate any citizens coming before the Board and expressing their concerns.

Don Fuchs: I appreciate that, Mr. Kiefer, and I don't want, please don't take my comments, I have the utmost respect for John Stoll. I've worked with him for a number of years on many projects, and have also worked with Mr. Mueller, who's a personal friend of mine, and, again, I have the utmost respect for him and what he's doing. So, I'm not trying to cast dispersion on them.

Commissioner Kiefer: But, your client is frustrated.

Don Fuchs: Well, frustrated, and rightfully so. This has been going on since September the 1<sup>st</sup> of last year, and she's not seeing any movement, any correction.

Commissioner Kiefer: Thank you, Don. Thank you very much.

President Melcher: Any other questions?

Jim Morley, Jr.: Jim Morley, Jr., Morley and Associates, Project Engineer. I don't think anybody could come here and tell you that this project has gone as planned. Without a doubt there's been some bumps in the road. There's been some bumps in the road that were unforeseen that has caused considerable amounts of delays to this project. To mention specifically the Corps of Engineers and the Indiana Department of Environmental Management getting involved, and at one point there was some, there was a gray area of exactly where they could work on the site. We were told to stay out of certain areas, which happened to be areas that were eroding. It was the understanding at the time that we couldn't go in to those areas, even to fix that erosion. However, that's been cleared up now, and, I believe the developer has made steps in trying to do that. The challenge, I feel, Ms. Bolin has a lake that is in, prior to this project, is in a watershed, to the best of my knowledge that has zero disturbed soil. It is a watershed that is a hundred percent either woods or grass or pavement, but no exposed soil. So, whenever there is construction in that watershed that exposes soil, no matter what the amount that comes into her lake, it's going to show up like a sore thumb, because without any exposed soil there would be nothing to come in there. Unfortunately, when it comes to development, there really is no way to catch 100 percent of erosion that comes off of a project. A person can do, can take steps to catch as much as they can, but depending upon the rainfall, you can't catch everything. That's just the facts. I will say that this amendment that's here before you, it goes a long way in addressing her concerns. We worked extensively with Mr. Mueller and Mr. Stoll to deal with the drainage issues on site and erosion issues on site. There are, these plans go into great detail what amounts, or what erosion control processes will be placed on site. Both Mr. Stoll and Mr. Mueller asked about timing, so, we spoke with our client, and he went into detail of what timing he was going to do as far as the implementation of erosion control practices. That is all inside of here. One of the amendments that's being requested is the basin that is directly upstream from Ms. Bolin, one of the amendments allows us to keep that basin. That the berm that's on that basin constructed in an "as is" condition, because it has a good stand of grass on it. If we don't do this amendment, we will have to rip that basin, or rip that berm apart and open that dirt back up and reshape it in the exact condition of the original design. This new design has, actually has a little more capacity than the original designed basin has, but allowing this amendment to go forward will actually decrease the amount of land disturbing activity that has to occur above her to get to an approvable final drainage report. But, again, this amendment I feel like will go a long ways in

addressing the erosion that happens on site and the drainage concerns that she would have. I don't doubt that her lake may have got sediment in it. I know my lake is just downstream of a farm field, and every time it rains it looks like chocolate milk, you know, and I can't say that I like that, but I also know that it's impossible to do development and to catch 100 percent of the water and never let it leave your site when it rains. In reality, that's what you would have to do to keep 100 percent of the sediment on site, you would have to catch 100 percent of the water and keep it there and let it percolate through the soil. That is way outside any state ordinance, any local ordinance, any federal ordinance, and in reality, just not practical. But, we feel like this amendment will be a help to the situation out there. We think, ultimately, it will improve the situation upstream for Mrs. Bolin, and it will result in a better product for the west side and for Vanderburgh County.

President Melcher: Is there a time frame on that one?

Joe Harrison, Jr.: Jeff is going to talk about that.

President Kiefer: Okay.

Jim Morley, Jr.: Jeff is going to talk about that.

President Kiefer: Three people told me. Okay.

Jim Morley, Jr.: So, Jeff, do you want to speak to that?

Jeff Mueller: I want to wait to see if anybody else has comments first.

President Kiefer: Okay.

Jim Morley, Jr.: Does anybody have any questions?

President Kiefer: Anybody else? Okay.

Jeff Mueller: First of all, Mr. Fuchs, my initial reaction was similar to yours and why do we let anything move forward. However, after I looked through the plans in more detail and saw that some of the things we were going to be doing; additional rip rap, additional dissipation of energy, some of the water and some of the other things, as well as some time commitments that were in the plans, specifically, ordering the gabion blankets next week and some things like that. I thought, well, maybe the best thing to do is to move forward with the paper plan that's proposed, but with this thought, the plan itself proposes the addition of rip rap, gabion blankets to help dissipate the energy. The main problem with what we have received, in my opinion, and I think Mr. Stoll will agree with this, is on the timing. My recommendation would be to approve the revised drainage plan, which would include any e-mail submittals that were part of the plan that were submitted, but with the following requirements that would supercede any dates in there. That the entire Enclave Subdivision be completely stabilized with the addition of permanent and temporary seeding, sod where shown, and the installation of all rip rap, filter fabric, gabion blankets, that is complete installation of all erosion control fixtures. That the gabion blanket be ordered as per the submitted e-mail, and in the time frame stated. That basin construction be completed as weather permits. That no additional sections be platted until the basins are completed to design specifications and until the entire site meets a 90 percent ground cover. In addition to those stipulations, there are some Rule 5 stipulations that Mr. Stoll would like to address with this, that he would like to add.

John Stoll: There's a section in the erosion control ordinance that, if I can find it again here, there's language in there that says that a stop work order can be issued by the County Commissioners if things aren't met in a timely manner. If I can find the section here again real quick, I'll read the specifics. It was section 13.05.16 (B) (4). It references the fact that:

"The County Commissioners and the MS4 Operator reserve the right to assign a deadline for corrective action, impose a stop work order, or work to complete corrective measures on a schedule or by a deadline accelerated or shortened comparatively to the schedule or deadline assigned in this section for correcting a violating condition."

John Stoll: It goes with further discussion. It says:

"If the accelerated schedule or deadline is required to protect life or property from an eminent and severe threat of loss or damage."

John Stoll: Given that language, and given what Jeff was suggesting as far as an approval condition, I would suggest that that be taken into consideration as well. That if the erosion control measures aren't implemented properly and the site isn't stabilized by the end of November, like what was stated in the e-mails, that the Commissioners look into issuing a stop work order on the site again. I know you didn't issue the initial stop work order, that was the Corps and IDEM, but that would be a consideration because of the lack of stabilization out there has been the biggest problem, from what we've seen. I was out there at the site yesterday morning, before the rains, I saw some failed erosion control measures out there. Mike Wathen went out there again today, and after Ms. Bolin called he did an inspection and there was additional failures associated with the rain. I understand what Jim Morley is saying, that you can't catch all of the rain and heavy rains aren't accounted for in, by all of these erosion control measures, but that being said, it did indicate some additional problems. So, the other side of the suggestions I would have would be that we would issue another inspection report with another notice of violation, given the time frames for repairs, as stated in the county ordinance, and then if those repairs aren't done in accordance with the ordinance, then we would have to look into fines again.

Commissioner Abell: I have a question. If the Commissioners have the ability to issue the stop work order, we only meet every two weeks, so, how do you do that? Wait for two weeks?

Joe Harrison, Jr.: (Inaudible. Microphone not on.)

Commissioner Abell: Alright, so, can we give our County Engineer our authority?

Joe Harrison, Jr.: Not really. My concern about all of this is that I want to see a document that's got what you're talking about in writing. We don't have it, do we, in front of us?

John Stoll: What—

Commissioner Abell: Is that what this is?

Joe Harrison, Jr.: No.

John Stoll: Are you talking about the ordinances?

Joe Harrison, Jr.: No, I want to know what's going to be done—

Commissioner Abell: An agreement.

Joe Harrison, Jr.: — by way of this revised drainage plan. Now, I know something was submitted, but I don't see anything in front of me.

Jeff Mueller: Okay, so you want something on paper.

Joe Harrison, Jr.: I want everything that has to be done—

Jeff Mueller: Okay.

Joe Harrison, Jr.: —on a document.

Commissioner Abell: Yeah.

Jeff Mueller: We could do that—

Joe Harrison, Jr.: And time frame.

Jeff Mueller: — and supply it at the next Drainage Board meeting.

Joe Harrison, Jr.: Yes.

Jeff Mueller: Okay, but are we leaning towards going that direction, I guess, is my question?

Joe Harrison, Jr.: That's up to them, but I don't see how they can consider anything unless it's not in writing.

Jeff Mueller: Okay.

President Melcher: I agree. I want time frames.

Jeff Mueller: I think, part of those time frames, Mr. Melcher, is, until we've got green out there, he's not going to be able to proceed forward.

President Melcher: I understand that.

Jeff Mueller: You know, because time frames are....I don't want not only—

Joe Harrison, Jr.: It's got to be your time frame.

Jeff Mueller: Yes.

Joe Harrison, Jr.: I don't care about their time frame.

Jeff Mueller: Right, it's our time frames, and it's going to be a time frame that says, it's green out there, so we're going to stop seeing all of this mud run off site. That's what we're after. It's going to be a measurable method of doing it, that is, a 90 percent ground cover and the basins completed. Those are the kind of things, so that this place will be stabilized, because I think that's what we're all after.

President Melcher: So, we're saying for the next meeting we're going to have all of this in writing?

Joe Harrison, Jr.: It's going to be you two putting it in writing.

Jeff Mueller: Yes.

Joe Harrison, Jr.: And it will be on a document, and this is what you want them to approve, and if they approve it, that's it.

Jeff Mueller: Yes, and the reason we didn't get this to you beforehand is we've been working on this this afternoon.

Joe Harrison, Jr.: I understand.

Jeff Mueller: So, I mean—

President Melcher: I understand, but I would rather it be in front of me. Just like we talked about that on another project.

Jeff Mueller: That's great.

Joe Harrison, Jr.: That's fine.

Jeff Mueller: I think that's great.

Commissioner Abell: Yeah, and it would be nice to e-mail it to us so we could read it ahead of time.

Jeff Mueller: Yes. Yeah, we'll get it out this week, you know, we'll get it out for you to look at this week.

Joe Harrison, Jr.: Well, we understand, I mean, you've been talking to them today, but it's got to be....then, if there's any questions down the road, we all know.

Jeff Mueller: I hope that, I know, Mr. Fuchs, what his overall desire is, but I hope that this is really getting to what you want, which is a green, grass area where the mud quits coming on your property owner. The best way to do that, and why we're trying to explain it is, let's get some of the physical pieces done, which is what this revised plan does, but let's hold them to green grass before any further movement is going on. So, I don't know if that—

Don Fuchs: My question would be, what happens in the next two weeks? Do they continue to have the right to do development out there? Or, are we on a stand still until this puts, until you have a plan before you that you find acceptable?

Joe Harrison, Jr.: I don't know if that's a question for the Drainage Board. Mr. Mueller may know about, I don't know where IDEM is in all of this. So, I don't know...I don't think it's our call. I mean, I don't think it's the county's call. Do you?

John Stoll: I guess, there is the....I'm not sure where things stand with IDEM, but Jeff and I have discussed the fact that there is an existing, approved drainage plan that would allow some work, I guess.



Joe Harrison, Jr.: Right.

John Stoll: Subject to whatever restrictions, limitations the Corps and IDEM have put on the site.

Joe Harrison, Jr.: But, I know there were still some permits that have not been obtained. Is that correct?

Jeff Mueller: Yeah, the last I knew the IDEM permit had not been approved. I talked to Mr. Carr with IDEM last week. They anticipated it being signed last week. Once the IDEM 401 Water Certification permit was approved, that supposedly the 404 permit would follow shortly after. Normally, 404 permits go first, 401 certifications follow. In this case, because the state had primacy, the 401 Water Certification comes first. But, my understanding from Mr. Carr was that it was on the Director's desk, or close to it and being ready to be signed, and he was going to e-mail me when that 401 certification was approved. So, that's kind of what we're waiting on there. But, that doesn't stop anybody from going out there and starting to get some vegetation down on that ground.

Don Fuchs: I'm just a little confused.

Commissioner Abell: So am I.

Don Fuchs: I heard Mr. Mueller indicate some things that he was recommending. Mr. Stoll was recommending to implement and bring before you that's going to approve this, improve this situation, hopefully improve this situation. So, we understand there's a problem out there. These two gentleman have brought forward recommendations, again, my question is, so, they're allowed for the next, until we get this rectified it's just business as usual out there?

Joe Harrison, Jr.: Again, they have approval from the state to do certain things right now.

Don Fuchs: Okay.

Joe Harrison, Jr.: That is limited right now. It's really not our call.

Don Fuchs: Okay, I see.

Commissioner Abell: But, I would think that would be what could be done and that's it, just what the state has approved and nothing more.

Commissioner Kiefer: I think Mr. Buck may have comments.

Joe Harrison, Jr.: But, as far as a revised drainage plan, that's going to have to be considered at the next meeting with that document.

Jeff Mueller: I understand. We can do that. We'll get that to you.

Dan Buck: Dan Buck, the developer. Virtually, I would say for the last nine months, my hands have been tied behind my back by IDEM and the Corps of Engineers on what I've been able to do. Recently I had a stop order from the County Engineer of what I can and can't do out there. I've been in business for 35 years developing ground. I've never been in front of this committee or any committee with any kind of

problem like this. I have hired a third party engineer to come back and see where the problems existed, where they were created, Crane Environmental. It's an environmental engineer. In fact, we are going up to IDEM on Monday to have conversation with them. So, from my standpoint, this has been a learning experience not only for myself, but also for the County Engineer and for the County Surveyor and for my engineer, Morley, and I'm sure from everybody sitting here. That the Corps can come in and virtually take any stream they want, any ditch they want, and I had a drainage plan approved. I had soil, erosion control approved. It was, Morley designed it, the engineer, and the Surveyor approved it. I'll be glad to come back to this committee after I meet with IDEM and have a conversation on what went wrong. Because, I think everybody needs to know what went wrong on this deal. I'm just a developer. I pay people to do their job and I rely on them to do it right. I don't intentionally go out...I've never tried to save money by skimping or doing anything. As far as Mrs. Bolin, I can understand her desire to get this over with, but again, my hands have been tied. We were told we could not work in those low land areas, and guess where everything leaves the site is in the low land areas. So, we had to have a special meeting with the Corps, and Mr. Morley was there and a few other people and we finally got them to relieve that aspect so that we could go in there, build our retention ponds, put in grass, get it going. So, we are....but now, we're back on nobody wants to touch the project until the permits are granted from the Corps and IDEM. Now, I will say yesterday I did get a certified letter from IDEM, so I'm, and I hadn't had a chance to go down and pick it up. Yesterday the Post Office was closed. I'm assuming that that permit was granted and that's what's waiting for me to pick up. Now, the Corps of Engineers, they decided on the mitigation site where we were putting everything, that they wanted an archaeological study done. Well, we had everything done, everything approved, last minute, archaeological study. That threw another 90 day stop, until that got done. Now, it didn't take me 90 days. It only took me about 10 days to have the study done, and it came back negative. So, it sits on everybody's desk until they get around to approving it. Now, everybody wants me to do things in a certain period of time, but I've got to wait for the government until their deadlines. I'm trying to do it. So, the sooner the homes can be built, the sooner everything gets sodded, the sooner there's no erosion control problems, and we're going on with it. So, I—

Commissioner Abell: Mr. Buck?

Dan Buck: Yes?

Commissioner Abell: What do you foresee that you would be doing between now and two weeks from now, which is Mr. Fuchs' concern about when we have a meeting again? Do you foresee...what kind of work do you think—

Dan Buck: If we went in, if it stopped raining today and we went in tomorrow, we would make more of a mess that would cause more problems if it rained in three days again. It has to dry out. The last 18 months, if you go back and look, we've had more rainfall events, six inch rainfall events, four inch rainfall events than any time that I can ever remember. We just need some dry period of time to be able to get in there and not have the Corps stopping anything, IDEM stopping anything, or the county stopping anything, because nobody wants to get in and do the work. Everybody is scared. Vectren doesn't even want to get in there and put gas and electric.

President Kiefer: Okay, is there any other questions?

Dan Buck: Thank you. Mr. Melcher, it is good seeing you though.

President Melcher: Thank you.

Commissioner Abell: I guess—

Commissioner Kiefer: I was going to make a motion—

Commissioner Abell: – I don't know where I am on this, because it looks like the people over our heads, the big boys, have stepped into this and they've made their intentions known. A real unofficial statement, I guess, would be, I sure would like to see us play nice out there for two weeks until we can get something in writing. You know, I happen to know Mr. Buck wouldn't want that on his property and I'm sure he doesn't intend to do it to Ms. Bolin. Certainly these Commissioners don't want to see this problem continue. We were so excited about this development being, you know, the first really nice walkable community. So, we want to see it go forward and we want to see everything happen. It looks like a lot of it's out of our hands, but if everybody could just try to play nice for a couple of weeks, maybe in two weeks we could come with a written agreement, which I'm sure would make Ms. Bolin feel better. At the end of the project when it looks like things are done, maybe Mr. Buck can get with Mr. Fuchs and we can work something out with Ms. Bolin and make everybody good neighbors out there again.

Commissioner Kiefer: So, I'll make a motion that we—

Joe Harrison, Jr.: There's nothing to do.

President Melcher: There's nothing to do. We're waiting two weeks.

Commissioner Kiefer: So, we don't even need to make a motion?

Joe Harrison, Jr.: No.

Commissioner Abell: We can't do anything.

Commissioner Kiefer: Okay.

Jeff Mueller: I'm going to bring you something and get it to you in an e-mail. We'll be back in two weeks.

Commissioner Kiefer: Thanks.

Jeff Mueller: For the record, this is not my first merry go round, Mr. Buck. I've been involved with the Corps and IDEM for a number of years. Second thing for all developers to note, when we give an approved drainage plan out of this group, that does not preclude developers from getting approvals from state and national agencies, and we state that in our code. So, just because we give them approval, that doesn't excuse them from getting approvals from other agencies. So, I just want to put that on record. Back to the agenda.

Joe Harrison, Jr.: Yep.

President Melcher: Yes.

**Old Subdivisions: Proposal to Change Drainage Code to Allow  
Subdivisions to Enter Into Maintenance Program with the County**

Jeff Mueller: Two other things and then we'll get out of here. Mr. Stoll and I had a meeting with some homeowners in Cypress Creek regarding maintenance of drainage structures not located within the county right-of-way. Our code currently allows that if a developer comes through in advance and puts up a fee, in their final drainage plan that they can, that the county would maintain those structures, but the problem is we've got subdivisions that were developed before the code, or maybe subdivisions that the developer didn't want to and the homeowners would like to become part of that plan. The question was arised to us was, can an existing subdivision do this? The way we've read the code, we don't believe that's possible, because they would have to submit a new drainage plan and a whole bunch of things. So, one of the questions is would, and if we were to do this, if we were to change the code to allow old subdivisions to do it, we would require a number of things; them to inspect pipes, them to come in with approved drainage plans, probably instead of the two dollars a foot it would be some higher fee because the pipe is older, but is this something that the County Drainage Board is interested in entertaining us doing, looking at a change in the code or are we wasting our time?

President Melcher: Not this one.

Commissioner Abell: Not this Commissioner.

Jeff Mueller: Okay.

Commissioner Abell: Not this Commissioner.

Jeff Mueller: I didn't want to spend a bunch of time going through it if it's something you all aren't interested in.

President Melcher: No, because you could just see a whole ballgame.

Jeff Mueller: Okay, and that's why I'm asking in advance, okay.

**Drainage Code Changes Update**

Jeff Mueller: The only other thing is, I've told you before we've got drainage code changes we're looking at. The stakeholders, I'm getting ready to talk to SIBA and the consulting engineers, to go through it with them so that you don't have a room full of people as we talked about. So, I'm just continuing to work on that. That's all I have for the Drainage Board.

**Ditch Maintenance Claims**

Jeff Mueller: I have no claims tonight.

Commissioner Kiefer: I'll move to adjourn.

President Melcher: Do you second?

Commissioner Abell: Second.

President Melcher: Okay, all in favor say yes.

All Commissioners: Yes.

President Melcher: Thank you.

(The meeting was adjourned at 6:55 p.m.)

**Those in Attendance:**

Stephen Melcher

Jeff Mueller

David Vaupel

Don Fuchs

John Stoll

Joe Kiefer

Joe Harrison, Jr.

David Smith

Jim Morley, Jr.

Others Unidentified

Marsha Abell

Madelyn Grayson

Glen Meritt

Dan Buck

Members of Media

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Stephen Melcher, President**

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**Joe Kiefer, Vice President**

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**Marsha Abell, Member**

(Recorded and transcribed by Madelyn Grayson)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
OCTOBER 28, 2014**

The Vanderburgh County Drainage Board met in session this 28<sup>th</sup> day of October, 2014 at 6:15 p.m. in room 301 of the Civic Center Complex with President Stephen Melcher presiding.

**Call to Order**

President Melcher: We'll go ahead and start our Drainage Board meeting. It's a quarter after six. It's October 28<sup>th</sup>.

**Pledge of Allegiance**

President Melcher: Could we all rise for the Pledge?

(The Pledge of Allegiance was given.)

**Approval of the October 14, 2014 Drainage Board Meeting Minutes**

President Melcher: If everybody's had time to look at the minutes, we need a motion to approve them.

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Melcher: Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

**Reserve at Hidden Lake: Final Drainage Plan**

President Melcher: Okay, you might as well go down your agenda now.

Jeff Mueller: Okay. The first thing on the agenda is The Reserve at Hidden Lake. I'm going to try to pull this up, we'll see if I have any luck. I'm not going to. Okay.

Commissioner Abell: You gave up awfully easy.

Jeff Mueller: Well, you know, they're not supposed to turn the computer off, and they're supposed to log off and they didn't. So, we'll just go on. The Reserve at Hidden Lake, the final drainage plan, this was continued from October 14, 2014. This is located off of Jobe's Lane. It was originally a condo project. Mr. Stoll talked to you about this a little bit. I believe there's five buildings located on the site. The project is now with the Bank of Carmi. I believe they've got a representative here. The drainage plan needs to be revised to reflect separate lots, versus a single lot condo. Most of the drainage plan was already implemented under the previously approved project. The preliminary drainage plan for the subdivision was approved by this Board on April 8, 2014. We're now looking for a final drainage approval. I recommend that the final drainage plan, as submitted September 3, 2014, with revisions submitted October 15, 2014 and October 24, 2014 be approved.

Commissioner Abell: Remind me again where Hidden Lakes is?

Jeff Mueller: Off of Jobe's Lane, behind Wal-Mart on the west side.

Commissioner Abell: Oh, okay. I'll move for approval.

President Melcher: Second. Oh, I seconded my own, I thought it was still the Commissioner meeting.

Commissioner Kiefer: I ran a whole meeting before, so—

President Melcher: That's good. That's the first time I've done that. Since we've got a first and second, can you call the roll now?

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

President Melcher: I'll make sure I don't do that again.

Joe Harrison, Jr.: You did do that one meeting.

Commissioner Kiefer: Yeah, I said I ran a whole meeting.

**Enclave at Eagle Cliff: Revision to Final Drainage Plan**

President Melcher: Next.

Jeff Mueller: Next, Enclave, the revision to the final drainage plan. This is continued from October 14, 2014. As you may recall, we had a lot of discussion regarding this subdivision's revised drainage plan at the last meeting. The way the discussion was left I made a recommendation for approval of the revised drainage plan, subject to certain conditions. Mr. Harrison advised it would be best if the recommendation be put into writing. It was agreed that I would provide the Board members with that document, which lists a summary of the final drainage plan submittal, and then contains recommended additional conditions of approval, as well as additional stipulation. This document was sent out in an e-mail last week and there were some changes of an additional memo and submittal date of two drawings, which are reflected in an e-mail that I sent you, I believe yesterday. I think the question would be, I know there's people here that want to comment, I also have some extra copies of that. You've got a copy in your package. I don't know how we want to proceed. Do we want to read that off first and then have discussion? Or, I guess, I'm looking, Mr. Harrison, what would be your thoughts?

Joe Harrison, Jr.: I think it would probably be a good idea—

Commissioner Abell: Yeah.

Joe Harrison, Jr.: — if you quickly would read it.

Jeff Mueller: Read through it?

Joe Harrison, Jr.: Yeah.

Jeff Mueller: Okay. Alrighty, if anybody wants to get a copy over there, they're welcome to them here.

"The Enclave at Eagle Cliff final drainage plan. The Vanderburgh County Drainage Board at its regularly scheduled meeting of October 28, 2014 does hereby approve The Enclave at Eagle Cliff final drainage plan, hereafter referred to as "the approved plan". The approved plan consists of the final drainage plan submittal, additional conditions of approval of final drainage plan, and the additional stipulation of the final drainage plan, the contents and/or requirements of which are summarized in detail and made part of the approved plan. The final drainage plan submittal. The final drainage plan submittal consists of the following: the final drainage report revised for Enclave at Eagle Cliff, Vanderburgh County, Indiana project number 8699.6.001 A, October 7, 2014 prepared by Morley and Associates; response letter dated October 7, 2014 to Jeff Mueller, Vanderburgh County Surveyor, three pages plus two pages of inserts; drawing C102 grading and drainage plan as submitted on October 24, 2014; drawing C108 storm sewer and drainage details as submitted with the October 7, 2014 submittal; basin drawing Bsn 1 Section A2 alignment profile as submitted electronically October 13, 2014; basin drawing Bsn 2 Section B2 alignment profile as submitted electronically October 13, 2014; basin drawing Bsn 2 Section B3 alignment profile as submitted electronically October 13, 2014;



drawing C104 storm water pollution prevention plan as submitted October 24, 2014; drawing C114 erosion and sediment control details as submitted electronically October 14, 2014; drawing C115 erosion and sediment control details as submitted electronically October 14, 2014; revised second page of write up to correct typo as submitted electronically on October 13, 2014; Form 800 Basin 1 as submitted electronically on October 14, 2014; Form 800 Basin 2 as submitted electronically on October 14, 2014; letter dated October 24, 2014 with revised swale design for Swale 200. Enclosed as an attachment for reference only and not to be included as part of the approved plan is a series of e-mails between Bethany Hopf of Morley and Associates and Jeff Mueller and John Stoll. Additional conditions of approval of final drainage plan. In addition to the final drainage plan submittal, the following conditions shall be included in the approved plan: the developer shall order by November 7, 2014 the specified gabion blankets and shall provide to the County Surveyor sufficient proof that the required gabion blankets were ordered; the developer shall complete the construction of Basin #1 and Basin #2 per the submitted final drainage plan in their entirety by November 30, 2014; the developer shall immediately seed the entire subdivision, install required erosion control blanket and achieve a 90 percent cover with appropriate vegetation; the exception to this shall be any lot within Section 1 of the platted Enclave Subdivision with an active home under construction, issued building permit from the Evansville-Vanderburgh County Building Commission, in which case the said lot shall meet the erosion control requirements for that lot; the developer shall immediately repair or replace all failed erosion control measures on the site, and he shall provide maintenance on all erosion control measures requiring maintenance; the developer shall also immediately install all necessary erosion control measures that are needed to adequately prevent polluted storm water from leaving the site, as stated in the Vanderburgh County Code 13.05.11.C.8. Any reseeding for permanent vegetation shall be installed with erosion control blankets and shall be maintained in order to achieve a 90 percent coverage. As a further condition of the approval, the development of any further sections of the subdivision, including platting additional sections of the subdivision, will not be permitted until such time as all of the above requirements are met in their entirety. Any county imposed restriction of development shall not preclude the developer from completing the installation and maintenance of all erosion control measures, nor will it restrict or prevent the developer from completing all required drainage facilities on the site. Erosion control work and drainage work will still be required, even if no further sections of the subdivision are platted. Additional stipulations of the final drainage plan. The following additional stipulations shall also be included with the approved plan. Vanderburgh County, through its technical advisors as defined in the Vanderburgh County Drainage Code Section 13.04.025B, using statistically measurable methods, photography or other scientific methods shall be the sole final judges in determining whether the requirements of coverage have been satisfied. Per Section 13.04.045 of the Vanderburgh County Drainage Code, the approval of this final drainage plan by the Vanderburgh County Drainage Board, will not relieve the applicant of compliance with other applicable ordinances or compliance with applicable state or federal laws and regulations. In the

event that stabilization of the entire Enclave site is not stabilized by November 30, 2014, the County Commissioners reserve the right to issue a stop work order for Section 1 of the Enclave. This would be in accordance with Section 13.05.16.B.4 of the Vanderburgh County Code. The only exclusion to the stop work order would be the installation, repair and/or replacement of necessary erosion control measures within the site.”

Jeff Mueller: I’m assuming that there might be some comment from folks, or how would you like to proceed from this point?

President Melcher: I don’t know if any of the Commissioners have anything they want to say at this time. Or do they want to hear from the public?

Commissioner Kiefer: Yes, I would like to hear from the public.

President Melcher: Okay.

Jeff Mueller: Is there anyone from the public that would like to make comments on it?

Don Fuchs: Good evening. Don Fuchs, legal counsel for Barbara Bolin, who owns the property immediately to the east of this development. Mr. Mueller provided me a copy of the document he’s just read into the record this morning. I’m appreciative of that. I had an opportunity to review that. I would first like to say that I’m appreciative of the efforts of Mr. Mueller and Mr. Stoll in putting together this document. As I indicated in my comments last week, my client’s property, Ms. Bolin’s, has been affected by this development for well over a year, and suffered damages which at this point in time haven’t yet to be determined. I think this proposed plan goes a significant, is a significant improvement in making sure that my client’s property is not further damaged. I just have a couple of questions concerning the points, the additional conditions on the second page. I’ll just go through these, I have just a few of these. It indicates that the developer will be required to order the gabion blankets by November the 7<sup>th</sup>, but there’s no indication as to when those are to be installed. In the third point it indicates that the developer shall immediately reseed the entire subdivision, install required erosion blanket, which is all good, and then it says and achieve a 90 percent cover with appropriate vegetation. My question is when? When is that, when is the requirement of that 90 percent vegetation, that 90 percent cover, when does that have to be met? The fourth point, it indicates that the developer shall immediately install all necessary erosion control measures that are needed to adequately prevent polluted storm water from leaving the site. Again, my question is when is that to take effect? The fifth point indicates that reseeding for permanent vegetation shall be installed with erosion control blankets, shall be maintained in order to achieve 90 percent coverage. Again, my question is when is that going to take place? I’m very appreciative of the final provision on the last page, which indicates that the, if the stabilization of this subdivision is not reached by November 30<sup>th</sup>, the County Commissioners reserve the right to issue a stop work order. I’m pleased to see that in place. What might be beneficial, and maybe Mr. Mueller or Mr. Stoll can comment on this, I don’t know if their intention is to do inspections weekly, every two weeks, every ten days, so that they know whether or not that there is, these requirements are being met. So, that might be helpful. Again, folks, I’m asking this just to bring clarity to this. Again, I’m not trying to be critical of this. I think it is a very, this is very beneficial. I think it would be helpful to my client to know when these are going to

be met. It would also be helpful to Mr. Buck, so that he knows what his requirements are. So, those are my comments.

President Melcher: Any questions? Go ahead.

Commissioner Abell: I don't actually have a question, but, Mr. Mueller, could you address some of his concerns regarding when? I was assuming everything was down to November 30<sup>th</sup>, everything had to be done, but, I don't know that.

Jeff Mueller: Well, let's back up. I think we can go, hopefully, I can go point by point. I didn't have a pen on me, Don. On the gabion baskets<sup>1</sup> to be placed, those are part of the construction of Basin #1 and #2. So, that would be in that deadline of November 30<sup>th</sup>.

Don Fuchs: Okay.

Jeff Mueller: Okay? The 90 percent cover is a matter of when things get seeded and when Mother Nature takes that effect. So, what we were saying though, is essentially, until he gets 90 percent cover, he can't move on with his next sections of the subdivision. So, there's not a date because we can't predict a 90 percent coverage, but the way it's listed is, the incentive is to get that 90 percent coverage, because until that happens, phase two of this subdivision isn't going to be allowed to proceed.

Don Fuchs: My only concern with that is, is that if he elects not to do it, so he doesn't get to go move forward with phase two, my client's property still gets damaged. So, that would just be my response.

Jeff Mueller: Well, although we have, in another provision, the ability to, on the stop work order. So, there are two different approaches, I guess, you could say to how we could help your client. John, do you want to add to that?

John Stoll: You summarized that pretty good.

Jeff Mueller: Okay, and, I think, I guess, as far as the inspections, Mr. Stoll's department does that, and I'm going to let him answer that question.

Commissioner Abell: Mr. Mueller, I have a question on what you said though.

Jeff Mueller: Oh, sure.

Commissioner Abell: The 90 percent coverage, you said, you know, you couldn't, it would be in accordance with Mother Nature, but you could put a date about when it has to be done. Maybe not when it's going to grow, you don't have any control over the growth, but would have control over when it has to be done. I think that was part of Mr. Fuch's question was that it didn't have a date for either one of those.

Jeff Mueller: Okay, I mean, we could definitely insert a date of when it has to be seeded by, yes.

Commissioner Abell: Okay.

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<sup>1</sup>Should be blankets.

Jeff Mueller: We could insert that date.

Joe Harrison, Jr.: Can we do that tonight?

Jeff Mueller: Certainly.

Commissioner Abell: I think there were a couple of other questions he had about when.

Jeff Mueller: Okay.

Commissioner Abell: I mean, I wrote them down as he was saying them, and I've got a couple more on here. I mean, I think there are obviously, you know, if you said it has to be done by Thursday of next week and it's pouring down rain on Thursday, obviously, we're not going to expect anybody to go out there and put seed down.

Jeff Mueller: Right, and that's one of the reasons why we also tried to tie it to other factors. So, that weather notwithstanding, things still have to get done before things can proceed.

Commissioner Abell: Okay.

Jeff Mueller: Okay, but, I mean, we can certainly write a date in for our, I think it's point number three. Is that right, Mr. Fuchs?

Don Fuchs: Yes.

Jeff Mueller: Okay. What do you think on point three?

John Stoll: Mr. Buck needs to speak on that. Some of that's been done. Mike Wathen's been out there, and I know Mr. Buck has done some work out there. Maybe he needs to get up and explain some of the work that has been completed to this point relative to what portions of the site have been seeded as of today.

Jeff Mueller: But, we're looking for a date on number three.

Joe Harrison, Jr.: Yeah, we just want the date.

John Stoll: I'm sorry?

Jeff Mueller: We're looking for a date when that would be done.

John Stoll: Well, that's what I was getting, that "immediately seed", I believe some of that's been done.

Joe Harrison, Jr.: It doesn't matter, just tell us a date.

Jeff Mueller: What is today, October 28<sup>th</sup>?

Joe Harrison, Jr.: Do you want it the middle of November?

Jeff Mueller: November 15<sup>th</sup>?

Joe Harrison, Jr.: Or December 1<sup>st</sup>? Or what?

John Stoll: I would think the middle of November sounds reasonable, don't you, Jeff?

Jeff Mueller: Yeah.

Joe Harrison, Jr.: November 15<sup>th</sup>?

Jeff Mueller: November 15<sup>th</sup>. So, on point three we would put by November 15<sup>th</sup>.

Joe Harrison, Jr.: Shall seed the entire subdivision, install required erosion control blanket by November 15<sup>th</sup>? Because I don't think you can say, "and achieve 90 percent coverage". You're not going to know when that is.

Jeff Mueller: I agree. Yeah, I think if we insert that by November 15<sup>th</sup>.

Joe Harrison, Jr.: Okay. So, after "blanket", so it would be, "the developer shall immediately seed the entire subdivision, install required erosion control blanket by November 15<sup>th</sup>"?

Jeff Mueller: Yes, 2014.

President Melcher: That's kind of what it says, I thought.

Commissioner Abell: Didn't you say that the blanket was November 30<sup>th</sup>, instead of November 15<sup>th</sup>? Because it's supposed to be connected to Basin #1 and Basin #2, and that has a date of November 30<sup>th</sup>.

Jeff Mueller: That's the gabion blankets, not the erosion control blankets.

Commissioner Abell: Okay.

Jeff Mueller: Okay?

John Stoll: But, that would come into play as far (Inaudible) the banks.

Jeff Mueller: As far as ?

John Stoll: Reseeding the banks of the basin. Like Jim just said, that—

Jeff Mueller: Go ahead.

John Stoll: One of the things that Jim Morley just said was, like you were along the same lines as Marsha, was the fact that the basins may not be totally done by the 15<sup>th</sup>, but we're saying they would have to be seeded, as far as the perimeter and the banks of the basin. So, there is a conflict there between those two dates.

Jeff Mueller: Can we say November 30<sup>th</sup> then, and then we're in agreement with everything?

Joe Harrison, Jr.: Just put a date.

Jeff Mueller: Okay, November 30<sup>th</sup>. That way we'll—

Joe Harrison, Jr.: So, instead of the 15<sup>th</sup>, it's the 30<sup>th</sup>?

Jeff Mueller: Yes.

Joe Harrison, Jr.: Okay.

Jeff Mueller: Okay? Did we leave, what else, I'm sorry, Mr. Fuchs, what else did we—

Don Fuchs: In point four you've indicated the developer shall immediately install necessary erosion control measures that are needed to adequately prevent the polluted storm water from leaving the site. Again, my question is, is that November 30<sup>th</sup>?

Jeff Mueller: Yes. I think, just to be consistent we'll use November 30<sup>th</sup>. Unless the Board has another date.

Commissioner Abell: I don't know what—

Jeff Mueller: Okay, let's—

Commissioner Abell: I'm not an engineer. I don't know how long it takes to do all this stuff.

Jeff Mueller: Let's use November 30<sup>th</sup>.

Don Fuchs: Then, Mr. Mueller, the next point, any reseeding for permanent vegetation shall be installed with erosion control blankets, again, we're talking about November 30<sup>th</sup>?

Jeff Mueller: Well, I think there what we're talking about is it depends on, you know, what comes up and what needs to be reseeded.

Don Fuchs: Okay.

Jeff Mueller: From a permanent vegetation, okay?

Don Fuchs: So, this is more after the fact, so to speak?

Jeff Mueller: Yes.

Don Fuchs: On a prospective basis?

Jeff Mueller: Yes.

Don Fuchs: Okay.

Jeff Mueller: Yes. Also, Mr. Fuchs, so you know, you're getting outside the window of permanent vegetation, probably fescue might still be planted and may come up, but otherwise you would be looking at probably a mix of rye, winter wheat and then coming in in the spring with a permanent vegetation. It just depends on what comes out up there now and if he can get some fescue or something else growing between now and that time period, or if he has to go with a temporary. I'm not, you've already pulled the extent of my farming ability. Just one second. Does that answer your—

Don Fuchs: Yes, sir.

Jim Morley, Jr.: Jim Morley, Jr., Morley and Associates, Project Engineer. I just wanted to try to clarify the intent. In this document it talks about Section Two would not be able to be platted until they achieve the 90 percent coverage, and I get that. My question is, can construction that's in a future section occur prior to that 90 percent, and if so, how does that work? Because you have to, I mean, as Section Two work is done, he would have to get back in those areas to do Section Two work. Or, is the intent that the whole thing is 90 percent green before he does more work towards a future section? Because there's two different...there's the platting of Section Two, which is paperwork that can occur here in the Civic Center, but there's the physical construction of a future section, and I'm trying to understand, and I think Mr. Buck would like to know also, is the intent that he can't plat until he has 90 percent coverage? Or, is the intent that he can't do anymore dirt disturbing at all until the whole thing is green, and then he comes back in and disturbs that green grass to start Section Two construction?

Dan Buck: Dan Buck, I'll try to make this real simple. The only thing left to do in Phase Two is to put in about 500 feet of street. We tried to get a proof roll yesterday, and the rain beat us to it. So, we just need to get a proof roll, put our gravel down, put the curbs in, another proof roll, get the asphalt, Section Two is all done and tied up. So, we hope to have that, all that done by November 30<sup>th</sup> also.

Commissioner Abell: To me that sounds like that would be better than what's out there. Is that, do you feel that way, Mr. Fuchs? Or am I....I mean, I would think blacktop and gravel would be better than mud and dirt.

Don Fuchs: That would be my thought as well. I'm assuming, Mr. Buck, what you're saying is there will no other disturbance of dirt? That what you're working on is merely on the roadway, and you've got an initial base of rock on that, is that what I'm understanding?

Dan Buck: The dirt work is already done for the road. We have gravel down on about 400 feet of it. We have 100 feet left to put gravel down. The dirt work that we'll be doing is finishing the one berm, we have to raise the overflow up one foot, put in the gabion blankets, put in rip rap and tie up all the soil erosion control, which I have hired a new environmental engineer who has, I met with today out at the site, and have gone over a list of about eight things that I need to do, to where she would feel it would be in compliance then. It's more of a direction of water, to get it into the basins. So, the basins then would act as the silt in area, to hold back any silt.

Commissioner Abell: Mr. Mueller or Mr. Stoll, you're going to have to comment on that, I'm not an engineer, I don't know.

Jeff Mueller: Well, I think we agree too that, I don't normally think of pavement as being erosion control, but versus having exposed dirt or exposed rock versus finishing the rock up and putting pavement and curbs down, that's only going to improve the situation. So, I don't have a problem with that one stretch of 500 feet that's going to connect those two roads. I wouldn't be opposed to submitting that in my proposal to you all. John?

John Stoll: I agree with that assessment. I'm fine with that. The key will be, once the street is in, maintaining erosion control along the curb, so that way now that we've got a pavement it's not funneling muddy water straight into an inlet and straight off the site. As long as the erosion control is maintained properly, that should work fine.

Don Fuchs: That works for me. I just want to make sure, bring clarity to this. I heard Mr. Buck talking about something more than just finishing out the street. I heard him talking about working on an embankment. If that's on Phase One, and it's part of what Mr. Mueller and Mr. Stoll has developed here, that he's going to be working under those constraints, I don't have a problem with that. I just want to make sure that his, the work that 's going to be limited to Phase Two has to do solely with finishing out the installation of the streets. I have absolutely no problem with that. I just want to make sure we're not going beyond that in Phase Two.

Jeff Mueller: The installation of the berm, if I'm correct, is part of the construction of the second basin. He's got to bring it up a little bit more, Mr. Fuchs.

Don Fuchs: So, that would be under the points that you're proposing here?

Jeff Mueller: To complete, it's part of the construction of the basins. So, what I heard Mr. Buck say, all that was part of this basin work, which we were saying that he has to get done.

Don Fuchs: But, again, Mr. Mueller, part of what you brought before this Board of what you're proposing here, it would come under those constraints?

Jeff Mueller: Yes. It would be to finish up the construction of those basins.

Don Fuchs: Okay, I just wanted...that's acceptable.

Jeff Mueller: Yes, what we're saying is, dirt work out there is to either finish up the basins or something to do with erosion control, right.

Joe Harrison, Jr.: So, the only thing in two that you're going to add, we're going to add a sentence that's going to say, "however developer may extend the streets or complete the streets within Section Two".

Dan Buck: I think that road is Stellar Drive.

Joe Harrison, Jr.: Okay, that's even better.

Commissioner Kiefer: Stellar Drive.

Joe Harrison, Jr.: Will you write that in, Mr. Mueller?

Jeff Mueller: Yeah, where—

Joe Harrison, Jr.: Just add a bullet point.

Commissioner Abell: That could be additional stipulations.

Joe Harrison, Jr.: Yes, additional conditions.

Jeff Mueller: Or, what about, as a further condition the approval and development of any further sections of the subdivision, with the exception of the rocking and paving of 500 feet of Stellar Drive?

Joe Harrison, Jr.: That's fine. That's good.



Jeff Mueller: Okay?

Commissioner Kiefer: Okay, with that amendment, I'll make a motion to approval.

Joe Harrison, Jr.: Is there anything else? Wait a minute.

Commissioner Kiefer: With the various amendments discussed.

Commissioner Abell: I'll second, and then you can go ahead and make your comments, sir. While we're waiting for Mr. Mueller, Mr. Fuchs, does that satisfy everything with you?

Don Fuchs: Yes, Ma'am. Thank you.

Commissioner Abell: Thank you.

Manuel Ball: My name is Manuel Ball. I'm a representative of Jagoe Homes. We're currently in the process of purchasing lots from Mr. Buck for this community. My concern is with the stop work order that could potentially be placed on Section One. We also have some other issues, or some other concerns with a potential stopping of the plat as well. However, I think what's more important to us, at this point in time, is the potential stop work order on Section One. We have, I believe, nine new homeowners that we, that have currently waited roughly six months to start construction. We actually have one that actually started, he actually signed papers in December of 2013. I realize that that's not the Board's fault, at this point in time, obviously, however, our homeowners and getting them in those homes is very important to us. We would like you to take that into consideration, especially considering the fact that by November 30<sup>th</sup> we will actually be the owner of those lots. Dan Buck will not be the owner of those lots at that point in time, Jagoe Homes will be the owner.

Commissioner Kiefer: Okay, thank you, Manuel. My motion stands.

Commissioner Abell: My second stands.

President Melcher: Okay, all in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: Thank you.

Jeff Mueller: Thank you.

Commissioner Kiefer: Thanks.

President Melcher: So, where do we stand as of right now?

Commissioner Kiefer: Everything's approved.

President Melcher: Everything's approved?

Joe Harrison, Jr.: For now.

Commissioner Abell: For now.

President Melcher: For now.

Commissioner Kiefer: Thank you, everybody.

Jeff Mueller: Do we need to read into the minutes—

Commissioner Abell: Good luck, Mr. Buck.

Jeff Mueller: – we're good with everything, Mr. Harrison?

Joe Harrison, Jr.: Yep, we're good.

Jeff Mueller: Alright.

Joe Harrison, Jr.: Just make sure we get that document that you wrote on.

Jeff Mueller: Yes. Okay.

<b>Green River Meadows: Preliminary Drainage Plan</b>
-------------------------------------------------------

Jeff Mueller: Alright, I'm sorry, let's get back to the meeting. The next thing on the agenda, and, unfortunately, because I don't have the computer, I can't show it to you, is Green River Meadows. This is a proposed 47 lot residential subdivision that's located on the west side of Green River between Millersburg and Kansas. The developer is CWK Investments United, LLC, Wayne Kinney, 9210 Petersburg Road. The plan proposes the construction of two retention ponds, one on the west side of Green River Road and one in the southwest corner of the property where it will abut Green River Estates and Windham Hill Estates. The submitted plan meets the drainage code for a preliminary plans, however, I do want to point out that one of my concerns that I've asked the design engineer to review before final drainage approval is granted is the amount of discharge that is proposed from basin two in the southwest corner. The designed discharge does meet the county code, but this drainage will be draining into drainage swales of Green River Estates, and I'm concerned about having two 18 inch pipes discharging into these swales, even though that is where the current drainage is going. So, I would recommend preliminary approval, with the stipulation that for the final drainage approval, that the developer look at options to reduce the design outflow at this location. Now, I know we've got, I believe, some people that want to talk about this, and I would like to point out one other thing so you understand something. When folks submit a plan to APC, they submit a notification to the adjoining landowners, and in that statement they state when it's going to go before drainage plan approve. One of the problems that we have in our drainage code, which I've partially addressed, but since this has come up I'm going to address a little bit farther, is that we need to make sure that folks get notified a little bit better. In the past this hasn't usually been a problem, because they maybe come before us and then a few days later go before APC. In this particular case, the notices were sent out as required per APC time frames, but we don't have a time frame, like they've got to go out a week before the Drainage Board. It's always worked out prior to that usually they were up here, but they could come into the Drainage Board two months before and get approval, then send out notice on their APC and say, you know, approval went to the Drainage Board on such and such date. So, I think we need to fine tune our notification process to

make sure that they either send out a separate notification, or they do it as part of the APC, but make sure it gets in people's hands a little bit sooner. I think that's one of the problems, because I didn't know these folks had a problem with the subdivision. I'm not sure what it even is, but we're willing to discuss it with you, and I certainly want you all to be able to come up here and tell folks, but I know the Commissioners are going to be sitting here going, well, why are these folks just finding out about it. So, I wanted to let you know about that in advance. So, if you folks would like to come up to the microphone and address yourself and whatever comments you have.

Commissioner Kiefer: Jeff, it should be a problem easily resolved. I mean, I would suggest you and Joe get together on some, maybe come up with, maybe we have separate notices.

Jeff Mueller: And, I've got, as I've told you, I've got a proposed changes in the drainage code, and I have some notifications in there. I'm going to have to fine tune it a little better—

Commissioner Kiefer: Sure.

Jeff Mueller: — put some dates in there, but it's part of what I want to submit to you all eventually. Right now I've got that in the homebuilders hands for them to review those things. We've kind of reviewed it inside. So, we're going through that review process, but, yes, we need to get that—

Commissioner Kiefer: Good. Thanks.

Jeff Mueller: — we need to fine tune that a little bit.

Commissioner Kiefer: Good idea. Appreciate that, Jeff.

Jeff Mueller: So, go ahead, folks. Please state your name and address.

Jane Gordon: Yeah, thank you. That is a good idea. We apologize for coming earlier, because the note did say room 307, we found our way to 301, and we came in late. I'm Jane Gordon, representing John and Constance Hunsinger at 4200 Wethersfield Drive.

Keith Galey: My name is Keith Galey. I live at 8631 Newburgh Road.

Jane Gordon: So, we're neighbors.

Keith Galey: Yes.

Commissioner Abell: Could I stop you for one minute? Tell me what the address is? I'm trying to find it on Google Earth so I can look at it.

Keith Galey: Oh, okay.

Jane Gordon: Okay, great.

Commissioner Abell: What's the address of the property that your father owns?

Keith Galey: Oh, go ahead.

Jane Gordon: My father, John Hunsinger—

Commissioner Abell: The property that we're going to be discussing that's got the water problems.

Jane Gordon: Well, it's both of ours. I'm sure it's the whole street, but we're the two that are here.

Commissioner Abell: Give me just any address that Google Earth will pull up.

Jane Gordon: I think most people did not get the notices. He did not, but found out through a neighbor.

Commissioner Abell: Okay.

Jane Gordon: My dad's pretty efficient about opening his mail. So, he got it Saturday and gave it to me Sunday.

Joe Harrison, Jr.: Okay, what's the address?

Jane Gordon: 4200 Wethersfield Drive.

Joe Harrison, Jr.: Okay.

Commissioner Abell: How do you spell Wethersfield?

Jane Gordon: W-e-t-h-e-r-s-f-i-e-l-d.

Commissioner Abell: Got it.

Joe Harrison, Jr.: Okay.

Commissioner Abell: Okay.

Joe Harrison, Jr.: Go ahead.

Commissioner Abell: Thank you.

Jane Gordon: Do you want to give your address too.

Keith Galey: I just did.

Jane Gordon: We're like maybe a couple of blocks away, I think. I just met Keith here tonight. I guess, our concerns are, he took this to work, the plat and blew it up. I couldn't read what was in the mail with my father's paperwork, but I walked the ditch the other night and I have many times before since it was built. The problem is, what's already there at Green River Estates on the back side of that subdivision is not draining now. I walked the creek myself. There's some areas, and I know my father has addressed this before, and there's some homeowners that want their ditch filled in so they can mow it nice and pretty, and then there's some ditches, like in my father's where it does not drain. Okay, so you have this going on along the back side, but what I also noticed was when I walked through the ditch area, I see a pretty big rise just looking up to where the homes are to be built. I live in Newburgh where

they raised the Lloyd and they built the \$11 million library, and I have the proud honor of paying an extra \$750 a year for flood insurance now.

Commissioner Abell: Is this subdivision directly north of 4200 Wethersfield Drive?

Keith Galey: Yes.

Joe Harrison, Jr.: Yeah.

Commissioner Abell: Can you come look at Google Earth and show us where it is? It must be this.

Keith Galey: It's a big, wooded area right now.

Commissioner Abell: That big, wooded area right there? That's it?

Jane Gordon: Yeah, Keith, can you address the point you were making about the rise in the elevation as it goes down?

Jeff Mueller: It's this whole, that field and that wooded area right there.

Commissioner Abell: Okay.

Jeff Mueller: Plus this house right here.

Joe Harrison, Jr.: So, it's the whole thing?

Jeff Mueller: It's that whole thing is the subdivision.

Joe Harrison, Jr.: How many lots is it?

Jeff Mueller: 47.

Jane Gordon: People, including my father, have had sump pumps that they've purchased and put in the ditch for a good number of years to get some drainage going on back there. It's a problem. Not all the time, but depending on the rain situation, when it rains it is an issue, to the point where he's had to do that. Keith has a sump pump that he purchased. It's an issue.

Commissioner Abell: Mr. Melcher, do you want to see this?

President Melcher: Well, I was waiting for Joe to get back.

Commissioner Abell: Well, this is the whole area.

Joe Harrison, Jr.: What's the cross street down there?

Commissioner Abell: Millersburg.

Joe Harrison, Jr.: Millersburg?

Commissioner Abell: No, that's south—

Jane Gordon: Yeah, it's close to Millersburg.

Keith Galey: A little bit north of Millersburg.

Commissioner Abell: Yeah.

Keith Galey: We're actually off of Huntington.

Jane Gordon: It would be before Kansas, but, yeah, it's like Windham Hill is there now.

Commissioner Abell: Right.

Joe Harrison, Jr.: Okay.

Jane Gordon: So, it's a piece of land that's kind of behind Windham Hill and the wooded area.

Keith Galey: Right in between—

Jane Gordon: So, once those trees are removed, it's going to be a bigger problem besides being higher, when you take the trees out it's probably going to flood more, I'm guessing.

Commissioner Abell: You say some people have gotten nice, flat ground, well, that's not allowed is that correct, Mr. Mueller?

Jane Gordon: No, that would be what I would think.

Jeff Mueller: (Inaudible) fill in some of the drainage easement.

Jane Gordon: There's some issues that need to be resolved. It needs to be cleaned out, I would guess.

Joe Harrison, Jr.: People are blocking the drainage easement.

Jane Gordon: Yeah, it's not...but, the other issue is, if you just stand in the ditch and you look, it's like, what I noticed at my home in Newburgh where they built the library and the Lloyd got raised and the library got raised and now I get to pay for flood insurance. So, I'm worried about the value of my parents home and the marketability of it. To me, just, you know, it's not my niche to know anything about engineering either, but it doesn't take a whole lot of common sense to walk the ditch and look up at it and see that it could potentially be a problem.

Commissioner Abell: Mr. Mueller?

Jeff Mueller: This is the first I've heard about it. Like I said, one of my concerns was the amount of water that was going to come off of this, you know, in talking to Mr. Meritt about the situation out there and making sure that we don't have as much water. But, it sounds too like they have a problem....let me back up. It sounds like we've got a couple of issues; number one, it sounds like we have a drainage easement back there with shallow swales. So, that probably people over time have filled in, who knows if they've put fences in there, or pipes or whatever, but as we all know it's supposed to be a swale with at least one foot deep and three to one side slopes. Whether that's actually there or not, I don't know. The second issue is the fact that, you know, water is allowed to come down hill, and even if this wasn't

developed, say, for example, if they wanted to clear the woods and put farm up there, that water would still be allowed to come down hill without any regulations. Now we have some regulation in that if you put houses in you have to limit the amount of flow, but I would like to see that flow limited even more, but it also sounds like we've got some problems with people out there with nothing being done right now.

Jane Gordon: Yeah, I imagine there's more concerns, because Keith did not get his letter. It was sent certified. My father is very efficient with his mail, so, he had–

Jeff Mueller: I understand. Also, understand that–

Commissioner Abell: That's okay, we're going to address the problem anyway.

Jeff Mueller: – we're going to address that problem, but they didn't do anything illegal in the way they sent things out, it's just–

Commissioner Abell: Well, I guess, my–

Jeff Mueller: – we've got to change some things.

Commissioner Abell: – not that I'm trying to disagree with you, but if they're going to put 47 houses in there, that concrete is certainly going to push more water down on these people than it would if it remained a farm or crops or anything with grass.

Jeff Mueller: I agree.

Commissioner Abell: So, definitely there is going to be some additional water issue with 47 back there.

Jane Gordon: Sure is.

Jeff Mueller: Yes, and our code is supposed to address some of that, but my proposal, what I've asked Mr. Meritt is, let's look and do better than the code on that. But, even so, we still have, it sounds like we have some issues when the water gets away....I haven't been out and walked the site. It sounds like we've got some issues.

Commissioner Kiefer: Perhaps we ought to delay this.

Commissioner Abell: That's what I think. I'm not ready to vote on this.

Commissioner Kiefer: I think we ought to delay this until–

Jane Gordon: Thank you.

Glen Meritt: Glen Meritt with Cash Waggner and Associates. A couple comments that I have, I mean, I don't know exactly where these people's property are in relation to our site. Can I, do you still have it up?

Commissioner Abell: Sure, I've got it up on Google Earth. There's their house and there's your site.

Glen Meritt: Okay. I mean, the majority of our water on our site, I mean, we're going to install a new swale along that entire south property line that's going to capture the

water from the rear yards, and it's going to drain it to the detention basin pretty close to where that property that you're looking at on Google is located. That detention basin is going to store the water and release it at the undeveloped ten year rate of the existing site as it is wooded. That's what Mr. Mueller is talking about. We're holding water and storing it in our retention basin, there's nothing going off site undetained to Green River Meadows. The water that's there now is going to be collected, taken to the detention basin and then it's going to be released at a slower rate and down through Green River Estates. So, I mean, I understand their concern. I mean, we get it every time we turn in the plans, somebody doesn't like what's going on, but we are releasing that water at a slower rate than what's coming there right now, as we speak, with it being wooded. There's a significant amount of off site water from the north that's just in between Windham Hill and our proposed subdivision, and, I mean, that's of the majority of the water that's going to be running off on to Green River Estates is that off site watershed. Jeff has called me a couple of times and asked me to, you know, look at making the basin a little bit bigger, storing a little bit more water and slowing the water down some more, and I've agreed to look into that. Once we get a detailed topo of that area, you know, we're going to do a little bit of a redesign and come back for final plan approval, but this is a preliminary plan approval, this is basically to get a plan approved by the County Commissioners to come, in order to come before APC on November 13<sup>th</sup>, I do believe. If we don't get this approval, it pushes the whole project back another month. I mean, it meets the code, we followed the drainage ordinance, we are even releasing a little less than what the drainage code allows and Jeff's wanting us to do above and beyond that, which I've agreed to look into. So, I would really appreciate a vote on this tonight, because we have met the ordinance and done everything that we were supposed to do, per the drainage code.

Commissioner Abell: Jeff? Since we're working on Green River Road right now, is there no possibility of taking the water from this whole subdivision over to Green River Road and putting it in some ditch along Green River Road, or some storm sewer along Green River Road? I mean, just holding it in a basin and hoping it doesn't overflow into their property doesn't seem like a very good plan to me.

Jeff Mueller: There's not physically a way to get it...I mean, I guess, physically there always is a way to get something there, but not reasonably a way to get it. As Glen said, there's two watersheds. One is kind of on the back half of the woods, and that's going into this basin. The other part is the front part that's already tilled and maybe part of the woods, Glen?

Glen Meritt: Just a little part of the woods.

Jeff Mueller: That's going to Green River Road. There's kind of like a ridge in there. So, what Glen's doing is taking part of the water to a basin, releasing it at the rates that they're allowed to release at on Green River Road, and part of it to a basin in the southwest corner and releasing it at that rate.

Commissioner Kiefer: Jeff?

Jeff Mueller: Yes?

Commissioner Kiefer: If we vote on this tonight, it's just a preliminary plan, we can force changes if you go out there and walk the site and see what's going on and you come back and say, hey, look, I'm not happy with this or that, a preliminary is just preliminary. We can—



Jeff Mueller: Right, and remember the preliminary's got a small checklist, which I think I gave you a copy of that checklist in your packet.

Commissioner Kiefer: Yeah, yeah, yeah.

Jeff Mueller: The long list is much longer than that. The preliminary is essentially that what they've given us meets the code, they've come through with the basic things. But, I also think that what we're talking about too is not so much a problem from this area, as it sounds like you've got some drainage problems from people plugging up some of the swales in there right now. So, even if this doesn't get built, you still have a problem.

Jane Gordon: I don't know what happened. It's been a problem since 1993 when it was built.

Commissioner Kiefer: Okay.

Jeff Mueller: Okay.

Commissioner Abell: (Inaudible) out there.

Jeff Mueller: Myself and I'm going to volunteer Mr. Stoll.

Jane Gordon: Keith lives further down and he has a sump pump in his yard, if you can explain where you are.

Keith Galey: I'm actually at the top of the hill.

Jane Gordon: He's higher than the house that I'm referring to, and he has a sump pump in his yard now.

Joe Harrison, Jr.: Right, but you know what he's saying, regardless of this proposal—

Commissioner Kiefer: You've got a problem.

Joe Harrison, Jr.: — you've got issues out there. He's willing to look at them.

Jeff Mueller: I'll bring the County Engineer out with me. I'll make an appointment with you and your dad, or whoever.

Joe Harrison, Jr.: It's good you came here tonight.

Commissioner Kiefer: It's very good you came here tonight.

Jane Gordon: (Inaudible) I was over there and that my dad opened his mail on Saturday.

Joe Harrison, Jr.: Well, that's good.

Commissioner Kiefer: What I would like to do, I think what Glen said has merit, I don't really want to stop the process, but I do want to know that we have the right to go back and change things later. Since this is just a preliminary plan and Jeff's committing to go out there, along with John Stoll and look at things, I would like to go ahead and vote on the preliminary plan tonight. I'll make a motion to do so, with

the caveat that Jeff's going to be going out there, working with these individuals to look at their problem. So, that would be a motion.

Jane Gordon: It's a big subdivision.

Commissioner Abell: I'll second it.

Jane Gordon: If there's only two people here, I'm suspecting, like you said, a lot of people didn't get notified.

Jeff Mueller: Well, now everyone should have been notified that is adjacent to the property. Okay, so if you aren't adjacent to the property—

Keith Galey: I am.

Jeff Mueller: —okay.

Keith Galey: I wasn't home Saturday.

Jane Gordon: (Inaudible) so he couldn't sign for it.

Jeff Mueller: Okay.

Commissioner Kiefer: Well, at least you folks—

Joe Harrison, Jr.: You're here.

Commissioner Kiefer: — keep in mind, this is not a final plan, and Jeff's going to go out, along with our County Engineer and investigate this.

Jeff Mueller: If you've got some other neighbors that just got the notice and you're sitting there, you know, while you're raking leaves and they're talking about it too, we can meet with, you know, we'll meet with whoever people are along that swale.

Jane Gordon: That's fine. It's not my property. I don't live there.

Jeff Mueller: No, no, but, I mean, your father's property. We'll meet with the folks. Okay?

Commissioner Kiefer: Do you want to call roll call, Steve?

President Melcher: So, where are you at, Jeff?

Jeff Mueller: I'm at, I agree with Glen. As far as a preliminary, that, you know, we approve it. My concerns were already voiced, which, you know, trying to cut down on that beyond what the code even says, but he is meeting the code for a preliminary drainage plan. I'm more than willing to meet with folks out there. It sounds like we've got a drainage problem regardless of what happens out there. I'm more than willing to meet with those folks too. Then, I've volunteered Mr. Stoll. He volunteers me sometimes, and you guys volunteer both of us sometimes. So, I recommend, I'll recommend preliminary approval, Mr. Melcher.

President Melcher: So, just because we pass this doesn't mean we'll pass the final one.

Jeff Mueller: That's up to you all.

President Melcher: I understand.

Joe Harrison, Jr.: Is there a second?

Commissioner Kiefer: Yeah, we have a motion and a second.

Commissioner Abell: I did second it.

Commissioner Kiefer: Yeah.

President Melcher: Okay, do you want to call the roll.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

Jeff Mueller: We're getting close.

<b>Havenwood Meadows: Section Two: Revised Drainage Plan</b>
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Jeff Mueller: The next thing is very simple, and, unfortunately, I don't have it to show you. It's on Havenwood Meadows, Section Two, a revision to the drainage plan. If you don't mind, I would like to just approach you with a drawing. I can't pull it up on the overhead, but I would like to approach you with a drawing and show you what's going on.

Commissioner Abell: Is this off Hillsdale and 41?

Jeff Mueller: Yes.

Commissioner Abell: Okay.

Jeff Mueller: All they're working at doing is, right now there's a street drain here and here. They're wanting to extend the pipe 12 feet, put in an additional drain here to capture some of this drainage. The drainage already is coming down now and going to the street drains, they just want to add another street drain.

Commissioner Abell: Oh.

Jeff Mueller: Or, not another street drain, but another drain right off here.

Commissioner Kiefer: Yeah, and it's 12 feet apart?

Jeff Mueller: Yes. Now, this would be subject to once they install it, they would give us a drainage easement. Okay? Because it's outside the boundaries of the subdivision. Or, I'm sorry, outside the road right-of-way. So, they need to give us an easement. They want to wait, to hold to give us the easement until such time as they put the structure in so they can get the easement precisely correct.

Commissioner Kiefer: Where is Havenwood Meadow Drive at? Where, is this north side?

Joe Harrison, Jr.: Off Hillsdale—

Commissioner Kiefer: Oh, okay, off Hillsdale.

Joe Harrison, Jr.: — in between 41 and Browning.

Commissioner Kiefer: Okay, I've got 'ya.

Jeff Mueller: As a matter of fact, Mr. Kiefer, if you've driven up 41, you look up on the hillside, there's a pretty good size house going up up there.

Commissioner Kiefer: Yeah.

Jeff Mueller: That's where this is going at.

Commissioner Kiefer: Got 'ya.

Jeff Mueller: Okay?

Commissioner Kiefer: Thanks. Okay, I'll—

Jeff Mueller: So, I would recommend approval of this change.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Abell: Second.

President Melcher: Any other comments? Anybody in the audience? Go ahead and call the roll.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

<b>Ditch Maintenance Claims</b>
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Jeff Mueller: I've got ditch maintenance claims, summarized in a spreadsheet I gave you. The total amount, \$26,689. I recommend they be approved.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Abell: Second.

President Melcher: Roll call.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

<b>Public Comment</b>
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President Melcher: Okay, now we're down to public comment, but I think we've had all the public comment.

<b>Other Business</b>
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Commissioner Abell: I have something under other business.

President Melcher: Okay.

Commissioner Abell: There was an e-mail sent to us from a gentleman who lives on Old State Road about some ditch work that was supposed to be done, that he thought the County Highway...he was supposed, I offered for him to come here this evening. Do you or John Stoll either one know anything about this?

Jeff Mueller: It's actually a pipe that John and I have both looked at. It, John, I'll let you fill the details in a little bit better, because you've done the research.

John Stoll: We looked at the old bridge plans for the Old State Road bridge over the railroad, and it showed that that was going to be an open ditch. I have no records showing when it got piped. Jeff and I went out there, this has been probably a couple of months ago, and there is a probably, what, 12"-18" HDPE plastic pipe that is in that ditch. As far as what might be the problem, talking to the County Highway Department, I know they were trying to get a camera to run in there to see what the obstruction might be, as far as causing the problems for Mr. DeBaillie, but I think

that's where things have been stalled out waiting for them to get a camera and just see what the issue was as far as the obstruction was concerned.

President Melcher: Didn't we buy a camera for them a year or two ago?

John Stoll: Not that I know of. Every time that I've worked with them relative to needing a camera, they try to borrow one from the Water and Sewer Department.

President Melcher: I know that, but I think it was recommended at one time they get prices on a camera.

John Stoll: I thought they did get prices, but they were \$8,000-\$10,000, and they didn't have any funding set aside to buy it. It would be great if they had one.

President Melcher: Well, they need one.

John Stoll: Yes.

Jeff Mueller: I agree.

Joe Harrison, Jr.: And, we don't know how the pipe got there?

Jeff Mueller: No, and also it's not like it's a road side pipe. Old State Road, because it goes up in grade to cross the railroad, the easement for the county road right there is really wide. So, this pipe is like anywhere from, I don't know, 20 feet to 50 or 60 feet off the roadway.

Joe Harrison, Jr.: Okay.

Jeff Mueller: So, it's not like it's a pipe right in the ditch, right next to the road. It is on the easement of the county road.

Commissioner Abell: Well, I think we've got to do something. I mean, the man's—

Joe Harrison, Jr.: Right, yeah.

Jeff Mueller: Right.

Commissioner Abell: I mean, we have to address it in some way.

Jeff Mueller: I just wanted to explain, it's not, you know, what's going on—

Commissioner Abell: I mean, if it's not something we should take care of, we need to let him know. If it is, we ought to—

Joe Harrison, Jr.: Do something about it.

Commissioner Abell: I mean, he keeps getting bounced around, and he's getting a little tired of being, you know, just told we're looking into it. I mean, that's what he's been told for months, that it's being looked into. Because, he sent me copies of his e-mails, so, I know that that's what he's been told for months. So, I don't know if this is something we are at a disadvantage because we don't have a Superintendent of County Highway right now, but I would wonder if either one of you would be willing to take it on to at least address this gentleman's problem.

John Stoll: I got an e-mail earlier today, and it was my understanding Scott Wischer with the Highway Department did get in touch with him today. Now, I haven't spoken to Scott, so, I don't know that for sure, but I thought the e-mail said it was Scott that spoke to him. I can follow up.

Joe Harrison, Jr.: Just report back at the next meeting?

John Stoll: Yeah.

Commissioner Abell: Yeah, I would appreciate that.

Jeff Mueller: Yeah.

John Stoll: It's just a matter of figuring out what the obstruction is and where it is in order to figure out how to get it fixed.

Commissioner Abell: Okay. That's all I have.

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

Commissioner Abell: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: We're adjourned.

(The meeting was adjourned at 7:09 p.m.)

**Those in Attendance:**

Stephen Melcher  
Jeff Mueller  
John Stoll  
Jim Morley, Jr.  
Glen Meritt  
Members of Media

Joe Kiefer  
Joe Harrison, Jr.  
Jane Gordon  
Dan Buck  
Don Fuchs

Marsha Abell  
Madelyn Grayson  
Keith Galey  
Manuel Ball  
Others Unidentified

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Stephen Melcher, President**

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**Joe Kiefer, Vice President**

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**Marsha Abell, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
NOVEMBER 18, 2014**

The Vanderburgh County Drainage Board met in session this 18<sup>th</sup> day of November, 2014 at 6:12 p.m. in room 301 of the Civic Center Complex with President Stephen Melcher presiding.

**Call to Order**

President Melcher: Okay, we'll go ahead and get the Drainage Board started. It's November 18<sup>th</sup> and it looks like it's about twelve after six.

**Pledge of Allegiance**

President Melcher: If we could all rise. Joe, would you lead us in the Pledge?

(The Pledge of Allegiance was given.)

**Approval of the October 28, 2014 Drainage Board Meeting Minutes**

President Melcher: Okay, we're all here. I need a motion to approve the previous minutes.

Commissioner Abell: So moved.

Commissioner Kiefer: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: Thank you.

**Solarbron Revision to Drainage Plan**

President Melcher: Solarbron revised, revision of drainage plan.

Jeff Mueller: Yes, on Solarbron, they are adding an 11,400 foot, square foot parking lot, and then there's going to be a little piping. As part of the drainage code, anything over 10,000 square feet of impervious area requires a drainage plan. All they are doing here is submitting that the pipe will carry the capacity of the water, and that the lake will meet the capacity with this additional impervious area, which it does. So, I recommend approval of this revision.

Commissioner Kiefer: Okay, motion to approve.

Commissioner Abell: So moved.

President Melcher: Okay, any questions? Anybody? Roll call vote please.

Madelyn Grayson: Commissioner Abell?



Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

<b>Other Business</b>
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President Melcher: So, we're down to other business already?

Jeff Mueller: Other business, the only thing is, I did—

Commissioner Abell: Did we skip Green River Road Meadows?

Jeff Mueller: That was a mistake on my part.

President Melcher: I should have said that. He told me. I crossed it off mine. I'm sorry.

Commissioner Abell: I'm sorry. Okay.

Jeff Mueller: Okay. Just a ditto to your remark, Commissioner Melcher, about the website, on it needs to have more county flavor. I agree with that.

President Melcher: Well, originally it was supposed to have a city and a county and we were kind of sharing it, but it was all going to be separated. Then, when they got it done, it's all the city and we're thrown in.

Jeff Mueller: I know, and it's been very difficult for us to navigate people to our site.

President Melcher: Right.

Jeff Mueller: So, I agree with what you're saying.

President Melcher: It took us a long time to get them to put Vanderburgh County on the front.

Jeff Mueller: Yes. So, I agree.

Commissioner Abell: It was little bitty.

President Melcher: So, you know, we should have pulled out of that or something, but we need a new website.

Jeff Mueller: Yes, I agree.

President Melcher: To kind of separate them.

Commissioner Kiefer: Well, if we can't get more exposure, we'll just drop out of that and go back to our own.

President Melcher: I'm not against that. It looks like you're down to other business already then.

Jeff Mueller: I have no other business.

<b>Ditch Maintenance Claims</b>
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Jeff Mueller: I have no claims. The only thing I wanted to note was that I'm the only one that needs binoculars from here. I'm glad to see someone else had that problem. I suggested that we get a screen up here so we could use it.

<b>Public Comment</b>
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President Melcher: We don't have any public in here. John, do you got anything to say. You've been up here a third of the night.

Commissioner Abell: Well, we've got at least 400 screens in the Old Courthouse, I'm sure we could bring one down here. I mean, in the old jail space. There's a bunch of old screens. Yeah, we could...oh, they're literally, I bet there's 400 sitting in there.

Joe Harrison, Jr.: Are they smaller?

Commissioner Abell: They're about this size.

Jeff Mueller: It would be nice to have one at the podium so that you could see what you're doing.

President Melcher: I don't know why we can't.

Commissioner Kiefer: Well, let's get with Dave Rector and see if we can get that resolved.

Commissioner Abell: He would love to get rid of them.

President Melcher: I talked to Dave Rector about a year ago about having it set, one right there in the middle looking this way and that way. No, this way.

Jeff Mueller: Yeah.

President Melcher: Because that would be good. So, I'll talk to Rector about that too. I could bring up them other ones, and where are they at, in the jail you said, Marsha?

Commissioner Abell: Yeah, in the old jail space. Uh-huh.

President Melcher: Okay.

Jeff Mueller: Behind us, yeah.

Commissioner Abell: Yeah, over there, through this wall.

President Melcher: Over there. Any other things to come before the Drainage Board tonight?

Commissioner Kiefer: Motion to adjourn.

Commissioner Abell: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: Okay, we're adjourned.

(The meeting was adjourned at 6:17 p.m.)

**Those in Attendance:**

Stephen Melcher

Jeff Mueller

Others Unidentified

Joe Kiefer

Joe Harrison, Jr.

Members of Media

Marsha Abell

Madelyn Grayson

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Stephen Melcher, President**

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**Joe Kiefer, Vice President**

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**Marsha Abell, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
NOVEMBER 25, 2014**

The Vanderburgh County Drainage Board met in session this 25<sup>th</sup> day of November, 2014 at 5:25 p.m. in room 301 of the Civic Center Complex with President Stephen Melcher presiding.

**Call to Order**

President Melcher: If we could go ahead and rise.

**Pledge of Allegiance**

President Melcher: We're going to say the Pledge.

(The Pledge of Allegiance was given.)

President Melcher: Thank you.

**Attendance Roll Call**

President Melcher: Do you want to call the roll?

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Here.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: President Melcher?

President Melcher: Here.

**Approval of the November 18, 2014 Drainage Board Meeting Minutes**

President Melcher: I need a motion to approve....uh-oh.

Commissioner Kiefer: Is there a motion to approve the previous minutes? Oh, there isn't a motion? I need to make a motion?

Commissioner Abell: You're not the President of Drainage Board.

President Melcher: He switches from time to time.

Commissioner Abell: Move to approve.

President Melcher: Did you second it?

Commissioner Kiefer: I made the motion.

President Melcher: Okay, are you going to—

Commissioner Abell: Okay, I'll second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: I guess we got it now.

Commissioner Kiefer: I'm trying to multi-task.

**Construction in Floodway Permit: 9400 New Harmony Road**

President Melcher: Alright, go ahead.

Jeff Mueller: Okay, you have a construction in floodway permit. This is for modifications to a dam out on 9400 New Harmony Road. I'm bringing this to you just for the record. There's nothing the Drainage Board has to do on it. We don't have any approvals or anything for this. So, it's in here for the record and for your files.

**Willow Creek Drainage Issue Update**

Jeff Mueller: The next thing is Willow Creek. You got an e-mail from John Stoll regarding this. John and I made an inspection on that. If it would be the Board's pleasure, John and I and Scott can meet out there to, with the neighbors, if that's what you would like. Or, if any of you would want to be with that. I think John sent you a report, it's got some pictures. I don't want to take his thunder on that. I'll let him discuss that under his part, but we can look at the drainage, but I will let you know that most of that drainage is in easements and the pipes are not county maintained, but we can certainly meet with the folks and see what their issues are and bring those back to you all and tell you what we've got going on out there.

President Melcher: I don't mind meeting, just call me.

Jeff Mueller: Okay.

President Melcher: Just call me on my cell so I know what it is.

Jeff Mueller: So, we'll send you some potential meeting times and you could tell us what your schedule is like.

President Melcher: Okay.

Jeff Mueller: Okay?

President Melcher: Because I don't know what my schedule is going to be here for maybe a few days next week.

Jeff Mueller: Okay. So, we'll let you know about that.

**Ditch Maintenance Claims**

Jeff Mueller: Ditch claims, I've given you a list of ditch claims. There's \$7,830.81. I'm asking for approval of those. Most of those are just standard, the maintenance, we're cleaning up some of the contracts, and some of those are just 15 percents from previous times.

President Melcher: Okay, I need a motion.

Commissioner Abell: So moved.

Commissioner Kiefer: Second.

President Melcher: Okay, can you call the roll please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

**Other Business**

Jeff Mueller: I've got one other thing that's not on the agenda, for other business, that's The Enclave. As you're aware the drainage is supposed to be done by November 30, 2014. John and I will be making an inspection out there next week to see where he's at on it. We'll give you a report after that. I assume at the December 9<sup>th</sup> meeting.

President Melcher: Okay.

Jeff Mueller: That's all I have.

**Public Comment**

President Melcher: Does anybody else have anything. Anybody from the audience? I need a motion to adjourn.

Commissioner Kiefer: Move to adjourn.

Commissioner Abell: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

(The meeting was adjourned at 5:29 p.m.)

**Those in Attendance:**

Stephen Melcher

Jeff Mueller

Others Unidentified

Joe Kiefer

Joe Harrison, Jr.

Members of Media

Marsha Abell

Madelyn Grayson

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Stephen Melcher, President**

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**Joe Kiefer, Vice President**

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**Marsha Abell, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
DECEMBER 9, 2014**

The Vanderburgh County Drainage Board met in session this 9<sup>th</sup> day of December, 2014 at 7:01 p.m. in room 301 of the Civic Center Complex with President Stephen Melcher presiding.

**Call to Order**

President Melcher: We'll go ahead and rise and start.

**Pledge of Allegiance**

(The Pledge of Allegiance was given.)

**Approval of the November 25, 2014 Drainage Board Meeting Minutes**

President Melcher: We need a motion for the approval of the previous minutes.

Commissioner Abell: So moved.

Commissioner Kiefer: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: Thank you.

**Request to Discharge to Legal Drain: Nurrenburn  
Romain Family Limited Partnership**

President Melcher: Next we have a request to discharge to legal drain, Nurrenburn, Romain Family Limited Partnership. Tell us what that's about.

Jeff Mueller: Okay, this is a request to discharge into the Nurrenburn Drain. Nurrenburn Drain is our farthest east drain in the county. It runs roughly from just south of the Lloyd Expressway to the north. What the Romain's are doing, they're making some improvements to their, I believe it's their used car lot, and I think they're making a small building addition. In doing so they want to take some of the drainage from that parking lot into the legal drain. The actual drainage plan gets approved by the city, which they may have already approved, but to discharge that water into our drain, as you'll recall, they have to submit a little application to us, which they've submitted. I'm fine with this. They're just going to be running a pipe over there, putting some rip rap down the drain where it's going to discharge. So, I recommend that this be approved.

Commissioner Abell: Move for approval.

Commissioner Kiefer: Second.



President Melcher: Okay, roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Well, before I vote, I've got to say that we've always had a little bit of trouble with drainage, and the State made it worse when they tore the bridge out and then put it two foot lower. That's when we started having all the flooding. So, I'll vote yes.

**(Motion approved 3-0)**

Jeff Mueller: Do you want me to move on?

President Melcher: Yes.

<p><b>Windemere Farms: Lot 65: Revised Drainage Plan &amp; Encroachment Agreement: Scott Wolf</b></p>
-----------------------------------------------------------------------------------------------------------

Jeff Mueller: Okay, drainage plan revision and encroachment agreement for Windemere Farms, Lot 65. This lot is located at the end of a short swale in Windemere Farms. The current owner bought the house unaware that a previous owner had installed a 12 inch pipe where the swale was located. The swale is designed to carry just under 1 cfs of water, which is really a small amount, and the pipe will adequately carry this water. So, I recommend approval of the drainage plan to allow for the pipe. In addition, at the same time, the owner of the property is then requesting permission to encroach in the drainage easement, into the swale with a portion of his fence and some concrete from the newly installed swimming pool. With the swale filled in and the pipe now carrying the drainage, I don't see a problem with this encroachment. So, I would recommend approval of both the drainage plan revision and the encroachment. If you've got any questions on this, in your paperwork there's a little drawing that he's submitted. There's an engineer's calculation too, but it just shows, like I said, there was a swale, they've filled it in with a pipe, like I said, the current owner did not even know that. So, we had an issue and talked to him about it, and I said, well, if you've got a pool going in out there too, you're going to want to do an encroachment agreement at the same time. So, he's trying to do everything right and clean up an issue that he inherited. So, I recommend approval.

President Melcher: The only thing, the only question I have, is we always have troubles with these pools. So, we want, that's where we was on a case for, I think you took over...when we had that long case-

Jeff Mueller: Huang-Huston.

President Melcher: – and tried to understand what they were saying and everything.

Jeff Mueller: Yes.

President Melcher: So, every time somebody says pool, I say, oh no. So, we really understand how this is going to drain?

Jeff Mueller: Yes. The problem with that, Mr. Melcher, and I agree too is that when folks come in with a permit for a pool, they've got a 32' X 16', they show a square, a rectangle 32' X 16', but then the problem, as we all know, is when you have the pool and then you have a concrete deck and everything else, and they don't show that information, then that's the stuff that gets stuck in our drainage easements, and then our drainage easements get clogged, and we have actually what you used. I've been using that as a poster child when telling people you need to do this stuff up front, because we had somebody that had a pretty hefty bill because they didn't. I fully agree with you on that.

President Melcher: That's why, every time, as long as I'm here, we're always going to question these pools, because it just creates problems for everybody, especially when you have a second and third owner like we did on that one.

Jeff Mueller: Yes, and in this particular case, as I explained to this owner, you know, you inherited this problem with this pipe. You know, I don't have a problem with it, it will carry it, do this encroachment so that when you do sell the property, the next property owner is going to have a piece of paper that says he could have, you know, that little piece of concrete one foot into, you know, to encroach, or that he could have the fence there because it was shown on an agreement. So, you know, it kind of protects him at the same time. But, yes, these pools they've set off a warning light in my head too.

President Melcher: Well, I'm glad I'm not the only one.

Jeff Mueller: No.

Commissioner Abell: Mr. Mueller, is this, I'm kind of familiar with that area out there, is this kind of at the top of the hill, or this down near the bottom?

Jeff Mueller: It's near the bottom. It's right at the end of the cul-de-sac.

Commissioner Abell: As you enter Windemere Farms–

Jeff Mueller: You enter Windemere Farms–

Commissioner Abell: –off of 57–

Jeff Mueller: –off of Kansas Road–

Commissioner Abell: Yeah, oh, off of Kansas Road?

Jeff Mueller: Off Kansas Road–

Commissioner Abell: Oh, okay.

Jeff Mueller: – you come to the short strip, then you hang a right, you go and you hang a left, and then you hang a left again and you go down to the end of the cul-de-sac.

Commissioner Abell: Okay.

President Kiefer: Any other questions?

Commissioner Abell: Do you need a motion?

President Melcher: Yes.

Commissioner Abell: So moved.

Commissioner Kiefer: Second.

President Melcher: Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

<p><b>Encroachment Agreements for Cayman Ridge Lot 1 &amp; Lot 155 (Baumgart &amp; Hopkins)</b></p>
---------------------------------------------------------------------------------------------------------

Jeff Mueller: Encroachment agreements for Cayman Ridge, lot one and lot 155. These two lots are located on each side of the entrance to Cayman Ridge on Cayman Drive. The previous developer had installed a fence and a sign in both the drainage easement and the road right-of-way. They are going to make some modifications, including moving the sign and fence from the road right-of-way and removing the fence into the drainage easement only. The major issue will be that the fence will be located across the storm pipe that crosses Cayman Drive. With all of these changes I recommend approval for these two encroachment agreements. So, to make a long story short, when you first enter that subdivision there's this big sign and there's a fence, the fence was in the road right-of-way, it was causing an issue with the vision coming out of the street, and also on top of it the fence was built and the sign was built across a culvert that goes underneath the road. They're going to be removing the sign, they're going to be taking the fence out of the right-of-way of the road, but it will parallel the drainage easement. Specifically, the fence will be crossing over where the pipe is. I don't have a problem with this. They would be responsible, you know, if we come through there 30 or 40 years from now and have to tear that pipe out, their fence goes, you know, but we're just giving them permission to have it in there while there's no issues. Mr. Stoll has been out there

with me too on it. So, this kind of cleans up a problem we've had with some easements out in that subdivision. There's some other ones that we still have problems with, but this is a start in the right direction. Mr. Ball is here, he's helped us on this issue, brought it up to us and been working with us on some other issues. So, I don't know if he needs to speak to it, or if you've got any questions of him, or me, or Mr. Stoll.

President Melcher: I don't. Anybody else have any questions?

Commissioner Abell: No.

President Melcher: No?

Jeff Mueller: I recommend them for approval then.

President Melcher: I would entertain a motion.

Commissioner Kiefer: Move to approve.

Commissioner Abell: Second.

President Melcher: Roll call.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

<b>Willow Creek: Drainage Issue Update</b>
--------------------------------------------

Jeff Mueller: Willow Creek, we all got an e-mail saying here's three potential dates. I sent back that I couldn't meet this Thursday. Then, John sent back he couldn't meet this Thursday. All of a sudden a meeting got called for Thursday, but I don't know, I saw that you were contacted, but it just seemed like they kind of made the meeting based upon Mr. Stoll and I being there.

President Melcher: Well, when I seen you two weren't going to be there, I figured I'm not going to be there without you guys. I just let it go.

Jeff Mueller: Okay, so, I mean, we can be there, if you want us to try to re-schedule if you're available Thursday, Mr. Melcher, whatever you want us to do on that.

President Melcher: Well, I'm not sure, if you'll give me some times, because I'm going through some things that I'm tied up for a couple hours at a time.

Jeff Mueller: Yeah, well, they shot us three times, and John and I shot down the other two times because we weren't available. So, they just called the meeting for this Thursday, because that was the only time and I didn't shoot down.

President Melcher: Okay, why don't you send me that e-mail.

Jeff Mueller: Okay, re-send it to you?

President Melcher: Of those times and then I'll call you.

Jeff Mueller: Okay. Alright.

**Enclave at Eagle Cliff: Drainage Plan Compliance Inspection Update**

Jeff Mueller: The next thing is The Enclave, comments regarding inspection. As you are aware, on the October 28, 2014 meeting the Board approved a final plan with a number of stipulations. These stipulations included ordering the gabion blankets, completion of the construction of the basins and repair and replacement of the failed erosion control measures. With that, I would like to show you the presentation based upon the inspection that Mr. Stoll and I made on December 2, 2014. John, Mr. Stoll is here if you've got any questions also of him. He, as you're aware, he handles more of the Rule 5 issues. So, with that, I would kind of like to just pull this thing up and we can kind of take a look at it and go from there. This computer is slow. Okay, the first slide just shows The Enclave, like I said, it's the title slide. The next slide shows Felstead Road looking north. This just shows some of the ditches that are along Felstead. I'll kind of tie back into these in just a second. This is basin one.

Commissioner Kiefer: Jeff, when were these pictures taken?

Jeff Mueller: December 2, 2014. So, we went out right after the November 30<sup>th</sup> deadline. So, this is basin one. This is looking, essentially, kind of south, you've got Felstead Road in the background. This is basin one. One of the requirements is there is supposed to be a concrete liner in there, which is not there. Also, you can see, here's a basin one picture, I'm hoping you can see these a little clearer on yours, we've still got quite a bit of erosion over here. This is the inlet to basin one, there's a pipe right here, this is not an acceptable method of having drainage come in to a basin with all this erosion. There's supposed to be an inlet constructed right here. That's not been constructed. This is the outlet to basin one on Felstead Road where you can see it's standing underneath water. This is the area to the north of the basin, there's quite a bit of water here. One of the problems is, is as this water, once it fills up, it goes through these rocks right here. It's supposed to go in the basin, but instead of going this direction, it's bypassing the basin. It's got an erosion problem right here, and it's coming right out on to Felstead Road. This is a swale on the west side of the property. This is looking north, this portion of the swale. I'm sorry, that's looking south. This portion of the swale is looking fairly good, but the basin work, the continuation of the swale where it goes on down, actually this is supposed to be cutting over in a pipe and going in to basin two. Right now it's just following this natural ground and washing out into this area down in here. This is where basin two empties out, and this should be, I'm not sure exactly what's going on here, because this should be a virgin area, and then this area should build back up to the basin, but there's like a dam at the property line right here. I'm not sure exactly what's going on here, because the plans that we have don't show all this

area being filled in. This is where the outlet is to the basin. The dam that I showed you earlier, kind of the dam is right here, the outlet's up here, and this is some area that's been put in with fill. This is the outlet pipe from basin two. There's supposed to be an orifice plate in there, that's not in there. This pipe is supposed to be extended, the dam's supposed to be constructed and the orifice plate is supposed to be installed. This is swale 208 and 209. These swales are behind some of the area of the phase one that's been platted. These swales have got a little bit of cover, but not much. The problem we have with these swales is that they're supposed to come down, one swale is back here and one swale is back here, they're supposed to come down in this rip rap down drain, but what's happened is the rip rap down drain was constructed but then there was a dirt pad put over the top of it, which I assume was to run equipment across. I'm not sure why, because equipment could run that way, but that was put in, but then what's happened is because that's been put over the rip rap here, now the water is cutting down the side slope and going into the basin this way and some over here instead of coming down the rip rap channel as designed. This is some more of the basin, the swale 205, 209, I'm sorry, and a pipe coming in here. We've got some erosion problems coming off this house right here, which I think Mr. Ball, I think, has known about, and I think he was going to try to get some of that fixed. I don't know if he did or not.

Manuel Ball: It has been corrected.

Jeff Mueller: It has been corrected?

Manuel Ball: Yes.

Jeff Mueller: Okay, Mr. Ball says that has been corrected. So, this just shows the south side of the subdivision where some of the seeding has been taking place. The gabion blanket was ordered as required, but it hasn't been installed yet. It should have been installed where that area of material was built up. The biggest problem we have is, like we said, with that area, or one of the biggest problems where this has been put up, when you get rain, now we're getting all this water coming down, it's coming across this fill right here, and it's washing out. This is muddy water that's again leaving the property. So, that is what we have. I sent you an e-mail dated December 14th<sup>1</sup>. In the e-mail I made some suggestions regarding enforcement action, and attached to that was a portion of the drainage code, specifically section 13.04.110. There's a copy of that e-mail with those sections in the handout that I gave you today. It's been my recommendation that, you know, we have a drainage plan, and we have a failure to meet that drainage plan. Our code says that we can send a letter to the developer, under the terms of the code, putting him on notice that he's in violation of the drainage plan, and if corrections are not made within a 30 day time period that the Drainage Board institute a \$100 a day fine. That's my recommendation to the Board is that we send that letter. I know Mr. Buck is here tonight, and I'm sure, well, he may want to have some comments about that. There's also some suggestions about whether or not you'll want to allow, I'm not suggesting tonight that we put a stop order on the construction of homes that are out there right now, but there have been ten building permits issued out there, my question is whether we want to allow any more permits beyond what's already been issued out there to continue. That's another option for the Board to consider. This subdivision, you know, John and I have spent a lot of time on it, and it's not met to code. I'm a little bit frustrated with it, please don't take that to mean against you all,

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<sup>1</sup>Should be December 4<sup>th</sup>.

but John and I have spent a lot of time with this subdivision and we've got to get this thing into compliance, in my opinion. You know, IDEM's been down there, IDEM just did an inspection out there on November, I think it was 20<sup>th</sup>. I've got the date somewhere, another inspection, and they had a lot of issues with it too. So, that's my suggestion to you. If you did want to pursue with the 30 day letter, my proposal would be that we would get something in writing, I would work with Mr. Harrison and we could send it to you in an e-mail and we could come back to you next Tuesday with a final letter, if that's what you would like to proceed with. I know there's some other folks here that have some comments probably, so if you would like...I'll open it up to them.

President Melcher: Mr. Buck, did you want to—

Dan Buck: Sure. I'm ignorant here on the Power Point, but I can respond to everything. I think that—

President Melcher: If you want it on a certain one, I'm sure that we could get it there.

Dan Buck: We can start at the beginning.

Jeff Mueller: Alright, just do this. Wait a minute, Dan, I can't see through you here. Just, whatever slide you want to do, just click it. Okay, that, then hit the click button.

Dan Buck: I'm sorry, I didn't come here this evening with the last 30 days of weather, but I don't think we've seen the sun for at least two weeks, and there's been quite a bit of rain. Any work that we would have tried to accomplish in the pipe or rip rapping would have caused more damage than good. We did put down 600 pounds of wheat and rye, with 300 pounds of fertilizer, and 60 bales of straw per acre, over the whole project. Which, in the last seven, this was seven days ago, in the last seven days, even though the temperature is around 40 degrees, the wheat has come up pretty good. This water here is standing here because we have put check dams in the ditch to hold back any silt that would be going north and then east. Basin, this basin has become a, when I hired a second engineer, environmental engineer by the name of Ellen Crane, her, one of her goals was that basin one and basin two be used as the soil erosion control. So, what we've done is, we have put rip rap and rock in front of the outflows of the pipe, so we can hold back, again, any silt on our site as a temporary measure. This, the reason why this pipe here is standing in water is because we have a check dam, probably about 30 feet north of it. That's the reason why there's water in the ditch, is because we have a check dam there. It's not because there's silt or anything else holding that. This right here, again, is a temporary measure, because we wanted to get rip rap in there. This here, Mr. Mueller is correct, there will be rip rap running down through here, but, again, the weather has prohibited us from being able to get in, excavate out, and bring in rock to get that done. The rock is on site, the equipment is on site, we just need some dry weather. This area up in here is on our commercial area, which is north of the north basin, and this rut here was created a long time ago. We have installed a four inch pipe with rip rap and rock that drains this upper section down into the lower basin, the north lower basin, at a slower amount so it doesn't erode what was coming down through here. So, we are draining this underground now. This right here, we were able to, when the weather permitted, we were able to build this ditch on the west property line, this goes south. This is the same ditch line coming through here and coming through here we have three check dams. This is one check dam here. There's two more check dams north of it, also, again, holding water and any silt that would travel down. This area right here was our final check dam that has

been in place for a year, and, yes, we have filled this area in here and compacted it so that we can prepare to put our pipe in from the south basin that will drain virtually right out, right through here, and down this rip rap. Yes, this pipe is the outflow of the south line. The contractor has been told numerous times to get his deflector or reducer put in, he hasn't done it. He has not done that. This here is the area that was filled in and compacted, so we can put the, extend this pipe. So, what you see right there is, that little line right there or hole there is the outflow, so we can extend that outflow, which is approximately right here on down and then back to this area right here. So, then it will outflow right here. This is the swale that's constructed behind lots, as you can see there is ground cover starting to come up. It is covered with seed and straw. There was a construction road put across the rip rap here. There is rip rap underneath the construction entrance. The contractor's thought was, we still need to get around on the property to do work. We couldn't go out onto the county roads with the equipment, so, we constructed a temporary road, over the rip rap here. Any erosion that takes place is an easy, correctable effort on our part. That's behind the house. Again, this gabion basket will be installed as soon as we can install the pipe, as soon as the weather allows us. Again, this is the check dam that's been there for a year. As you can see it is operating. We're holding back water, and reducing the amount of silt that is leaving the site. This is the same, just a different angle of the same thing. Right here we have a check dam, there's another check dam here, there's another check dam there. I can understand Mr. Mueller and Mr. Stoll's frustration by things not getting done as timely as what they would like, and, believe me, I don't want to be standing here tonight explaining. I don't have any control over the weather. I would just like a 30 day extension. Hopefully we get good weather, and we'll be able to get the pipe in and rip rap done and get everything tied up. If you have any questions.

Commissioner Kiefer: Hey, Dan, if the weather, if it turns cold and it freezes, can you work in that?

Dan Buck: Yeah. It's easier to work in that than it is in mud.

Commissioner Kiefer: Okay. I was out there, Dan invited me out, after we had talked, because Jeff was kind enough to show me these slides and expressed some concern. So, afterwards I talked with Dan and he invited me out, and there is a lot more that, I guess, what is that winter wheat or whatever it is?

Dan Buck: Wheat and rye.

Commissioner Kiefer: Wheat and rye, there was a little bit more coverage on the ground from what the pictures show, so it probably came up in that week's time. You know, that much I could see, but the rest of this stuff I could not see out at the site because I didn't have the proper—

Dan Buck: It was too muddy.

Commissioner Kiefer: — shoes to wear, because it was too muddy.

President Melcher: You didn't take your truck out there? Isn't it four wheel drive?

Commissioner Kiefer: Yeah, but it was pretty muddy.

Joe Harrison, Jr.: It would still be there.



Commissioner Kiefer: Yeah, it would still be there.

Dan Buck: Yesterday I tried to throw some straw on a bank, and I couldn't even stand up hardly on the bank, the ground was just so muddy.

President Melcher: Any questions? Any more questions?

Commissioner Abell: I don't actually have any questions. I think Mr. Mueller and Mr. Stoll have given us a lot of options that we can do to force, if you will, some of this to happen. I will express that the one thing I don't want to do, is I don't want to stop construction of ten more houses, because if you don't have the, if you can't go forward and continue to build houses out there....first of all, the poor guy that's already bought the one house that's sitting out there, would you want to be him? You know, and, I'm assuming if you've got, if you're planning to build ten more houses, you must have some of them pre-sold or at least—

Dan Buck: I think that there's 15, approximately, already pre-sold, if not more.

Commissioner Abell: You know, so—

Manuel Ball: (Inaudible. Not at microphone.)

Commissioner Abell: I don't want to penalize people that are—

Dan Buck: The sooner that we can get it under sod, the sooner any soil erosion goes away, you know. I was held up, again, to refresh any memory, I was held up by the Corps of Engineers and IDEM for approximately six months of working time, of not being able to work in these areas. Then I was held up by the county. So, where it could be today versus, we probably would have 25 homes already up in there today, and things would be done and tied up. I think if you'd look back in my history of developing and building homes for over 35 years in this county, I've never had to come and ask for anything, anything. I've always given more on any of my developments than what I've taken. I can refer back to The Oaks Subdivision on Newburgh Road and Outer Lincoln, when I did that subdivision, the gentleman that owned Marshall Grove, Shover? Not Shoulders, but he owned Marshall Grove and he lived off of Oak Hill Road and backed up to my project and he had rain water that would run through his garage, and when I got done with this project, I wish I had that letter, he wrote me a letter of accommodation thanking me of how I took care of their water problems.

Commissioner Abell: Well, I don't want to stop building homes out there. I want to continue.

Dan Buck: I just, once, you know, the fine, you know, yeah, that stings, but I want to do it, and do it right. I don't want to do it, sow it in there in the mud and then have to come back later and redo it, or in five years the county is stuck with it. So, they're coming out and watching what we're doing. So, I have an answer for every one of these pictures here.

Commissioner Kiefer: Dan, what do you think next week, in the next seven days, what do you think is ahead? Is it going to be muddy all next week? Or this week still? I mean, I know it takes time for that stuff to dry out, but, I mean, just--

Dan Buck: More or less we need sunshine. It's cool, 40 degrees, it's going to dry out some. If the ground gets turned up where the Jagoes are building their homes that are already pre-sold, it's already drying out, because the ground is getting churned and moved around and the air is getting to it. So, if I can get some sunshine on it, we can get our pipe in and get our rip rap in. We've only got two or three days worth of work that needs to be done.

Commissioner Kiefer: Well, why don't we see where we're at a week from today?

President Melcher: Well, is that enough time? Would a week give you enough? I mean—

Dan Buck: I'll be glad to come back every week.

President Melcher: Well, I was thinking every two weeks. That's what I was thinking, maybe every other meeting you need to come back, and I think we need to work with you, because I agree with Marsha, you know, we'll just be hurting ourselves too, but I also have to accept the role of our two employees out here, they do a lot of work and I want to support them too. So, if, you know, I think the thing to do is, I don't think a week, he's not going to get much done, so, when's our next meeting, the 6<sup>th</sup> of January? Why don't we give him till the 6<sup>th</sup> of January, that will give him a little bit more time, and then we could rehash it then and see how much he's increased. Because maybe we'll have some dry days during that time.

Dan Buck: Yeah, and one other thing, to go out on a day that it's rained, you can go to any new subdivision and find these same occurrences to any subdivision on a day that it's rained like the way we've gotten rain.

President Melcher: No, I understand that, because when we was building the Brumsfield Apartments and our daycare up in Princeton, that would kill us three or four days.

Dan Buck: Yeah.

Commissioner Kiefer: Dan, do you think you could give us, by e-mail or something, what you're going to be doing, as you proceed along, so that way everybody is kept up to date?

Dan Buck: Sure.

Commissioner Kiefer: You know, whatever your plan is.

Dan Buck: Sure.

Commissioner Kiefer: So everybody is kept up to date. So, Jeff and John aren't just kind of left in the dark on this.

Dan Buck: Sure.

Commissioner Kiefer: Yes?

Jeff Mueller: Can I address one thing?

President Melcher: Uh-huh. I was going to get you up here.

Jeff Mueller: Okay. Whatever you guys decide, that's your business, but one thing that I want to stress is, what you're showing on here, that is not what's in the plans. So, Dan, if you're going to, if they're going to give you an extension, my suggestion is you need to look at the plans, because there's no ten foot of material shown to be added in those plans.

Dan Buck: We know that, Jeff.

Jeff Mueller: Okay, I just—

Dan Buck: That was our original check dam in there.

Jeff Mueller: Okay.

Dan Buck: So, it's still there until we get—

Jeff Mueller: But, you're talking about taking a pipe to that level, the way I understood you.

Dan Buck: No, (Inaudible. Not at microphone.)

Jeff Mueller: Okay, if you're talking about taking it down to stream level—

Dan Buck: I didn't say that—

Jeff Mueller: Okay.

Dan Buck: We had to build the dirt up and compact it at a higher level than what we're digging, otherwise we're not doing any good. So, the dirt's at a higher level than what the pipe's going to be.

Jeff Mueller: Okay, just so we understand, because that—

Dan Buck: We're not changing our design of the plan.

Jeff Mueller: Okay, because the valley does not show getting filled in on the plans that were submitted to us.

Dan Buck: Right.

Jeff Mueller: Okay, so, I just want to make sure people understand that, because that's not the way it's supposed to look in the end. Okay?

Dan Buck: Right.

Jeff Mueller: Alright.

President Melcher: No, I know, I could tell by looking that's not the way it's supposed to be, but I agree, Jeff and John are the ones that tell us, because they're trained in this and they know this, and I do agree with you, Dan. So, I want us to work together. I think if you get us, and I think Joe had a good idea, I was trying to figure out something but I started talking, I think where we proceed from here is, why don't you give us something, you know, as soon as you can, like the end of this week or

something. This is Tuesday, surely you can get it done by Friday. Then maybe send us an e-mail every week—

Dan Buck: Well, hopefully by Friday we'll get started on some of the work.

President Melcher: Well, you know, then maybe by the next Friday when you send us another e-mail you can add some pictures of that.

Dan Buck: Pictures, okay.

President Melcher: Include our attorney in on it.

Dan Buck: Okay.

President Melcher: John and Jeff.

Dan Buck: Okay. I appreciate your patience. You know—

President Melcher: As much as you could do between now and our first meeting in January. I can't promise you how that's going to go because we'll have a new Commissioner.

Dan Buck: Right. I understand that. I think that the amount of, our main objective was first to try and cover everything up, to keep the erosion from happening. So, putting in pipe and some rip rap was our last thing in line to do, because if we did that and didn't have things covered up with seed and straw, we were still going to get erosion.

President Melcher: Okay, so, I guess I'll talk to our attorney now. Does all of this sound good to you?

Joe Harrison, Jr.: No, it sounds fine, but I think we need to get something...it looks like we have another speaker, but it would be nice if we could receive something by the end of this week.

President Melcher: I asked for that.

Joe Harrison, Jr.: Then they'll need to come back January 6<sup>th</sup>.

President Melcher: You two, does anybody want to speak again?

Jeff Mueller: John does.

President Melcher: Okay.

John Stoll: Just one thing in regard to the erosion control, like that there, that may have tried to be a check dam, but it's not working. It's not put in properly. You can see the mud leaving the site. Yes, it was a rainy day, but there are numerous examples of failed erosion control measures out there. There is sediment leaving the site. Correct me if I'm wrong, but I don't think Ellen Crane's erosion control plan amendments have ever been submitted to the county. We've heard about them, but I've never seen them. Mike Wathen is off this week, so I can't verify that, but I don't believe we have this modified plan that shows these changes. So, I would say if it hasn't already been submitted, we need a copy of that, because the last

correspondence that I saw from Crane, there were some statements in there that she said that the vast majority of the problems were created by Vectren. Vectren was only putting in utility lines on a small portion of the site. It had nothing to do with the entire west side of the site. So, I kind of disputed some of her findings as well, but we just need the erosion control stuff put in properly and maintained properly so we don't continue to have problems.

President Melcher: No, I agree. That's why I was glad for you to get up. Dan, have you done that yet? I mean, I don't know that answer.

Dan Buck: To the best of my recollection, Ellen was supposed to e-mail Mike the plan, what she suggests.

President Melcher: Can you check on that?

Dan Buck: Yeah.

President Melcher: Then let us know. E-mail everybody on that.

Dan Buck: Sure.

President Melcher: Okay. So, I guess we need to vote on that.

Commissioner Abell: I don't think we have a motion.

Joe Harrison, Jr.: I think the bottom line is, and he may want to speak, is simply Mr. Buck needs to provide us, or his representatives need to provide us, the county, with any modified plan proposals to be submitted to the county, plus a game plan for going forward until January 6<sup>th</sup> with what he intends to do.

Commissioner Kiefer: Joe, I don't think he's modifying his design, if that's what you're suggesting.

Joe Harrison, Jr.: Well, I, John seems to be indicating that there's some work that's not as contemplated.

John Stoll: Like Dan said, Crane did submit a report to Mike Wathen, but I don't know that it included the final, amended erosion control plan. It was my understanding that there were going to be changes that Crane was making to the original Morley plan. That's the plan that I was referring to, and I don't believe we've received it.

Commissioner Kiefer: Oh, okay, well, so, then if Mr. Buck does have changes, yes, then he needs to submit those.

President Melcher: I think he would do that.

Commissioner Kiefer: So, do we need to make any of that in the form of a motion?

Joe Harrison, Jr.: I think so.

President Melcher: Well, let's....did you want to say something.

Joe Harrison, Jr.: Let's listen to him first.

Manuel Ball: Yes, my name is Manuel Ball with Jagoe Homes. I just wanted to let you know I appreciate your consideration to our homeowners. It means a lot to us, especially at this time, and to them. We've had some homeowners that had had an agreement to purchase a house in December of last year, and we're just now getting started on some of those houses. So, that means a lot to us. I also would like to let you know, on the 17 lots that we have purchased, we do plan on maintaining our erosion control and keeping sediment on our individual sites. I think John and Jeff, especially John can attest to the fact that we did receive an e-mail last week. We were actually, I had four men out in the rain dealing with the items the following day. So, we will take care of that. The other measure that we put in place that I haven't spoken to John about yet, is we've actually hired someone from a temporary agency. This individual will actually stay on site and clean up the roads on a daily basis. So, in the event that a concrete truck somehow gets off of the road, he's actually there behind the concrete truck sweeping and getting it off the roads immediately. So, we do plan on putting measures in place to make sure that these issues, that there are no issues on our individual sites as well.

Commissioner Kiefer: I can attest to that, because when I was out there I saw a worker doing that.

Manuel Ball: So, we plan on keeping our site in good, clean working order. We're not perfect, I can't promise you there won't be some maintenance items, and as there are John's office will e-mail us or send us a letter and we'll take care of those items as quickly as possible. Thank you all.

President Melcher: Okay. Anybody else? John? Jeff? Jeff, is that all we have left? We have public comment--

Jeff Mueller: Were you going to make a motion or something?

Commissioner Abell: I think we were.

President Melcher: Yes, we were.

Joe Harrison, Jr.: Maybe something like this, and if it needs to be modified in some fashion. Let me just suggest this and then we can go from there. Mr. Buck or his representative is to provide the county representatives; Mr. Mueller, the County Engineer, John Stoll, the Commissioners, myself, if possible, even Ron London with his plans for erosion control work from tomorrow, which would be 12/10/14 until 1/6/15, and submit to the county any amended erosion control/drainage plan modifications, as well. We would ask that this information be provided to the county before the end of this week.

Commissioner Kiefer: I'll make that motion.

Commissioner Abell: I'll second it.

President Melcher: Okay, do you want to call the roll?

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

President Melcher: Mr. Buck, did you hear what we did? I know you were talking.

Dan Buck: Yeah.

President Melcher: Okay. Madelyn, could we get that motion e-mailed to us?

Commissioner Abell: (Inaudible. Microphone not on.)

President Melcher: I was getting ready to say, e-mail it to us and everybody. Just e-mail it to everybody. I don't want nobody saying they were left out of the loop.

Joe Harrison, Jr.: Mr. DeLucio may want a copy of it as well.

Marco DeLucio: Please.

President Melcher: Is he there?

Commissioner Kiefer: Yeah.

President Melcher: Well I couldn't....you've been gone. He's behind the podium.

Marco DeLucio: I wanted to be invisible after the last meeting.

Commissioner Abell: He has nothing better to do this entire evening.

<b>Other Business</b>
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President Melcher: Okay. Alright, is there anything else before the Drainage Board this evening.

Jeff Mueller: The only question I have is, Mr. Harrison, do we need, there was an ordinance for dates for the Commissioners meetings in the Commissioners and that also tells the Drainage Board. Does anything need to carry over to this? Are we fine with...I mean, it's on that ordinance.

Madelyn Grayson: We'll have final reading on that ordinance next week, and it does address Drainage Board in it.

Jeff Mueller: It does.

Joe Harrison, Jr.: They're the same dates.

Jeff Mueller: But, we don't need to do anything in our meeting to address that?

President Melcher: No.

Jeff Mueller: Okay, that was the only thing I wanted to—

Joe Harrison, Jr.: It will get published.

Commissioner Kiefer: Good point.

Joe Harrison, Jr.: So, at the end of the month.

President Melcher: We'll take care of that for you.

Jeff Mueller: Yeah, so the only thing we need to do is on the 6<sup>th</sup> we'll have to do the Board organization and vote for officers again. I'll put that on the agenda for the 6<sup>th</sup>.

President Melcher: We're thinking of somebody we can put here.

Jeff Mueller: Okay.

President Melcher: Okay.

<b>Ditch Maintenance Claims</b>
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Jeff Mueller: That's the only thing I have. I don't have any claims tonight.

Commissioner Kiefer: I make a motion to adjourn.

Commissioner Abell: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: We're adjourned at quarter till.

(The meeting was adjourned at 7:45 p.m.)

**Those in Attendance:**

Stephen Melcher

Jeff Mueller

John Stoll

Others Unidentified

Joe Kiefer

Joe Harrison, Jr.

Dan Buck

Members of Media

Marsha Abell

Madelyn Grayson

Manuel Ball



**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Stephen Melcher, President**

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**Joe Kiefer, Vice President**

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**Marsha Abell, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
DECEMBER 16, 2014**

The Vanderburgh County Drainage Board met in session this 16<sup>th</sup> day of December, 2014 at 6:49 p.m. in room 301 of the Civic Center Complex with President Stephen Melcher presiding.

**Call to Order**

President Melcher: We're going to go ahead.

**Pledge of Allegiance**

President Melcher: You can rise for the Pledge. Marsha, would you like to lead us in the Pledge?

(The Pledge of Allegiance was given.)

President Melcher: Thank you.

**Approval of the December 9, 2014 Drainage Board Meeting Minutes**

President Melcher: We need approval of the previous minutes.

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Melcher: Roll call.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

**Willow Creek Drainage Issue Update**

President Melcher: Okay, Willow Creek.

Jeff Mueller: Okay, John, Scot and I met with Rick Riney, who facilitated the meeting, along with William Stein of 9020 Marfield Court, and Michael Theissen of 9103 Marfield Court. We told them that Willow Creek was essentially platted in five sections, plus a replat. Most of those sections were platted prior to the passage of the drainage code. For even the later sections that were post the code, the

developer opted to not pay into the off site maintenance fund, but make owners responsible for the drainage. We explained this to the parties, and they understood that. The problem is, with sinkholes, a number of those are probably due to the poor installation of some piping. The piping is in drainage easements, but they're not within the right-of-way of the road. Not only that, but there was no drainage plan submitted for most of these sections, and what we did have was for the pipes on the road. So, it wasn't even shown for there to be pipes. So, what we think happened was, either the developer or some of the property owners prior to these owners, put in some pipe, and, unfortunately, these folks have got some sinkholes and stuff and some problems. Some of the pipe was installed not very well, from what I can tell. So, they understand that unless there was, that's not something that the county normally does is fix something outside. Now, I did talk to Mr. Melcher before the meeting today, and discussed this, because this is in his district, and I know he's said that we could maybe, and, Mr. Harrison, Mr. Melcher, I can let you say it, but, you know, that, Mr. Harrison, maybe we could use, the folks could look into the Barnett Act, if they wanted to for this.

Joe Harrison, Jr.: Barrett Law?

Jeff Mueller: No, the Barrett Law, I'm sorry, yes.

Commissioner Abell: Yeah.

President Melcher: Well, I'm just saying that would be an easier way for them to, you know, accept and be able to pay for it. But, if they want to do it themselves, that's fine, but we have, I can't think of her name, Debbie Stitzman<sup>1</sup>—

Commissioner Abell: Yes.

President Melcher: – anyway, she's done those projects before for us.

Jeff Mueller: Okay.

President Melcher: We did out on 57.

Jeff Mueller: I mean, I would be happy to get with her, research it and tell them that this is an option for them.

Joe Harrison, Jr.: I'll get with you on the procedures.

Jeff Mueller: Okay.

President Melcher: I just think that—

Joe Harrison, Jr.: John Stoll is aware of them also.

President Melcher: – if that's something that they would...that's up to the homeowners though.

Jeff Mueller: Sure.

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<sup>1</sup>Debbie Bennett Stearsman.

President Melcher: They have to say that.

Jeff Mueller: Sure.

President Melcher: Then, Debbie, you would have to hold a meeting out there with, Debbie would handle that.

Jeff Mueller: Yes.

President Melcher: But, she's very good.

Jeff Mueller: Yes, but, I mean, the end result though was the county could not pay for it out of their coffers.

President Melcher: Right. The only way I was saying, that's the way they could do what other people have done, is take advantage of that, because what happens is they spread out over a ten year period. They'll divide the amount among how many is doing it, and then over a ten year period they'll get it put on their personal property taxes.

Jeff Mueller: Yes. So, we'll look into that and see if that's something that can work and if they're even interested in it.

<b>Ditch Maintenance Claims</b>
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Jeff Mueller: The only other thing I have is ditch maintenance claims. I have several of them, because we're at the end of the year, totaling \$33,815.72. A summary of those is in a spreadsheet that I gave you with my handout. So, I would ask for a motion for approval of those claims.

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Melcher: Roll call please.

Madelyn Grayson: Commissioner Abell?

Commissioner Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

**(Motion approved 3-0)**

**Other Business**

President Melcher: Alright, do you have anything else?

Jeff Mueller: I don't have anything else, other than just to, I did hope that when we have this special meeting next week that the Drainage Board does not follow.

President Melcher: There will be no Drainage Board.

Jeff Mueller: The only other thing is—

President Melcher: I was going to "x" that out.

Jeff Mueller: Yeah, good.

President Melcher: You beat me to it.

Jeff Mueller: The only other thing is, I know a lot of people have said good luck to Marsha. I've known Marsha for a long time. I've known her husband for even longer. She wrote my first campaign check. I thank her for that. I thank her for all my help. Marsha, I wish you the very, very best to you and to, I'm going to say Barney. I know everybody else knows him as Dick, but I've known him a lot longer, and her husband is actually known by Barney by a lot of us. So, I wish you luck. That's all I've got for the Drainage Board tonight.

President Melcher: Alrighty.

Jeff Mueller: We saved another hundred dollars.

President Melcher: Any other Commissioner have anything? Anybody? I need a motion to adjourn.

Commissioner Kiefer: So moved.

Commissioner Abell: Second.

President Melcher: Okay, all in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: Thank you.

(The meeting was adjourned at 6:54 p.m.)

**Those in Attendance:**

Stephen Melcher

Jeff Mueller

Others Unidentified

Joe Kiefer

Joe Harrison, Jr.

Members of Media

Marsha Abell

Madelyn Grayson

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Stephen Melcher, President**

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**Joe Kiefer, Vice President**

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**(No longer in office when approved.)**  
**Marsha Abell, Member**

(Recorded and transcribed by Madelyn Grayson.)