

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
JANUARY 6, 2015**

The Vanderburgh County Drainage Board met in session this 6<sup>th</sup> day of January 2015 at 5:40 p.m. in room 301 of the Civic Center Complex with President Stephen Melcher presiding.

**Call to Order**

President Melcher: I guess we'll go ahead and start.

**Pledge of Allegiance**

President Melcher: So, if you all could rise for the Drainage Board. Bruce, do you want to lead us in the Pledge?

(The Pledge of Allegiance was given.)

**The Enclave: Review of Inspection**

President Melcher: We'll hold off on the previous minutes and hold off on the elections, and we'll just go ahead and start with The Enclave review of inspection.

Jeff Mueller: Okay. As you know, we had a meeting on The Enclave. They had submitted a drainage plan back in October. That was supposed to be done November 30<sup>th</sup>. Following that meeting we had a meeting here, and the agreement was to allow Mr. Buck some additional time to do some additional work out there. So, what I'm going to show you tonight is a slide presentation of an inspection Mr. Stoll and I made yesterday, January 5, 2015, out at The Enclave, which is the subdivision at the Lloyd Expressway and Felstead Road. I don't know what's going on here. What did we do, lose it altogether?

Madelyn Grayson: It went to slide 154.

Jeff Mueller: There is no slide 154 on there.

Commissioner Ungethiem: Go up to the top.

Jeff Mueller: There we go. Alright. Why isn't there a slide....I'm going to pull it back up. Okay, we had a monitor up here, and it's already unhooked again. So, we gained for a short amount of time period. These are pictures of, on Felstead Road looking north, this is from the previous inspection. The pictures that I'll have that will show differences will be, you'll see some blue writing underneath them. Basin One is the basin that's along Felstead Road. These again were pictures that were taken on the previous inspection. On the previous inspection, some of the things that we found problems with on Basin One was, number one, there was a lot of erosion right underneath the inlet pipe. You can see from the picture underneath that that has been repaired. Also, there was supposed to be an inlet ditch with construction, that was not done. From this picture from yesterday you can see that that work has been done. What we do have though, is this is the outlet at Felstead Road, and we still have a problem there. You can see it's not working because of a check dam. So, the issues on Basin One are erosion, which still exists, the inlet pipe which has been filled and rip rap has been added, so that's been taken care of. There is no concrete liner visible yet, the outlet's still not functioning, the inlet ditch which was previously

not constructed has been completed, and we still have drainage bypassing from the north, which I'll show you on the next series of pictures. This is an area north of the basin where there's water. There's drainage that's been going around it. Previously there was some rip rap placed in there. This is what's going on now. There has been some seeding and stuff taking place, but that drainage can still get around. We still have erosion in that area. The next slide that you have, this is a swale on the west property line, this again was from the previous inspection. The continuation of this swale, which as we noted in the previous inspection, that swale's not supposed to be there. That water is supposed to be diverted in the basin. This picture down here on the lower left hand side shows exposed area. That area, you know, that swale's not supposed to be there, at least it is, has got some rip rap there and does have some cover. So, it's in better shape than it was. Okay. The next set of pictures that you have are, this is the outlet ditch right here. There is a rip rap dam, which is not in the design plans, that has been put in right here. These pictures again are from the previous presentation. I'll show you some of the problems we've had in this particular area. You can see that these pictures were taken on December 5, 2014 with the rain, you can there's considerable amount of muddy water running off the property at that point. Since that time, you can see that the outlet, there's an outlet pipe that has been, I'm going to talk about this in a minute, but has semi been completed. The problem is, is that the outlet pipe should be at the stream grade, which is down here at this elevation, not at the elevation up there. The constructing emergency spillway, likewise, should also be down at this elevation, not at this elevation up here. The other thing is, is that at the outlet pipe there's supposed to be a gabion blanket. The drawings show how that's supposed to be installed. There's just a little piece right in front. It's not going on both sides like it's shown on the design. So, the gabion blanket has not been properly installed as per the plans. The other issue that I kind of wanted to show you, I'm not sure what's going on out there, but the pipe was supposed to come out of the basin here, and it's supposed to essentially come down to stream grade. You can see 470 to 475, yet we have a lift of dirt here that it's considerably higher in, and then there's a levee or a dam that's in that creek. That was one of the concerns I brought up before, which I'm not sure why that was being constructed. I don't know what the problem is on the construction out there. If there's, you know, if there's a problem with something, but it's not to where it should be, that's all I can say. So, Basin Two, in kind of summary, the pipe and emergency spillway are not to the channel, the gabion blanket is improperly installed, the liner has not been installed, we still have erosion control as an issue, drainage from the surrounding area is improperly bypassing the basin, it should be going in it. We have the construction of this dam project, and it's our understanding that the orifice plate has been installed, but we couldn't confirm it on site. The next problem that we noted out there before was the inlet from the swales was blocked. These pictures here show that. The inlet has been opened up, but there's been no rip rap replaced where it should be. We had some problems along swale 209 previously, and back along this pipe here, you can see that the homebuilder, Jagoe, has went in and put some work on their silt fence, and they put, I'm going to call that a log mat through there. So, it appears that that problem has been resolved. So, in summary, I've given you all in your packet a sheet that kind of showed what was supposed to be done and where we were at. We still have a lot of work to do out there. There was a deadline of November 30<sup>th</sup>, and while some work's been done, there's still a lot that needs to go there yet. I know Mr. Buck's here to probably discuss some things about it. Or, if you've got any questions of me, or Mr. Stoll, we're here to answer them.

President Melcher: So, does it look like to you that he is moving forward?

Jeff Mueller: Moving forward, yes, but my biggest issue is the fact that back there on that back, I'm not sure what's happening back there, but, you know, we're going to have a problem there this spring with that water coming out of that pipe and going over that dam. Some of the grass has come up and grown, but there's still large areas that don't have seeding because of where they've been working, where there's some water there. So, you know, and we're getting to that time of year where you're just not going to have a lot of good work weather left, as you all are aware.

President Melcher: No, I thought, you know, even when we did this we had some bad weather. So, considering the weather and that, personally, I think it looks like it's a lot better than what it was, but I do know we've got a long way to go yet.

Jeff Mueller: Yes, we do. Like I said, again, my concerns are that it just doesn't seem like we're quite to where we, I mean, there's certain things, I agree, that we can't do. You know, you're not going to get any seed to grow this time of the year. I do think there's some more work that could be done on vegetation, not so much vegetation, but on some strawing, on some netting, because there is a lot of exposed area out there, and I think they're going to have to resolve the problem on this Basin Two outlet on the problem out there. That's the two biggies right now. They're going to have a lot of work to do this spring when the weather gets better to get done out there and to get this thing drained up like they're supposed to.

President Kiefer: No, I understand. I understand, but there's a lot of homes being, we've got to look at the whole picture, not just one picture. Okay, Bruce, do you have anything? You're new at this, I've been at this—

Commissioner Ungethiem: Just for my information, how long has this property been under development? And, how long have we had this drainage issue?

Jeff Mueller: It's been under development for going on, it will be two years this coming summer. So, about a year and a half. The site was shut down by the Corps of Engineers and IDEM in early spring of 2014, due to some disturbance of wetlands and some streams, at which time there could be no activity other than erosion, you could take care of erosion control issues, but as far as any development, it couldn't happen. The site was released from the Corps, I want to say it was around August or September. I think we met out there in August, it was about ready to be released. So, from August on he's had a green light to do some work, but, at that time too there was drainage plan changes being proposed, that was submitted and approved by the Board on October 28<sup>th</sup>, and at that time period that's when we put a number of stipulations as far as getting some things done out there. A summary of those, Bruce, is in a handout that I gave you. It shows the entire plan, all the dates of everything that was submitted, his requirements, and what he needs to do before he can move forward with any further development out there.

Commissioner Ungethiem: You said the Corps has released it, what about IDEM?

Jeff Mueller: My understanding is that they've got a letter, a consent letter between IDEM and Mr. Buck that has not, that's up at IDEM right now, and it has not been signed. So, that will have to be signed by the parties, and then Mr. Buck has a remediation site that he has to do out by the orchard that has to be, there's some remediation work that has to be done out there. You know, like when you do a wetlands and you disturb a wetlands, you have to give them some other wetland acreage back in return and so many feet of stream. So, they've got a project in to IDEM, that I believe has been approved, that he'll have to work on come this

summer, or this spring and summer. That's out of our bailiwick, that's, naturally that's IDEM's oversight.

President Melcher: Joe, do you have anything?

Commissioner Kiefer: No.

President Melcher: Mr. Buck?

Dan Buck: My name is Dan Buck. I think we've made a lot of progress here in the last month. The main issue, as far as the elevation of this pipe, I just sent Joe an e-mail from my engineer that discussed the elevation that was approved in May for this. So, it's something that needs to be re-negotiated. I'm sure we can do that. As far as the gabion, we still have a \$30,000 letter of credit to cover all of this work, even though we've still done a lot of work. So, as far as that elevation, yeah, we can sit down with them and discuss what's best, but, you know, that's what was on the plans. So, I sent the e-mail that I received from Morley on that to Joe. So, he can pass it on to you guys.

President Melcher: I do want to thank you for e-mailing me too on what's going on. I got them right before I left town.

Dan Buck: Yeah, we were gone too for 10 days and just got back yesterday ourselves. So, some of the work was done while I was gone. I mean, it is greening up, in my opinion, pretty good. Now, they mentioned about areas that needed to be strawed, in some of the work that has been done within the last two weeks, you've got 15 days of good weather to get it covered up with straw, per the soil and erosion control. So, it's almost impossible to follow in right after and have somebody scheduled to straw, especially when it's raining like it did.

President Melcher: Okay. Jeff, would you mind coming up, so we can get it on the record. He says that he's, I guess, the pipe issue we need to kind of, can work something out with him?

Jeff Mueller: There's going to have to be a drop structure or something placed there so they can get it down to the stream level. Either that, or pull a pipe out and put it in along the piece at a different grade, but something will have to be done there, yeah, it's not going to work what's there now.

President Melcher: No, all I'm saying is I think he's willing to work with you.

Jeff Mueller: Oh, yeah, I mean, we'll—

President Melcher: If he's got it approved earlier, you know, I think that's something he's willing to work with you on.

Jeff Mueller: Yeah, I mean, we'll look at whatever, I think his engineer needs to submit something to us for us to look at. Yeah, we can do that. I don't want to see that dam there with straw, that, eventually the straw is going to be away, and then we're going to end up having water running over that rock, and, you know, we're going to have a problem with it down stream. That's my concern. We need to get that water down to the stream bed.

Joe Harrison, Jr.: What's your main concern? That issue?

Jeff Mueller: That's my one issue. I mean, we've still got a lot of outstanding work to be done, that personally, you know, you're not going to be able to do some of this work during the year. Yes, it has greened up, and, yes, but there's a fair amount of exposed areas, and those areas are going to have to, you know, get time on it, and, as Mr. Buck knows, he's got 15 days, but we need to get straw down out there as soon as he can. I know everybody's been on Christmas holidays, but hopefully he's doing that. Also, though, I think you also need to, Mr. Stoll's got some issues that I think you need to hear regarding the erosion control issue, the Rule 5 issues, that I think he wants to discuss also with you all.

President Melcher: Okay.

Jeff Mueller: But, I mean, we're going to have, I know Mr. Buck's done a lot of work out there, and I'm sure he's spent a lot of money, but it's got a long way to go yet. It's getting there, but it's got a long way to go.

President Melcher: Okay, John, do you have something to say?

John Stoll: Jeff hit on the main two spots that are the problem as far as where the sediment is leaving the site, back there at that rip rap check dam off of the back side of Basin No. 2. Then also at Basin No. 1 there's an area where the commercial lots, the runoff from the commercial lots has bypassed the basin, Basin No. 1, and it eroded a gulley down to the Felstead Road roadside ditch. I know there's been some attempts to repair both of those issues, but both locations still show signs of sediment leaving the site. When Jeff and I were out there yesterday there were numerous areas of failed or improperly installed silt fence. A lot of them were down in the southwest corner of the site. It looks like there had been some dirt work done even yesterday down in that area, so, I realize it's an active part of the site, and that doesn't necessitate seeding it immediately, but the perimeter silt fence was not installed correctly. Some of that area then drains to the north and then can overtop that check dam that Jeff was referring to at Basin No. 2. So, there still are two primary areas where sediment is going to leave the site, and continue to until the problems are addressed. There are a number of areas within the site where the swales still need regrading to address erosion along their banks. The perimeter of the basins still have areas that will need regrading and reseeding. Obviously, that's not going to be practical right now, but due to that fact, it needs to be controlled to where it's not leaving the site at those two primary points, on Felstead and then off the rip rap check dam. As long as that sediment is leaving the site at those two locations, that would be violations of Rule 5. That's where we've got the complaints from the abutting residents. So, those are the two main areas where the sediment needs to be controlled, excluding all the other drainage issues that are outstanding.

President Melcher: Any other questions of John?

Commissioner Ungethiem: Are we continuing to get complaints from the neighbors on this site?

John Stoll: I haven't recently, no. There were, from the perspective of the sediment leaving the site, when we were out there yesterday, there were check dams in the road side ditch along Felstead and there's muddy water all through there. So, there's signs that it was there. Somewhat independent of that, those check dams, they're holding water in the ditch, that in turn is keeping the road saturated. So, having the road subgrade saturated is not going to be any good over the long haul for the

condition of the road. So, that's an issue that's going to be an offshoot of the check dam placement, but the short answer to your question is, no, I haven't gotten complaints recently. I don't know if Jeff has or not.

Commissioner Ungethiem: Yeah, it's going to be a particular issue when it's going to get below zero in the next couple of days and that basin is fully saturated with water. It could freeze.

John Stoll: Yeah.

President Melcher: Okay, Mr. Buck, do you have anything you want to add?

Dan Buck: You know, all these check dams that they're talking about, that's what they're designed to do is to hold back the water. Let the mud, the silt settle down. So, that's what they're doing. It's holding the muddy water there. The basins, that's where we're containing the majority of the runoff. Those two basins are at the lowest points of the project. So, water is going to leave there, there's no way when you get the amount of rain that we evidently had this last weekend, that there isn't some silt that's going to leave the site. There's no way.

President Melcher: Any other questions by—

John Stoll: I realize what Mr. Buck is saying in regard to the check dams, they're supposed to hold the water, it's just that the outlet of Basin No. 1, the approved plan, erosion control plan does not show check dams in the, it's actually INDOT right-of-way along Felstead Road at that location. There's a proposed commercial drive entrance to Lot 58 in this subdivision, the approved plan doesn't show any check dams in that Felstead Road roadside ditch at that location. So, that's the issue where the water is being held back, even though it's not part of the approved plan.

Dan Buck: And, even though it's not the approved plan, I've gone above and beyond what the approved plan was, on site and off site. If they want me to take out the check dams, I think there's three of them in the ditch, I'll be glad to do that. All I'm trying to do is hold the silt back. It needs a long channel, according to Ellen Mullen, who is the environmental engineer who I hired, after I had Morley do it. So, I've hired a second engineer. We've spent a lot of money and a lot of time, a lot of effort. I think we've come a long way. So, I'm not going to hang my head low. So, I've done a good job out there.

President Melcher: Okay, any other questions? I think, what we need you to do is to continue e-mailing us, e-mail all three of us and the attorney.

Dan Buck: Okay.

President Melcher: And, it wouldn't hurt maybe to include John and Jeff involved in that too. I think as long as we're all getting it, and we all know what's happening, I think it works better.

Dan Buck: Yeah, I think that the mass e-mail goes to everybody.

President Melcher: Yeah, because—

Dan Buck: I don't think I have, Bruce, your e-mail address.

President Melcher: – if Joe gets it and we don't get it, then we don't know.

Dan Buck: Right.

Commissioner Kiefer: It was sent today. I didn't see it.

Dan Buck: I just sent it to you like 15 minutes ago.

Commissioner Kiefer: Oh, okay.

President Melcher: Okay.

Dan Buck: Right when this issue came up about the elevation of this pipe. So, I thought that if there would have been an issue of the elevation of the pipe that they would have come to me, and they could have asked me, hey, is there an issue with the engineer? How did this elevation come to this point? That's not how we understood it to be. But, they brought it up here in front of the Board, in this format. So, I just wanted to let you know.

President Melcher: Well, that happens. So, I think, as long as you could work with them two.

Dan Buck: Sure.

President Melcher: I think they're willing to work with you, I think we need to move this project and get it going.

Dan Buck: Sure.

Commissioner Kiefer: (Inaudible. Microphone not on.) to this Board.

Jeff Mueller: I want to make a statement. Mr. Buck, IDEM told you on their inspection November 20<sup>th</sup> that that wasn't right, or they told your operators. I sent you an e-mail on what are you doing putting dirt in that ditch. So, I don't know about this deal, but I've been trying to tell you, what are you doing putting dirt in the ditch. So, you can say anything else you want, but we have been trying to tell you, why are you putting dirt in that ditch.

President Melcher: Is that the—

Jeff Mueller: If there's a bust, there was a bust, but we tried to make you aware of it.

President Melcher: Is, are we talking about the check dams?

Jeff Mueller: Yes. I brought it up in a meeting—

President Melcher: So, if he's willing to take out the check dams, like he said—

Jeff Mueller: No, no, this is the check dam—

Dan Buck: You're talking about the pipe.

Jeff Mueller: Right, and the dam on the back part. That's the part I'm talking about. Where we have told you that there was a problem back there, that something didn't look right.

Joe Harrison, Jr.: Well, can you guys get together and try to talk about that issue and get it worked out?

Jeff Mueller: Well, I think the best thing now is for his engineer to come in with some kind of method to solve it. Yes, and that's the best thing, is for him to come in with something and we can bring it before you all, to get that water down to the proper elevation.

Dan Buck: According to my engineer, the pipe was put in to the approved plans, but I'm willing to still come back, with my engineer to work it out to their satisfaction. Okay, Jeff?

Jeff Mueller: Yeah, that's fine.

Dan Buck: Good.

Jeff Mueller: But, I just want you to understand that I did raise that issue with you.

President Melcher: Okay, I just know that both of you are on record, and Mr. Buck said earlier that he's willing to work and talk on that.

Commissioner Ungethiem: Jeff, do we have an estimated time frame for completion of the items that you talked about tonight?

Jeff Mueller: Unless we would have an unusually good warm spell in the winter, which, you know, sometimes we get, I really can't see a lot of this work being done before spring. Cover, you know, putting straw out and things like that, but as far as putting liners in the basins, some of that regrading work, where you're going to have to regrade and reseed, I don't see that work being done until spring. Because, to go out and regrade and then try to seed it, nothing's going to take until you, you know, until you get the spring time weather.

Commissioner Ungethiem: Okay, are there any stop gap measures that we could implement in the winter months to help with the soil erosion and the water leaving the site?

Jeff Mueller: Strawing it, you know, strawing it as to per, Mr. Stoll can tell you better on that on the Rule 5, but getting some straw down, getting some netting, so that when that water is coming down at a high velocity instead of hitting mud and stirring it up, it's hitting that straw and it's breaking its force, and then plus when it's running off, it's running off the straw instead of running off the mud. So, you know, the best thing you can do is put some kind of cover down, and you're not going to be able to seed it right now. So, that's the next best thing is get some straw and netting down, and try to get as much exposed area covered up as possible.

President Melcher: So, what would the Commissioners like? For them to come back in two or three weeks?



Commissioner Kiefer: Well, Jeff, I mean, when would you think an appropriate time is? Because, like you said, we're in the middle of winter time with a bunch of stuff, I mean, in two, three weeks will there be good information to report?

Jeff Mueller: I think the best thing would be, right now, is to have his engineer to come up with a solution for the pipe that I showed you about, so that we could bring that back in as a modification to the drainage plan.

Commissioner Kiefer: Can your engineers have something, Dan, by the next meeting?

Joe Harrison, Jr.: Or the one afterwards?

Commissioner Kiefer: Or the one after?

President Melcher: I think, I would be confused at this point. I think maybe the, somebody needs to get a hold of the engineer. Maybe you ought to get a hold of the engineer and tell them what you're wanting. I think it goes both ways or something.

Dan Buck: Well, what I would recommend that we all come to the conclusion here is that I'll have my engineer get with Jeff or John or whatever.

President Melcher: And, that's what they want.

Dan Buck: Right. In the meantime, keep e-mailing everybody, and just keep the conversation going and let you know how things are going, and then when it's time to meet, you guys, if you want to meet next week, we can meet next week. A mass e-mail can go out there by saying, okay, Dan, come back to the Drainage Board here.

President Melcher: I don't have to, we don't have to set it tonight.

Dan Buck: Yeah.

President Melcher: Because the weather is going to dictate when we're going to meet again.

Dan Buck: Right.

President Melcher: Jeff, can we do this?

Dan Buck: As far as the straw, yeah, we plan on getting the straw down as soon as we can.

President Melcher: Okay.

Jeff Mueller: I think, you know, I mean, I hate to commit an engineer's time, because to say they could bring it in in two weeks, but I don't know what their commitments are. They might have to do some survey work and everything, and they're not going to be able to install anything anyway in the next few weeks, unless the weather is good.

President Melcher: And I agree with that, that's why I said we'll just wait. As long as we keep e-mailing, you e-mail us, and he'll keep e-mailing, and if everybody is e-mailing each other, we'll know what's going on.

Commissioner Kiefer: If we need to invite somebody to come back in, at that time—

President Melcher: We can do that.

Jeff Mueller: Yeah, I think that would be best, rather than say we're going to meet in two weeks, and, you know, it rain or snow or whatever it's going to be.

President Melcher: What's good, we've got everybody on the record. He's willing to have his engineer meet with you.

Jeff Mueller: Sure.

President Melcher: Call you or something. Alright.

Jeff Mueller: Okay.

Commissioner Ungethiem: Can we tentatively set a next review of this for the February 3<sup>rd</sup> meeting?

President Melcher: We can, but...that's okay with me.

Commissioner Kiefer: Bring it back—

Commissioner Ungethiem: At least give us an update of where we're at.

Commissioner Kiefer: Yeah.

President Melcher: Okay, Mr. Buck, do you want to come back February 3<sup>rd</sup>? Is that the meeting date?

Commissioner Ungethiem: That's the meeting, the first meeting in February.

Commissioner Kiefer: Okay, so a month from—

Jeff Mueller: Roughly a month from today.

Commissioner Kiefer: Yeah.

President Melcher: Okay, we'll just re-schedule it for then, for that date.

Jeff Mueller: If nothing else, we can report on the meeting with the engineer or something, or maybe we'll even have a submittal by then for the change that needs to be taken care of.

President Melcher: And, if you....yeah, that will work.

Jeff Mueller: Yeah, we'll see how things go.

Commissioner Kiefer: Okay, thanks.

Jeff Mueller: Okay.

President Melcher: Alrighty. Thank you, everybody. Any last questions?

Commissioner Kiefer: None.

President Melcher: Anybody in the audience?

<b>Other Business</b>
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Jeff Mueller: I've got just a couple other comments, just so you know, we met with SIBA today, John and I did. As I made you aware of, you know, we were looking at making some changes in the drainage code, and we met with about ten people from Bill Pedtke's group and went through the changes, they made some suggestions, and, you know, there were a few concerns and they liked some of what they saw. So, we're working, you know, nothing is happening fast, but did want to let you know we're communicating with them. They appreciated me getting with them, and we'll just keep working through, and then once we've got something to change, and hopefully have gotten their agreement on then we can bring it in for you all to look at. That was at the request of the Board to meet with them. We do have two drainage plans coming in, that will be coming in at the next meeting or two. One of them is Wal-Mart. We're still going back and forth with some changes on that, and then we've got Schnucks coming in. So, either the next meeting or the meeting after that we'll have a couple of big drainage plans to look at. When we do have Wal-Mart I will, we will notify the folks that were wanting to know about it.

President Melcher: I heard today that Wal-Mart is looking at First Avenue.

Jeff Mueller: That's for a grocery store, yes. Yeah.

Commissioner Kiefer: They're looking to do maybe five stores in Evansville, five of those neighborhood stores, four or five.

Commissioner Ungethiem: The neighborhood type stores?

Commissioner Kiefer: The neighborhood type stores.

Commissioner Ungethiem: Not the super centers?

Commissioner Kiefer: Yeah, not the super centers.

Jeff Mueller: More like the grocery store like that is over there at Covert and Vann.

Commissioner Kiefer: Yeah.

Commissioner Ungethiem: Just for my clarification, the Wal-Mart you're talking about the drainage plan is the one at Boonville-New Harmony and 57?

Jeff Mueller: Yes, sir.

Commissioner Ungethiem: And, where is the Schnucks?

Jeff Mueller: Boonville-New Harmony and 41.

Commissioner Ungethiem: Okay, behind German American?

Jeff Mueller: Yes, we've got plans on both of those, but like I said we'll go through the review process. What happens is they submit that stuff, we go through a review process inside where I go through, you know, and John and we look at everything. Did they meet the criteria, did they do everything? Then, once they get that package completed to our satisfaction, then we'll bring it to you all.

**Public Comment**

President Melcher: As far as public comment, I don't think anybody out there has any.

**Continuation of The Enclave Discussion**

President Melcher: Okay, since we're pretty much done, we'll go back to the beginning and we'll...this might have worked out better for you, Bruce.

Commissioner Ungethiem: I didn't want to go through that.

President Melcher: No,, that's why I said--

Commissioner Ungethiem: I do have one question for John.

President Melcher: Okay.

Commissioner Ungethiem: I understand there have been, that you have been sending your folks out there and inspecting this site for a period of time.

John Stoll: Yeah, The Enclave you mean?

Commissioner Ungethiem: Pardon?

John Stoll: Do you mean The Enclave?

Commissioner Ungethiem: Yes.

John Stoll: Yeah.

Commissioner Ungethiem: What is your plan for the next two or three months, in terms of inspections of that facility, and, the ongoing issue that you guys have with soil erosion?

John Stoll: Like I said a minute ago, the two spots where the sediment is leaving the site is a Rule 5 violation. I guess, I need to get with you and all three Commissioners and the County Attorney to figure out, as far as the notice of violation, time frames for corrections, and whether or not fines are in order on the ongoing problems. So, I know I sent you an e-mail earlier today that gave a list of what I had seen, which pretty well was summarized here, as far as the basins and the erosion. That being said, there's still sediment leaving the site. That's the problem that needs to be corrected. So, I'll just have to get with you and Joe Harrison and see where we go, based on the construction ordinance, construction site runoff ordinance, what the next step is.

Commissioner Ungethiem: But, your plan is to continue to inspect and continue to cite those violations as we go through this process?

John Stoll: I've been working on an inspection report on the basis of the trip that Jeff and I made out there yesterday. The e-mail that I sent to each of the Commissioners was just cut and paste from the inspection report, as far as itemizing all of the problems out there. The only thing I hadn't included as of yet was, as far as any kind of enforcement action, as far as time frames for correction and any fines. That's where I need to talk to the County Attorney.

Commissioner Ungethiem: Okay.

John Stoll: Until those things are corrected, it will continue. Until the sediment is controlled from getting on to the abutting properties, it's going to continue to be a Rule 5 violation. Because of that, a county ordinance violation.

Commissioner Ungethiem: Right. Okay.

<b>Approval of the December 16, 2014 Drainage Board Meeting Minutes</b>
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President Melcher: Okay, well, we need one more thing, we need approval of the minutes of the last meeting.

Commissioner Kiefer: I would like to make a motion to approve the minutes.

Commissioner Ungethiem: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Melcher: All you need to do is sign that one. It's done.

Commissioner Kiefer: Okay.

<b>Election of 2015 Drainage Board Officers</b>
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President Melcher: Okay, with that, the only thing left, I guess, we have the election of the Drainage Board officers. I'll entertain a motion for the—

Commissioner Kiefer: I would like to make a motion that Commissioner Ungethiem serves as the chair of the Drainage Board.

President Melcher: I'll second. Do you accept?

Jeff Mueller: Don't look at me, Bruce.

President Melcher: We're going to take a roll call, but, I mean, if you have anything—

Commissioner Ungethiem: I have no comment.

President Melcher: That's what they did to me the first time.

Commissioner Ungethiem: I have no comment. I accept and I look forward to working with Jeff and John on these issues in 2015.

President Melcher: They're good to work for. I mean, they're good, they know what they're doing.

Commissioner Kiefer: Okay.

Jeff Mueller: I appreciate that. Thank you.

President Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

Madelyn Grayson: You need a Vice President.

Commissioner Melcher: Now we need a Vice President. So, we need a nomination for Vice President.

Commissioner Kiefer: I'll make a motion that Commissioner Melcher serves as Vice President.

Commissioner Melcher: I should have let you ran this part. I did what Joe did, except he went through the whole meeting. I just let him do it.

Commissioner Kiefer: That's right.

Commissioner Melcher: I accept.

Commissioner Kiefer: Okay.

Commissioner Melcher: So, all in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

Commissioner Kiefer: You shouldn't have paused and waited for that motion.

Commissioner Melcher: I know.

President Ungethiem: What's the technical term, is it Chairman or President?

Madelyn Grayson: President of the Drainage Board.

Commissioner Ungethiem: President and Vice President, okay.

Commissioner Melcher: Yes. So, since that's done, I guess we're done.

Commissioner Kiefer: I move that we adjourn.

President Ungethiem: Second.

Commissioner Melcher: All in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

Commissioner Melcher: Thank you.

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

**Those in Attendance:**

Bruce Ungethiem

Jeff Mueller

John Stoll

Members of Media

Stephen Melcher

Joe Harrison, Jr.

Dan Buck

Joe Kiefer

Madelyn Grayson

Others Unidentified

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Bruce Ungethiem, President**

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**Stephen Melcher, Vice President**

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**Joe Kiefer, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
JANUARY 20, 2015**

The Vanderburgh County Drainage Board met in session this 20<sup>th</sup> day of January, 2015 at 5:50 p.m. in room 301 of the Civic Center Complex with President Bruce Ungethiem presiding.

**Call to Order**

President Ungethiem: I want to call to order the Drainage Board meeting for January 20, 2015.

**Pledge of Allegiance**

President Ungethiem: Steve, will you lead us in the Pledge of Allegiance?

Commissioner Melcher: Sure. Would everybody rise please?

(The Pledge of Allegiance was given.)

President Ungethiem: Thank you, Steve.

Commissioner Melcher: You're welcome.

**Approval of the January 6, 2015 Drainage Board Meeting Minutes**

President Ungethiem: The first order of business is to approve the previous minutes.

Commissioner Kiefer: I would like to make a motion to approve the minutes.

Commissioner Melcher: Second.

President Ungethiem: I have a motion and a second. Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

**Carriage House Apartments/Harper Ditch**

President Ungethiem: The next item on the agenda is Carriage House Apartments/Harper Ditch. We have Jeff Mueller here to talk about that.



Jeff Mueller: You've got an application for, in front of you for, to put a pipe into Harper Ditch. Actually, the Carriage House, the drainage from that currently goes through a pipe. It goes into the pipe, it goes into the Harper Ditch pipe right by Eastland Shoppes. That pipe is failing. There's an AT&T box on top of it, and rather than replace that at its current location, they just want to move it. So, they're taking a 15 inch pipe and they're going to put it in our ditch in a different location. They've submitted all of the necessary information. It's no big issue. I recommend approval.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: I have a motion and a second. Any discussion? Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

<b>Ditch Maintenance Claims</b>
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Jeff Mueller: We've got ditch maintenance claims. There's just five of them, I'm sorry, six of them, and they're the 15 percent claims. A total of \$1,136.43. A summary of the claims is on a spreadsheet. It should be your last paper in your handout. I recommend approval of these claims.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: I have a motion and a second. Any discussion? Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

Jeff Mueller: One other thing on the claims, yesterday we met with the Board of Directors of the Big Creek Drainage Association to look over their proposals for our work for this year. It did come up that there is a tree in Barr Creek that needs to be removed. Normally we do these things under an emergency order, and I told them to go ahead, let's get that tree out of there. Those things are usually not very expensive, and they'll be getting us a number here shortly, but they need to get that tree out of there while the ground is still frozen and before the water comes up. So, they'll be giving us a claim for that. We're going to be requesting to do that under, we do that under emergency work. So, I just wanted to make you aware of that.

Commissioner Melcher: That answered the question I was going to ask.

Jeff Mueller: Excuse me?

Commissioner Melcher: I said, that answered the question I was going to ask.

Jeff Mueller: Okay.

<b>Other Business</b>
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President Ungethiem: Anything else, Jeff?

Jeff Mueller: That's all I've got.

President Ungethiem: One question for you. Do you happen to know when the annual Big Ditch....that's easy for me to say, Big Creek Ditch Association meeting is?

Jeff Mueller: It's right now going to be set for Monday, what is that, President's Day? It's the, whatever the next holiday is.

Madelyn Grayson: February 16<sup>th</sup>.

Jeff Mueller: I'm sorry?

Madelyn Grayson: February 16<sup>th</sup>.

Jeff Mueller: Yes, February 16<sup>th</sup>, that's the date that they were looking at, yes.

President Ungethiem: The same place?

Jeff Mueller: Yes. Same time, I think all they have to do is take their flyer and just change a few things.

President Ungethiem: Okay.

Jeff Mueller: That's all I've got.

President Ungethiem: Alright, thank you, Jeff. Other business?

Commissioner Kiefer: I'll move that we adjourn.

Commissioner Melcher: Second.

President Ungethiem: A motion and second to adjourn. All in favor.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Ungethiem: We are adjourned.

(The meeting was adjourned at 5:54 p.m.)

**Those in Attendance:**

Bruce Ungethiem

Jeff Mueller

Others Unidentified

Stephen Melcher

Joe Harrison, Jr.

Members of Media

Joe Kiefer

Madelyn Grayson

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Bruce Ungethiem, President**

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**Stephen Melcher, Vice President**

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**Joe Kiefer, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
FEBRUARY 3, 2015**

The Vanderburgh County Drainage Board met in session this 3<sup>rd</sup> day of February, 2015 at 6:12 p.m. in room 301 of the Civic Center Complex with President Bruce Ungethiem presiding.

**Call to Order**

President Ungethiem: I would like to call the Drainage meeting for February 3, 2015 to order.

**Pledge of Allegiance**

President Ungethiem: Steve, can you lead us in the Pledge of Allegiance?

Commissioner Melcher: Yes.

(The Pledge of Allegiance was given.)

**Approval of the January 20, 2015 Drainage Board Meeting Minutes**

President Ungethiem: I would entertain a motion to approve the previous minutes.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Ungethiem: Do we do a roll call? Or, do we just....roll call?

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

**Review and Approval of Ditch Assessment Rates**

President Ungethiem: Okay, Surveyor Jeff Mueller, is here to talk about ditch assessment rates.

Jeff Mueller: Okay, you have in your packet a spreadsheet summary of the regulated drain assessments for the 2015 tax bills. The assessments are the same as in previous years. As with previous years we will not be billing Aiken, Eagle Slough or Laterals A, B and D of Pond Flat. On Aiken and Eagle Slough the actual, the

account balances exceed eight times the estimated annual costs of periodic maintenance. So, under IC 36-9-27-43, the assessment for these drains are to be omitted. For the Pond Flat Laterals, the balances of these funds fall into the four to eight times periodic maintenance and they can be omitted. The Laterals have low periodic maintenance costs. In order to allow the County Auditor to proceed with finalizing the overall tax rates for the county, we've been trying to move forward the date which we provide this information to the Auditor, so that they can get all of their required information to the State for the spring tax billing. Brian Gerth from the Auditor's Office is here if you've got any questions on their time table, but, if not, I would like to give those tax rates to the County Auditor tomorrow, so they can get their tax rates in early. I don't know, Brian, do you have anything to add to that?

Brian Gerth: I mean, pretty much we're waiting for the budget order. We were expecting it today. So, I would assume that we're going to get it tomorrow. So, along with the ditch rates, we can go forward as far as calculating property taxes. That will help speed up the process as far as getting the information to the Treasurer so they can get the bills out sooner.

President Ungethiem: Anything else?

Jeff Mueller: Any questions on the rates or anything?

President Ungethiem: I would entertain a motion to approve.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Ungethiem: Any discussion from the audience? No? Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

<b>Cayman Ridge 4: Preliminary Drainage Plan</b>
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President Ungethiem: Okay, the next thing on the docket is the Cayman Ridge preliminary drainage plan.

Jeff Mueller: Okay, next in your packet are the review comments for a preliminary drainage plan for Cayman Ridge 4. Cayman Ridge was originally developed by Baywood Development with various drainage submittals in the 2004-2006 time period. Currently three phases of the development have occurred. The current

drainage plan being submitted is a preliminary plan for the remaining subdivision, even though the area previously had an approved plan. The submitted plan calls for some release rates that were previously used, and utilizes the same basins. One large basin in the northeast corner of the development has only been partially constructed. A new drainage plan is being submitted due to the changes from the original plan, coupled with a new developer for the remaining phases of the subdivision. As you may recall, our ordinance states that the drainage plan, the approved plan should be submitted by the developer. So, that's what's occurring here. The revised plan also entails the relocation of a Corps of Engineer jurisdictional waterway that was not previously planned to be relocated. In addition to the stream relocation, the new plan calls for a little bit different street layout and fewer lots than was originally approved. The preliminary drainage plan is being submitted for approval so that the subdivision can move forward to the Area Plan Commission for the February 12<sup>th</sup> meeting. Representing the subdivision is Mr. Glen Meritt of Cash Waggner, the firm that developed the drainage plan, and Mr. Manual Ball of Jagoe Homes is also here. The Surveyor's Office was forwarded an e-mail from Area Plan regarding this project. The e-mail was from Ken Colbert, 9700 Erskine Lane. With that e-mail was a letter addressed to the Area Plan regarding issues of traffic and drainage. The drainage issue Mr. Colbert stated he would address at tonight's meeting. I did see on the sign up list, I think Mr. Colbert is here. So, in a minute, I'm assuming that you all would want to give him a chance to speak. But, as far as I'm concerned, the preliminary plan that was submitted does meet the code requirements for a preliminary plan submittal. Do you have any questions of me or Mr. Meritt? Or would you like the folks to speak at this time?

President Ungethiem: Do we have anybody from the audience that would like to speak on this issue? Come forward and state your name.

Jeff Noah: Jeff Noah, I reside over on Viehe Drive. Do you all have this in front of you, the map of the subdivision? Anyway, I live on lot 12 off of, or, excuse me, lot 11 on this map off of Viehe Drive. I've been out there for 25-28 years. I went to the meetings when this subdivision was approved by another company, I assume. At that point in time, back along all of the houses that are on Viehe Drive, there was going to be a swale ditch put in there to help the drainage so all of the runoff from the houses they're putting doesn't come over to our property. Now, I don't know how to read this map. There's a dotted line all the way across here. I don't know if that's a swale ditch on here, or what that dotted line is.

Commissioner Melcher: Jeff is coming up.

Jeff Mueller: That's a drainage easement. That's a drainage easement for it.

Jeff Noah: So, that would be like a swale ditch then?

Jeff Mueller: That is where the Corps, the ditch that originally is here, is to be relocated back here.

Jeff Noah: Oh.

Jeff Mueller: We're re-entering the channel. So, that's why that is so wide. There's going to be a ditch, a re-constructed ditch back here, along this right here.

Jeff Noah: So, the houses won't be built on that side?

Jeff Mueller: No, they will have to be built between the street and that line right there. The drainage easement is so wide because the fact, instead of just having a straight swale, the Corps will require them to put a meandering channel in. Okay?

Jeff Noah: I got my questions answered.

President Ungethiem: Okay, good. Anyone else?

Dennis Parker: I was going to ask him some of the same questions.

Jeff Mueller: That's alright. I'm here.

Dennis Parker: My name is Dennis Parker—

Commissioner Melcher: Wait until you get to the microphone. All of this is recorded.

Joe Harrison, Jr.: Mr. Mueller will help you.

Dennis Parker: My name is Dennis Parker. I live on 2445 S.E. Browning. I live on lot six, which is attached to the drainage area, part of the drainage area that the gentleman is speaking of. I was kind of concerned, as you go down the slope, the hill from me, the ditch kind of, it's full of trees and shrubbery and brush all the way down through there. My place is right here. At the corner of the ditch where it grade into the creek, it is washed out so bad, I mean, if you get down to the bottom of the ditch you would be over your head. My concern is, of course, I've got grandkids and the way that the ditch and thing are positioned there, I was wondering if it was going to slope down to where that it would be safe for my grandkids to be down there. Also, I was wondering, looking at this map here, is this right here the creek that goes on through here? Is it going to be covered?

Jeff Mueller: This is right here, the creek.

Dennis Parker: Okay. Now, this right in here, is it going to be under a culvert? Or, is it going to be covered or anything?

Glen Meritt: No, sir.

Dennis Parker: Okay. Well, now, how will this be fixed here where it's going to look safe? Just knock that corner down to where it will slope down? Or, is it gonna--

Glen Meritt: My name is Glen Meritt. I'm with Cash Waggner and Associates. I'm the design engineer on this project. The area where he's questioning is where the existing ditch comes on to our property at the west property line. That's the ditch that Jeff's talking about. I mean, it is getting relocated from our property—

Dennis Parker: Okay.

Glen Meritt: — to the east. I mean, that ditch is going to have a big, sweeping bend in it, and then it's going to come and be relocated to that north property line.

Dennis Parker: Okay.

Glen Meritt: It is part of an Army Corps permit that's been submitted and is to be approved by the Army Corps. I mean, anything off of our property to the west, I mean, we're not touching any part of that ditch.

Dennis Parker: Okay, well, I was just concerned—

Glen Meritt: Everything that's on our property will be disturbed, once that permit gets approved.

Dennis Parker: I mean, it doesn't bother me personally if they would just go down through there and just take all of the trees and just fix it up the way that it was originally fixed on that, but it concerned me because of the way that it was washed out down through there, what it was going to look like.

Jeff Mueller: I don't have the final plans. You just kind of gave us one drawing. But, what the Corps requires when you do a ditch is, you can't just go from here to here. They require a meandering ditch that has a defined channel with a floodway area and a repairing of wildlife area. So, that the water flows normally this, and then when it kicks out, it floods, and then you have different plantings and stuff there. So, that's why I was telling the last gentleman the reason that easement is so wide is because you have to have a meandering channel. They won't allow just a straight shot channel. It's got to be something that meets their criteria.

Dennis Parker: Okay.

Jeff Mueller: They have hired an environmental firm that's taking care of that. That permit is separate from what we're doing. They'll have to have a Corps of Engineers permit so that channel can be relocated, and it will have to meet the Corps specifications.

Dennis Parker: Okay. Well, that's great then. Thank you very much. I appreciate it.

President Ungethiem: Okay. Anyone else?

Ken Colbert: Gentlemen. Ken Colbert, I reside at 9700 Erskine Lane. My property is directly north of the development, multiple acreage. I like trees. So, in any event, my concern is, I've never talked to the engineers in regards to this. My wife is an engineer as well. This is the first we're learning of some of the improvements that are set to occur. Some of the questions we want to know specifically is where the waste water, or the runoff water is going to be placed at on the development, because the only thing we've actually received is the information from the Area Plan Commission with the actual plot. Nothing about the plans for the expansion, etcetera. I did reach out to the developer. I left a message with, I think, Mr. William Jagoe. I talked to an associate there that was, didn't have the information that I needed. So, I really need to talk to the engineer that's requesting these modifications to the property. My property is set up as a National Wildlife Federation. We enjoy habitat, animals out there. We do not permit guns. So, in any event, I just need to talk to them so that my rights are represented as well. I do, I'm in favor of the complex, because, obviously, the people coming there will eventually be my client. Once they get divorced, I'll sell their stuff. I'm in the consignment business. So, in any event, I do embrace the development, but it's got to be done correctly. So, with that, I really want to have on the record that I want to speak to the engineer in regards to our specific questions that I have and my wife that, being an engineer.



President Ungethiem: Okay. I think, Jeff is probably the point person for you to contact as he goes through...and keep in mind, this is a preliminary hearing at this point.

Ken Colbert: Totally understand how government works, and doesn't work. Thank you though.

President Ungethiem: Yeah, so the final is not available yet.

Ken Colbert: Right.

President Ungethiem: But, this is just a preliminary.

Ken Colbert: I would ask that I have his business card, and that this is not the time to discuss my questions specifically, but there are certain things that must be addressed. I live in an historic home out there. There's many facets of this that are completely being negated at this point.

Jeff Mueller: I mean, we can certainly set up...I can give you my card, Mr. Meritt here is from the engineering firm, Mr. Ball is here from Jagoe. I think, I don't want to speak out of turn here, but these guys have usually been willing to meet with folks. We could set up a meeting with you on site, or you could come down to the office down here, the four of us could roll a map out.

Ken Colbert: I appreciate that. I will do it at your office.

Jeff Mueller: Okay.

Ken Colbert: But, again, not being involved in this process, I have multiple acreage, never being apprised of the development until I received notification from the Area Plan Commission, that was the first time.

Jeff Mueller: Now, I will tell you, they aren't required to notify you on the drainage. It's something that we're looking at changing in our code, but, you know, so they haven't done anything that they shouldn't do, I guess, is what I'm trying to say. But, you know, we can all sit down and have a meeting. I'll give you my card, you can shoot some times to me, and we can figure out something here.

Ken Colbert: I appreciate it. Being self employed I can do that, but I am typically not reactive. I try to be proactive. I feel like I'm being blind sided with this. Thank you. That's all I have. Thank you.

President Ungethiem: Okay, thank you. Anyone else?

Manual Ball: Manual Ball with Jagoe Homes. I just wanted, for the record, Ken is right, we have not notified all of the adjoining homeowners of what we plan to do, other than the notifications that went for Area Plan Commission. To be honest, that's probably an oversight on my part. Typically, we would try to have some type of a community meeting to let everyone know. In this particular case, we had a plan that was already approved, and we're actually doing something that, it doesn't have as much density as what was previously approved. Therefore, that's my oversight in not contacting all of those neighbors to answer any questions that they may have. So, I just want that stated for the record.

Commissioner Melcher: So, are you saying you're going to meet with all of the neighbors out there in some type of community forum?

Manual Ball: We would be more than happy to, due to the fact that we've had a few complaints. We will try to set up a meeting sometime between now and possibly prior to Area Plan Commission meeting, which is next Thursday.

President Ungethiem: Yeah, I would request that you do that, just to make sure everybody fully understands. I mean, we've had people with questions, and once they understand—

Manual Ball: Sure.

President Ungethiem: — what's happening, they say, oh, okay, I understand that now.

Manual Ball: Sure.

President Ungethiem: So, that would alleviate any issues at Area Plan.

Manual Ball: We're not making any significant changes due to the fact, or other than the fact of actually relocating a stream and reducing the number of lots, due to the fact that we wanted a little bit larger lot so we could fit the type of home and the style of home that we wanted to put on there. So, that's, in essence, why we lost, I believe we lost 23 lots, in this particular case, from the original design. So, but I would be more than happy to try to set up a meeting and meet with them prior to next Thursday's meeting.

President Ungethiem: Okay.

Manual Ball: Thank you.

Jeff Mueller: But, we will do something also with Mr. Colbert?

Manual Ball: Certainly.

Jeff Mueller: Okay. Just so we're clear on that.

Commissioner Melcher: Jeff, where is this located at?

Jeff Mueller: Kansas Road just to the west of Highway 57.

President Ungethiem: Jeff, you're requesting that this preliminary drainage plan be approved to move on to Area Plan?

Jeff Mueller: Yes, sir.

President Ungethiem: I would entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: I'll second it, but then I, is this the same area where they were putting in a gas station? Is this, didn't this come on to 57 at an angle?

President Ungethiem: There's a convenience gas station already there, isn't there?

Jeff Mueller: It's a little farther to the west. There was, yeah, at one time there was two gas stations proposed, I believe. A Huck's on the south side, and the Marathon to the north. There's a fitness place and a subdivision there.

Commissioner Melcher: The fitness place was going to be with the Marathon.

Jeff Mueller: Yeah, no, this is on farther to the west.

Commissioner Melcher: Okay.

Jeff Mueller: And, it's actually, the first three phases are already built.

Commissioner Melcher: I'm just trying to get an idea of where it's at.

Jeff Mueller: Yeah, it's kind of –

President Ungethiem: Up the hill (Inaudible) Kansas.

Jeff Mueller: Yeah, it would be up northwest of there. Yeah, yes.

Commissioner Melcher: Okay. Thank you.

President Ungethiem: We had a motion and a second. Any other discussion? Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Since it's just the first one and not the final, I'll vote yes to move it on.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

President Ungethiem: Thank you all for your input.

<b>Schnucks North: Final Drainage Plan</b>
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President Ungethiem: Okay, next on the docket is Schnucks North, final drainage plan.

Jeff Mueller: Okay, next in your packet is a summary sheet entitled, "Schnucks North Subdivision Drainage Plan". Behind that you will find a letter regarding a variance request, as well as the review sheet that was done on the drainage plan. I'm going to read into the record the summary sheet, because this is what I'm bringing forward

for review approval. After reading this summary, Mr. Jim Farney of Lochmueller Group is here, he prepared the drainage plan, and if you've got any questions you could address those to him. Bear with me for just a second, okay, the Schnucks North Subdivision drainage plan, the site is located at the northeast corner of the intersection of U.S. Highway 41 and Boonville-New Harmony Road. The submitted drainage plan is for a combined Schnucks, is for the combined Schnucks North Subdivision, which is an eight lot subdivision, plus the Schnucks North Minor Subdivision, which is a one lot minor subdivision immediately north of the major subdivision. The western portion of the Schnucks North subdivision is located on the north three lots of the previously platted Grant Hills Commercial Park. This subdivision contains an existing detention pond that as part of the drainage plan will be modified. The preliminary drainage plan for the Schnucks North Major Subdivision was approved on August 19, 2014. The final drainage plan submitted includes the entire Schnucks North Major Subdivision, as well as a 1.7 acre Schnucks North Minor Subdivision immediately north of the major sub. The final drainage plan was initially submitted on December 23, 2014, with a revised document submitted January 27, 2015, and two revised drawings submitted on February 3, 2015. The submittal for approval consists of the revised documented dated January 27, 2015, revised drawings Appendix A, drawing A-3 dated February 2, 2015, and Appendix drawing A-4, dated February 2, 2015, and a variance request letter dated February 2, 2015. The drainage plan was submitted by the Lochmueller Group for their client, the Desco Group, 25 North Brentwood Blvd., St. Louis, Missouri 63105, which is the entity who will be responsible for accomplishing the project for which the drainage plan is developed. The drainage plan meets the requirements of the drainage code, with the following engineering alteration noted, the velocity of two internal pipes that empty into the east basin have velocities that exceed the code. The developer will provide energy dissipation structures at the outlets for those two pipes. In addition, Schnucks is requesting, via letter, a variance from the Drainage Board to allow an eight inch pipe where it empties a French Drain and variances to the east basin. The variances consist of allowing a couple of retaining walls along one area of the basin, due to space requirements, and to allow temporary water storage during the 25 year storm event above the four foot maximum depth that is specified in the Vanderburgh County drainage code. As a result of the variances to the basin, Schnucks suggests a placement of a fence around the basin. In order to ensure that the fence is installed, Schnucks has agreed that the projected cost of the fence will be included in the letter of credit for this project. The project site includes a drain pond and an outlet ditch that have been identified as a regulated stream by Corps of Engineers. According to the submitted plan, an offsite mitigation site has been developed. Also, the west pond, just north of the onsite German American Bank, drains to Highway 41. In addition, a small area of Schnucks North Minor Subdivision also drains to U.S. Highway 41. Approval of the final drainage plan by the Drainage Board does not alleviate the developer from the responsibility of acquiring permits from the Corps for the wetlands, permitting for the discharge to U.S. 41 with INDOT, if required, or any other permits that might be required for the site. But, it is my recommendation that we approve it. They've done a lot of work. It's a good plan. Like I said, essentially, the major thing is, and I've got a drawing, let me give you a couple copies of these. If you have a question about what the basin is supposed to look like, here we go, as you can, essentially, it's a 4:1 side slope. They're a little tight on their parking, so they've got a couple of retaining walls right there. Like I said, normally our dry detention ponds are supposed to only, normally this pond will be dry. When it rains it will fill up with water. In a 25 year storm it's only supposed to go four feet. It will go to, I think, six feet, so they're asking for that. So, very minor modifications. I recommend approval of the drainage plan as submitted, with the stipulations I put on it.

President Ungethiem: Jeff, where is this pond located on the property?

Jeff Mueller: On the east side, it would be, the Schnucks store is going to be roughly a north-south store, that's going to be on, the back of the store would essentially face Old State Road. So, it would be just south of that.

President Ungethiem: Between that and the house that sits there on the corner?

Jeff Mueller: Yeah. Jim Farney is here, the developer, or, I'm sorry, from Lochmueller if you've got any questions for him.

President Ungethiem: How far from the road is this pond?

Jeff Mueller: The pond? There's a lot in between it–

President Ungethiem: Okay.

Jeff Mueller: – so it's not right up against the road.

President Ungethiem: Okay. Any comments from the audience? John, anything to add? Okay, I would entertain a motion to approve this Schnucks North final drainage plan.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: Any discussion from the Commissioners? Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

<b>The Enclave at Eagle Cliff: Drainage Issues Update</b>
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President Ungethiem: The next one is The Enclave update.

Jeff Mueller: Excuse me, per the Drainage Board meeting on January 6, 2014<sup>1</sup>, Mr. Buck was to reappear before the Drainage Board to give an update on the status of his project. Myself, Mr. Stoll and Commissioner Ungethiem were onsite on Thursday,

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<sup>1</sup>Should be January 6, 2015.

January 22, 2015. Also, I've received a copy of the signed agreed order between IDEM and Mr. Buck on January 29, 2015. A copy of that is in your packet. The county also received, via an e-mail to Mr. Stoll's office, a forwarded e-mail from Eagle Village giving Mr. Buck permission to remove silt that was accidentally, to use their terminology, accidentally spilled. So, that's all we've done so far on the site. So, I know you guys, I think, wanted to talk Mr. Buck, and he's here, so.

President Ungethiem: Mr. Buck, do you have anything to report from last month's meeting?

Dan Buck: Yes, my name is Dan Buck, partner in the development of Eagle Enclave. Two weeks ago tonight we met with IDEM out on the project and made a list of things that they wanted done. Saturday we had planned on a week from yesterday to start on the list, but we had a heavy rain on that Sunday. Let's see, Saturday they started working on the list, to be done, about 70 percent of the work was completed, but they buried a skid steerer out on where they were trying to work, and we had to pull it out with a backhoe. So, at that point in time we were doing more damage than good. The areas that they did work on were the areas that were at the highest concern for IDEM, which was below the south basin and on the north basin areas. We put in some more check dams, some more swales that they wanted to see. If we don't get rain tomorrow night, and snow, we hope that the freeze will, tomorrow and Thursday will allow them to get on there Thursday afternoon or Friday morning to finish up. We have a little bit of silt fence to put up yet, and one more check dam, and then just repair a couple of other areas on the silt fence. Mr. Morley, I think, e-mailed Mr. Mueller late, I don't know if you got it.

Jeff Mueller: No.

Dan Buck: Okay, late this afternoon. He was supposed to do it earlier.

"Jeff, I wanted to give you an update. We are currently working on the Eagle Cliff project, but I've not finished the redesign of the basin discharge to include a drop structure yet. I will get it to you as soon as possible."

So, the engineer is working on the redesign of the approved drainage that Mr. Mueller and Mr. Stoll wanted to see. So, that is in process also with the engineer. We do have the whole project covered in grass and straw. I think that was done probably three or four weeks ago, was finished three or four weeks ago after we did some more work. So, and as we are working we are covering any disturbance up with straw.

President Ungethiem: How many of the issues that were unresolved from last meeting are still unresolved?

Dan Buck: What meeting?

President Ungethiem: The January 6<sup>th</sup> meeting.

Dan Buck: IDEM?

Joe Harrison, Jr.: Here.

Dan Buck: Really just the—

Joe Harrison, Jr.: The redesign?

Dan Buck: – to me it was the redesign of that drop structure, and we don't have ribbon liners in the basins yet, because we were using them as our sediment basins for the soil erosion control. There may be a few minor things.

Jeff Mueller: I would have to pull the list.

Dan Buck: I can't think, but I think we've pretty well covered everything. It was getting approval, I think, from the neighbor also that we could get on to his property. So, I think those were the issues.

President Ungethiem: So, you're not going to move that structure that's there that's on the adjacent property? You're going to get approval from him to leave it?

Dan Buck: No. We're redesigning it, per Mr. Mueller's request.

President Ungethiem: And you're pulling it back on to your property?

Dan Buck: Correct.

President Ungethiem: When is that going to be complete?

Dan Buck: Again, that's going to be after it's approved by David Carr and Mr. Mueller, and then as soon as the weather permits. We don't want to get in there and do that while it's raining, because then we'll create more of a mess.

President Ungethiem: Right.

Dan Buck: Since there's such a high, it's where all of the water goes to.

President Ungethiem: Yeah, there's some drainage issues there. Are there still any soil erosion issues, and, I guess I'm asking John this question. Are there still any soil erosion issues that we have to deal with here?

Dan Buck: I had also sent an inspection report to Mike Wathen this morning on the work that we did and the work that still needs to be done.

John Stoll: Mike went out there to follow up on the reports that were sent in. I was in a meeting with someone when Mike left this afternoon, so I didn't get a chance to talk to him about the details of what he saw today. From what was out there last Friday when Mike was last out there, yes, there were unresolved issues, but I didn't get a chance to talk to him before he left today.

President Ungethiem: Okay.

John Stoll: So, I just have to get Mike's report and have him send it out to all of the Commissioners and to Dan as well, as far as the follow up to what he saw.

President Ungethiem: Okay.

Dan Buck: I did get Mike's report already. Of course, it was a previous, it was a day before we did work out there. So, it's just so muddy.

President Ungethiem: We understand that the weather has not been conducive to doing dirt work at this point in time.

Dan Buck: That's the reason why we're hoping it freezes and we don't get the rain and the snow tomorrow and it freezes up for a good 48 hours. Then we can get in there and finish up everything. We were told by one person at IDEM that came down and did an inspection that we needed to put little dips in our check dam so the water could release if it got too high. Then the, was it Bain–

John Stoll: Ronnie Bain.

Dan Buck: –Ronnie Bain came on Tuesday's meeting and he told me to build those check dams back up, to hold as much water as we can. So, that's sort of, you know, we get one thing from one person and one from another. So, we're redirecting it back to the second comments on that.

President Ungethiem: Okay.

Dan Buck: I would say that we are ready to record another 20 lots. We have infrastructure in on 15, no, I'm sorry, 12, and we have sanitary sewers to put in for seven more.

President Ungethiem: Well, this sounds like this is not going to be an issue that we're going to resolve this evening. I think what we need to do is to continue to monitor it, and I'm going to look to Jeff and John to give me guidance on that monitoring. I guess, my frustration at this point in time is this has been an ongoing issue for a number of months, and there's been a number of inspection reports out there and the progress on those has gone very slowly. I would have hoped that a lot of this would have been done during a period of time where we did have good weather and we could have done some of these things, but now we're stuck in the middle of winter and we are where we are.

Dan Buck: I would have wished that too, but we were shut down by the Corps and IDEM and then after that we were shut down by the county. So, some of these areas still could have been worked on in the drainage parts, but a lot of the areas we couldn't. So, when we could jump on the larger areas of getting it covered up, that's what we did, because that was one of the main emphasis on the very first meeting that we came here was that they, Mr. Mueller and Mr. Stoll wanted to see green and they wanted to see it covered up 10 percent with straw or green. So, that's where we put our emphasis on.

President Ungethiem: Well, you're not going to get green in February unless you paint it, the straw.

Dan Buck: Well, you would be surprised. We've got a lot, to me, from the first meetings we've got a lot of green, a lot of wheat and a lot of rye that has grown out there.

President Ungethiem: Jeff, John any other comments?

Jeff Mueller: I think to answer your question, when we're talking about the bullet points, what's been done, I don't know that we say, you know, like there's seven bullet points and six have been done. I think it's better to say that there's six or seven bullet points and more progress has been made on them. But, to say that we're



three out of four, or four out of seven done, no, it's more like partial credit on a test. We're getting farther along, but there's still a lot to be done on those various bullet points. Like I said, right now, the ball is in Mr. Buck's court on getting the redesign to us and that. It sounds like Mr. Morley sent me an e-mail. I don't know how fast we'll get through that review process, or IDEM will get through it. You know, we'll look at it when it come in and go from there.

President Ungethiem: Okay. I would recommend we stay on that, and from John's perspective that we keep inspecting to make sure we don't have any soil erosion issues or runoff and try to maintain it until we get a little better weather so that we can fix it.

Jeff Mueller: I agree.

President Ungethiem: Anything else on this?

Dan Buck: I agree with you also.

President Ungethiem: I would request that we have another update in another, I think another month, which would be, I think it's March 3<sup>rd</sup>.

Joe Harrison, Jr.: I think it's March 3<sup>rd</sup>.

President Ungethiem: So, plan on an update on March 3<sup>rd</sup>. Thank you.

Jeff Mueller: Sounds fine.

<b>Ditch Maintenance Claims</b>
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President Ungethiem: Jeff, anything else?

Jeff Mueller: One other thing. Excuse me while I get the book. Just a housekeeping item that you need to vote on though. This is Madelyn, she's, I tell ya, I don't know about her sometimes.

President Ungethiem: She keeps you in line, doesn't she?

Jeff Mueller: She does. She doesn't get enough atta boys, I will tell you that right now. When I submit to you guys a pile of ditch maintenance claims, in the past Madelyn has a stamp, and it's been if you guys approve the ditch maintenance claims then she just uses that stamp to do it. She's always asked for formal permission to do that at the start of each year. We didn't do that at the start of this year. So, she's asking if she has permission to do that.

Madelyn Grayson: It's actually your signature stamp. I come up to the Commission Office and stamp your signatures on these claims to get them approved for payment. So, I just don't feel comfortable doing that unless you guys say it's okay.

Jeff Mueller: That way you're not sitting here signing claims until 8:00 at night on some of these nights.

Commissioner Kiefer: I make a motion that we approve allowing her to use the stamp, as she has in the past.

President Ungethiem: Since Steve is not here, I will second it. All of those in favor?

Commissioner Kiefer: Aye.

President Ungethiem: Aye.

**(Motion approved 2-0)**

President Ungethiem: Okay.

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

Jeff Mueller: I have nothing else.

<b>Public Comment</b>
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President Ungethiem: Alright. Any comment from the public? Anybody want to...how's the IU game going?

Jeff Mueller: Manual's not going to be able to tell you that. He didn't wear that blue out of accident.

Commissioner Kiefer: Motion to adjourn.

President Ungethiem: I'll second it. Drainage Board meeting is adjourned.

(The meeting was adjourned at 6:50 p.m.)

**Those in Attendance:**

Bruce Ungethiem  
Jeff Mueller  
Madelyn Grayson  
Glen Meritt  
Dan Buck  
Members of Media

Stephen Melcher  
Joe Harrison, Jr.  
Jeff Noah  
Ken Colbert  
John Stoll

Joe Kiefer  
Brian Gerth  
Dennis Parker  
Manual Ball  
Others Unidentified

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Bruce Ungethiem, President**

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**Stephen Melcher, Vice President**

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**Joe Kiefer, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
FEBRUARY 17, 2015**

The Vanderburgh County Drainage Board met in session this 17<sup>th</sup> day of February, 2015 at 5:58 p.m. in room 301 of the Civic Center Complex with President Bruce Ungethiem presiding.

**Call to Order**

President Ungethiem: I would like to call the Drainage Board meeting of February 17, 2015 to order.

**Attendance Roll Call**

President Ungethiem: Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Here. We have three members here. We have a quorum.

**Pledge of Allegiance**

President Ungethiem: I would like to ask Joe Harrison to lead us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

President Ungethiem: Thank you, Joe.

**Approval of the February 3, 2015 Drainage Board Meeting Minutes**

President Ungethiem: I would entertain a motion to approve the previous minutes.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

President Ungethiem: Minutes of the previous meeting are approved.

<b>Schnucks North: Vacation of Drainage Easements</b>
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President Ungethiem: Jeff, next on the agenda is Schnucks North, vacation of drainage easements.

Jeff Mueller: Okay, the western portion of the Schnucks North Subdivision was originally part of the Grant Hills Subdivision. The drainage plan that was approved by this Board on February 3, 2015, some additional easements for the revised drainage were added. At the same time, one easement where the west basin is located can be downsized, this basin would be smaller, with the construction of the much larger east basin. The Grant Hills Subdivision also had a small basin in the southwest corner that was not constructed, as the subdivision had not been developed as planned. This drainage is also reporting to the new east basin. Therefore, there are two easement areas that are no longer required. It is desired that these easements be vacated. Mr. Harrison, Mr. Stoll, Mr. London and myself met with Jim Farney of the Lochmueller Group and Marco DeLucio, I hope I said that right, of Ziemer Stayman Weitzel and Shoulders to discuss how best to vacate these two drainage easements. It's their desire, and I'm going to let Mr. Harrison jump in on this, if he wants, that by replat and with notice to the Drainage Board the intent to vacate, and with the Board's approval, that they might proceed with this process. You've got a sheet right behind you that just kind of shows what they're vacating. So, what we're doing is, we're just kind of realigning the drainage easements. The new drainage easements are in the plat that they are bringing to us. So, we've got some excess drainage easements that they're wanting to get rid of. So, Mr. Harrison, we let the attorneys duke this one out, I guess is the easiest way to say it, and I think, Mr. Harrison, I'm going to let you speak about, you know, what you thought was the best method of handling this.

Joe Harrison, Jr.: Essentially, the plat that will be considered has the new drainage easements located there, and there will be a note, if it's approved, noting that the older drainage easements were vacated by way of the plat. The new plat will have, and will be noticed to those who search the records down the road, that the older drainage easements that were not used were essentially deleted and inserted with the new drainage easements. Maybe Mr. Mueller can expound upon the difference between the two, if there is a difference.

Jeff Mueller: I mean, essentially, the west basin, the way it was originally developed the west basin was going to have a bigger drainage area than what it now has. So, they don't need as much area. Like I said, there was going to be an easement on the inside curve when you first came in, now they're building a big basin farther to the east. So, they just don't need these two drainage easements. But, I mean, there's going to be sufficient drainage easements for the basins that they're going to have, it's just that they don't need the ones they have. So, it's kind of always been a

discussion of do they come in with a full vacation process, or can you plat over and essentially eliminate what was on the plat before? We wanted to bring it to the Drainage Board so that you all understood that what they're requesting is just to eliminate these two easements that are no longer required. We probably had a little bit of communication problem, because my understanding was they were going to be here tonight. They delivered all of their deliverables, but we also had discussion that they may not be here until next meeting. So, I guess we could either, you could vote on it tonight, or you could wait until the next meeting. Mr. Farney, I believe, and I know Mr. DeLucio is going to be here at that time, if you want to have questions for them.

Commissioner Melcher: I really don't. I don't know about remonstrations, was everybody notified we was going to meet tonight? I mean, I don't know how you did it.

Joe Harrison, Jr.: Well, it's not really required on this type of thing.

Commissioner Melcher: Okay.

Joe Harrison, Jr.: The issue is, it's a replat. It will be recorded, and everyone will have notice that the old drainage easements that were there before were replaced with these two new proposed drainage easements.

Jeff Mueller: The only two property owners are the subsidiary of Schnucks and the German American Bank, and German American is signing off on everything.

Joe Harrison, Jr.: Yeah, they're going to sign off.

Commissioner Melcher: And Schnucks is signing off too?

Jeff Mueller: Well, it's Schnucks that is actually wanting it.

Commissioner Melcher: Then let's vote on it tonight. No sense in having all of them come in.

President Ungethiem: Schnucks has already got a new drainage plan in place.

Jeff Mueller: Right.

President Ungethiem: Or, ready to be finalized. So, it will show all of the new easements.

Jeff Mueller: Well, the final drainage plan you all have approved.

President Ungethiem: Right, I thought we did.

Jeff Mueller: Yeah, so, all you're doing is just kind of getting the easements, the easements lined up with what they needed. We're just getting rid of some old easements.

Commissioner Melcher: I'll make a motion to approve it.

Commissioner Kiefer: Second.

President Ungethiem: Discussion? Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

<b>Presentation of Annual Drainage Report</b>
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Jeff Mueller: Do you want me to move on?

President Ungethiem: Move on.

Jeff Mueller: Okay. The presentation of the annual drainage report. Under Indiana Code section 36-9-27, the County Surveyor is to report to the Drainage Board on the legal drains. You each have a copy of that report for your reading enjoyment. The report, besides discussing the status of the various drains, has a section titled, "Summary of Regular Maintenance Work for 2015". Which will actually lead us to our next topic, the 2015 drainage specifications. Which, with your permission, I would like to proceed, unless there is any questions on the report itself. It's just a basic report. It kind of describes our drains, highlights how we handle some of the maintenance in them, and shows some of the issues that will be coming up and what we've done on them over the past year. So, I would be happy to answer questions about it. I mean, I know you haven't had a chance to read it this meeting, but feel free to read it and send me an e-mail, or if you've got some questions we can bring it up at the next meeting on, you know, actual verbiage and what's going on in that.

President Ungethiem: No requirement to pass this, it's just informational?

Commissioner Kiefer: Do we need to make a motion to accept it?

Joe Harrison, Jr.: Just accept it. Just a motion to accept, and if you have questions any time throughout the year, get a hold of him.

Commissioner Melcher: Okay, I'll move to accept it.

Commissioner Kiefer: Second.

President Ungethiem: All those in favor.

All Commissioners: Aye.

President Ungethiem: All opposed.

**(Motion approved 3-0)**

President Ungethiem: Okay, we've accepted the drainage report.

Commissioner Melcher: I just want to make sure the Eerie Canal is still in there.

Jeff Mueller: It is.

Commissioner Melcher: I seen it. I found it.

President Ungethiem: You found the Wabash-Eerie Canal in here?

Commissioner Melcher: Yeah, it's in there. It goes down Morgan.

Jeff Mueller: Yeah, it's part of our regulated drain.

President Ungethiem: It doesn't use a whole lot of water anymore.

Commissioner Melcher: No, but it's still there.

Jeff Mueller: But, it's a very important portion of our drainage.

Commissioner Melcher: It is.

Jeff Mueller: As I like to say, and it's divvied up in the report a little bit, you know, we have, when we talk about regulated drains in this county, and for people at home, the county does not maintain every drainage in this county. There's 80 miles of drains that we maintain, and outside of anything that's a roadway ditch or a pipe underneath a road, other than that the individual property owners are responsible. So, that report handles that, but the drains, the regulated drains are kind of concentrated in the northwest part of the county, Armstrong and Scott, a heavy amount of drains up there are regulated, Union Township. The east commercial area, roughly I-64 from Lincoln and then Stockwell and then on up almost to Pigeon Creek, that whole area is regulated drains. That area, I mean, not that any drain isn't important, but the Union Township and the Armstrong area we've got farmers that keep a good eye on that. That's their money. That east side stuff, that's the stuff that we have to keep an eye on, because there isn't some farmer out there telling us that, you know, this ditch needs this or that. So, it's an important piece of business that we do.

Commissioner Melcher: Yeah, we've had problems too, you know, with insurance rates going up because of flood zones changing and FEMA. We had to do some work in that property that Audubon had, because it wasn't draining properly.

Commissioner Kiefer: But, even though we don't control every ditch, the people that own the property cannot just, at their own free will or willy nilly, change those ditches or obstruct those ditches.

Jeff Mueller: Right.

Commissioner Melcher: Supposedly.

Jeff Mueller: There are numerous regulations, state and federal regulations that get involved in those.



Commissioner Kiefer: Well, especially with IDEM, you know, environmental concerns. I mean, a ditch becomes a wetland and other things. I mean, you just can't go in and do anything to those.

Jeff Mueller: Most waters are waters of the U.S. or waters of the State. If they end up in the Ohio River, there's a good chance that they're either waters of the U.S. or waters of State.

Commissioner Kiefer: Correct.

Joe Harrison, Jr.: Even the Wabash and Eerie Canal.

Commissioner Kiefer: Well, I mean—

Jeff Mueller: Oh, that's definitely waters of the State, and maybe waters of the U.S.

Commissioner Kiefer: – but, we've had incidents where people have gone, thinking they're doing something good, put in rip rap or other things and it ends up causing problems.

Jeff Mueller: Right, and if they end up obstructing the ditch, then we all have the privilege of having those things every now and then.

Commissioner Kiefer: Yeah.

Commissioner Melcher: You learn a lot on this Board.

President Ungethiem: Okay, so we've accepted the drainage report.

<p style="text-align: center;"><b>2015 Drainage Specifications &amp; Permission to Advertise NTB: 2015 Ditch Maintenance</b></p>
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President Ungethiem: Drainage specifications.

Jeff Mueller: Okay, in the back, this is the drainage specifications, and, Linda, she likes to save trees, so we have one copy here. If anybody wants one, we'll give you an additional copy, but, you know, we've got one copy. This is the specifications sheets. We have multiple copies of these because these will be mailed out to the bidders that want them, including the bidders that will be requesting them. What's going on here is, as in the past years, like I said, I have one copy, these specifications are the packages that we supply the potential bidders for work on regulated drains. So, what I've brought you tonight is a request to proceed with running the advertisement. That advertisement Madelyn's got, it's simply this, telling the potential bidders that we've got different work available, and if they are interested in it, they can contact us and we can send them a package. So, what I'm requesting of you tonight is permission to run the advertisement. It would be run on February 27<sup>th</sup> and March the 6<sup>th</sup>. Then they would come in with bids on March the 17<sup>th</sup> that we would open and take under advisement. Then the tentative award date would be on April 7<sup>th</sup>. Now, this is a pretty thick package, but if you kind of want to know what we're doing, if you go back to the report that I gave you, there's three pages of spreadsheet, that's essentially what this package is. A lot of it's mowing and spraying, but there are some special projects that we're looking at doing. An example of a special project, last year we did the inspection of Harper Ditch

underneath Eastland Mall. This year some of the things that we're looking at on the special projects is on the Eastside Urban North Half, a proposal to clear and clean the portion....I'm going to see if I can get this to come up. I had it working earlier today and nothing is coming up.

Commissioner Kiefer: That wasn't Eastland Mall, that was Eastland Place that it was under.

Commissioner Melcher: It's actually a tunnel.

President Ungethiem: Underneath Eastland Place?

Jeff Mueller: No, it actually goes under Eastland Mall too.

Commissioner Kiefer: Oh, it does?

Jeff Mueller: Yeah, it goes under Eastland Shoppes, it goes through the parking lot at Macy's, goes underneath Vogel Road and then turns and goes up, what is that Newton Avenue, before it discharges into the Wabash Eerie Canal. You know, also we had, you know, an issue with some blockage.

Commissioner Melcher: I remember that.

Jeff Mueller: We were able to get one of the shopping centers to clean up.

Commissioner Melcher: That was the camera deal.

Commissioner Kiefer: That's amazing that they would build over the top of that.

Jeff Mueller: So, anyway, a couple of things, yeah, I finally got this to work. On the Eastside Urban, the north half, a proposal to clear and clean the west north bank here along, this is Peacock Lane back in here, but we've got some cleaning that we need to do right here. To give you a feel for this, this is Lynch Road, this is Burkhardt Road. So, we've got a proposal, we're going to have contractors look at doing a little bit of work here, if we can get the proper access. We've got a problem with where we need to do the work is on the wrong side of the creek. It never fails. Some other work that we're looking at, Keil Ditch, which runs along Whirlpool, we've got a few places in there that need to be, we've got some blockages that we need to dip out. Sonntag Stevens, or, I'm sorry, this is Kolb, in the, on the east side where we go from these two streets right in here, that ditch needs to be cleaned out. Then, and by the way, Kolb is one of our biggest problem ditches, in my opinion, just because it's just got a lot of issues. Then, Sonntag Stevens, last year we did some work around the Cloverlawn Subdivision that I feel helped some people out there, and we've got a bunch of work, we've got like some, there's four railroad crossings there, we've got some old ties that are partially blocking some pipes and some different things through there that we're going to take some contractors out and show them about seven different places to bid on. So, that's some of the special work that we are looking at in addition to—

Commissioner Melcher: Be sure to bill the railroad for that too, for their ties that we're moving.

Jeff Mueller: Well, I mean, it's like one tie, but it's gathering trash.

Commissioner Melcher: They would bill us.

Jeff Mueller: Well, I'm more than welcome to do that.

Commissioner Melcher: Every time we turn around they bill us.

Jeff Mueller: Okay. The other thing is too, is that, and, Bruce, you're probably acquainted with this, we meet with Big Creek Drainage Association, and they kind of come to us with some things they would like to do. I met with them Friday, they're going to be looking at doing some additional work on four of the five drains that they maintain. So, we're in coordination with them on some things. So, we're working through that. So, that's what we'll be sending out for bid. Then, like I said, we'll be coming back in, and in the meantime if people have got any questions with anything, I mean, all we're doing is just requesting bids. We're not accepting, I mean, we're not approving anything at this time. So, if anybody had any questions, you could come back to us at that time.

President Ungethiem: Any questions? I would entertain a motion to start the bid process, or start the advertising process.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

<b>Ditch Maintenance Claims</b>
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President Ungethiem: Jeff, anything else in your—

Jeff Mueller: Yeah, I do have ditch claims summarized on a spreadsheet in your package. These are all the 15 percent retentions that, you know, remain from last year's work. This pretty much closes out our payment for all of the work that was done last year. The total is \$4,157.75. I would ask for your approval.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Ungethiem: Discussion? Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

<b>Other Business</b>
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Jeff Mueller: I do have one other thing I didn't put on the agenda. At the last meeting, if you'll recall, we brought up the Cayman 4 drainage plan. There were some people in here and they had requested a meeting. We did meet with them on February 5<sup>th</sup>, so we did meet with all of the parties that we could meet with. We kind of had short notice, just because of our scheduling, but we did get a meeting before the Area Plan meeting. My understanding is that only one person came to Area Plan for that. So, I assume that most of the other people we did answer their questions right, or they didn't want to get out in the weather. I don't know which it was, but I do feel like we did accomplish some stuff at the meeting with the neighbors. So, I just wanted to let you know we did have that meeting per your request. Myself, Mr. Stoll and Mr. London all attended that meeting.

President Ungethiem: Yeah, thank you for that. I think that helped out to answer some of the questions. I think most of the questions that the area people had just was misinformation, and getting them information meant that only one person showed up at Area Plan, and they weren't really a remonstrator, they just had a few comments to make.

Jeff Mueller: That's all I've got unless anybody has got anything else.

Commissioner Melcher: Move to adjourn.

Commissioner Kiefer: Second.

President Ungethiem: Is there any public comment?

Commissioner Melcher: There wasn't any, that's why I went ahead and made the motion.

President Ungethiem: Motion to adjourn?

Commissioner Kiefer: He made that.

President Ungethiem: Alright. All those in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0.)**

President Ungethiem: The Drainage Board meeting is adjourned.

(The meeting was adjourned at 6:16 p.m.)

**Those in Attendance:**

Bruce Ungethiem

Joe Kiefer

Stephen Melcher

Jeff Mueller

Joe Harrison, Jr.

Madelyn Grayson

Others Unidentified

Members of Media

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Bruce Ungethiem, President**

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**Stephen Melcher, Vice President**

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**Joe Kiefer, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
MARCH 3, 2015**

The Vanderburgh County Drainage Board met in session this 3<sup>rd</sup> day of March, 2015 at 6:07 p.m. in room 301 of the Civic Center Complex with President Bruce Ungethiem presiding.

**Call to Order**

President Ungethiem: I would like to call the March 3, 2015 Drainage Board meeting to order.

**Pledge of Allegiance**

President Ungethiem: Let's stand and have the Pledge of Allegiance. Do you want to lead it?

Jeff Mueller: Go ahead.

(The Pledge of Allegiance was given.)

**Approval of the February 17, 2015 Drainage Board Meeting Minutes**

President Ungethiem: I would entertain a motion to approve the previous minutes.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Ungethiem: Do we roll call that? All in favor say aye.

All Commissioners: Aye.

President Ungethiem: Opposed?

**(Motion approved 3-0)**

**Keil Ditch Obstruction along Indiana Southern Railroad**

President Ungethiem: Okay, the next item on the list is Keil Ditch obstruction along Indiana Southern Railroad.

Jeff Mueller: I just wanted to add one thing first. To Commissioner Kiefer's earlier remarks on Sandie Deig, she was a sweetheart, for those people that didn't know her. She was a great help to me when I first came into office. She will be dearly missed as a person. So, anyway, sorry about that.

Commissioner Melcher: I think she helped everybody. She helped me when I was on the City Council. When I became a Commissioner she helped me a lot. She would say come over here, I've got to show you some things. You're the Commissioner and you should do this, this and this because you can't let the County Council get away with that.

Jeff Mueller: She was a sweetheart. I'm sorry. Keil Ditch shows up there, it runs from St. George Road down along the back part of the old Whirlpool to where it intersects with Sonntag Stevens. The Indiana Southern did some repair work along the east side of the rail, and in the process have affected the drain somewhat. I've had some conversations with the railroad, and I'm scheduled to meet with them tomorrow, weather permitting, to address my concerns. Then, I'll report back to the Board if we have any issues after meeting them.

Commissioner Melcher: So, the railroad messed up something?

Jeff Mueller: Yeah, possibly. Here's the way it looked, and they did some dirt work right in here, and kind of got down in our ditch a little bit. So, we're going to be discussing that with them tomorrow.

Commissioner Melcher: Because they're always blaming us, and they're always wanting to charge us.

Jeff Mueller: Yes.

Commissioner Melcher: This is unique.

President Ungethiem: In the discussions you've had so far, have they admitted that they—

Jeff Mueller: They admitted they were doing some work in there.

President Ungethiem: Okay.

Jeff Mueller: Right now, like I said, they did agree to meet with me and everything. So, so far we're doing okay.

<b>Fieldstone Subdivision: Final Drainage Plan</b>
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President Ungethiem: Okay, we'll move on to the Fieldstone final drainage plan.

Jeff Mueller: This subdivision, which was discussed earlier on the road plans, is located off Oak Hill Road. It's shown on the map in the presentation. It's essentially this field right here. The subdivision is a proposed 49 lot residential subdivision. The preliminary drainage plan was approved by the Drainage Board on October 14, 2014. You have in your handout a copy of the review with my comments and responses regarding this plan. Like I said, it's a multicolored, what I do is I go through the code and I give them any comments back in blue, if they're good, and if I need more information or whatever, red, and then they respond back. Once everything is good, we're ready to go. So, you've got a copy of my comments there. The review, that review will be made part of any approved drainage plan. The submitted plan consists of the original submittal dated January 29, 2015, along with drawing C-100, 104, 105, 108, plus revisions dated February 27, 2015 that supplement or supercede the original submittal, along with drawings one, two, C-104, 107, 110 and 112. The developer is proposing to use the Plan B repair fund. The developer is requesting a variance to construct homes closer than 50 feet to the lake. The proposed plan, in conjunction with the proposed variance, meets the drainage code. I have recommended approval of the plan, with the requested variance. That variance letter, you've got a copy in there, in your notes, it's just a

short letter from Mr. Meritt saying that they're requesting to be able to build homes closer than 50 feet to the lake. Again, as I've expressed previously, I don't have a problem with them building closer to the lake. I'm more concerned about how high they are. Horizontal distance doesn't mean near as much as vertical. Like I said, I recommend approval. Mr. Meritt is here if you've got any questions for him on the subdivision.

President Ungethiem: Any questions? Just a question on the map. What's the little green square in the middle of the big green square?

Jeff Mueller: Oh, the cut out on the north end, Bruce?

President Ungethiem: Right.

Commissioner Kiefer: It's a separate parcel.

Jeff Mueller: It's just a separate tax parcel, yeah.

President Ungethiem: Okay. I would entertain a motion to approve.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Ungethiem: Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

Jeff Mueller: Okay, next is Cayman Ridge, Section 4, Phase 1.

Joe Harrison, Jr.: Bruce, or, Jeff, did that include, your recommendation for approval included the variance request?

Jeff Mueller: Yes.

Joe Harrison, Jr.: Okay, so that was included with that.

President Ungethiem: Okay.

Jeff Mueller: Okay.



**Cayman Ridge: Section 4: Phase 1: Final Drainage Plan**

Jeff Mueller: The Cayman Ridge, Section 4, Phase 1 final drainage plan. This subdivision is located north of Kansas Road and west of Highway 57. Again, this is the same area that John brought in the road plans for. It's shown on the map in the presentation. The preliminary plan for the entire Section 4 of this subdivision, which is all of this area out in here, the preliminary plan for that was approved on February 3, 2015. This drainage plan is only for a portion of an area, just this area right in here, for a total of 25 lots. The developer is requesting final drainage plan for this phase of the section of this subdivision. The reason for using the phases is necessitated by the fact that there's a jurisdictional stream that goes across the property and limits development until such time as the developer receives the necessary Corps and IDEM permits and are allowed to relocate the stream. You have in your handout a copy of the review with any comments and responses regarding this plan. The review would be made part of the approved drainage plan. The submitted plan consists of the original submittal dated February 20, 2015, along with drawings C-104 and 107, plus revisions dated February 27, 2015 that supplement or supercede the original submittal, along with drawings one, two, C-101, 102 and 109. As with previous sections of this subdivision, the developer is proposing to use a Plan B repair fund. Like Fieldstone, the developer is requesting a variance, this is a different developer, but same request, is requesting a variance to construct homes closer than 50 feet to the lake. The proposed plan, in conjunction with the proposed variance, meets the drainage code. I recommend approval of the plan, with the requested variance. Any questions?

President Ungethiem: Any questions?

Commissioner Melcher: No questions. I'll move for approval.

Commissioner Kiefer: Second.

President Ungethiem: Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

Jeff Mueller: Keep rolling?

President Ungethiem: Straub Brothers?

**Straub Brothers Recreation Palace: Final Drainage Plan**

Jeff Mueller: Straub Brothers Recreation Palace, final drainage plan. This drainage plan, as far as single lot commercial development on the southeast corner of Highway 65 and Nesbit Road. The proposal is for the construction of a building and parking lot for a recreation center. The drainage plan is very simple. You have in your handout a copy of the review with any comments and responses regarding the plan. The review will be made part of any approved drainage plan. The submittal consists of the original submittal dated February 26, 2015, along with drawings DC-1 and plans consisting of a cover sheet and drawings 1.0 through 1.9. There's a request for a variance that the detention basin would not be required to be placed in the drainage easement. The proposed plan, along with the proposed variance would meet the drainage code. I recommend approval of the plan with the requested variance. On this there's just a dry basin. It only serves the one lot, so to put it in a drainage easement has kind of been hit and miss on whether we've done that in the past. Actually, I'm proposing that we do away with that, unless it serves more than one property. So, they've asked not to put it in the drainage easement. I think Mr. Harrison would probably agree with me, it really doesn't need to be in there.

Joe Harrison, Jr.: No, I agree with you. If there was more than it would be different.

Jeff Mueller: Again, you have a letter in your file with a request for it. So, I recommend approval.

President Ungethiem: Any discussion?

Commissioner Melcher: No, since the attorney says he agrees to everything I'll make the motion to approve.

President Ungethiem: Put it on your back.

Commissioner Kiefer: I'll second it.

President Ungethiem: Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

**The Enclave at Eagle Cliff Update**

Jeff Mueller: Next is The Enclave update. This agenda item is at the Board's request. I did enclose hard copies of two e-mails. One from Mr. John Stoll, the County Engineer to Jim Morley of Morley and Associates, regarding status of the project in regards to the October 28, 2014 submittal. The second, an e-mail from myself to Bethany Hopf of Morley and Associates regarding required information that is needed from them in order to proceed with review of any approval of a redesigned outlet structure for the second basin. In that e-mail we expressed to Ms. Hopf our understanding of what was required for submittal on this site, based upon the IDEM inspection that occurred on this site on January 20, 2015. So, that's what I've got. I know there's some folks here that probably want to talk to this issue. I know Mr. Buck is here.

President Ungethiem: Do we have anybody in the audience that would like to speak on this issue? State your name.

Dan Buck: My name is Dan Buck. I'll just give you an update. We have submitted to IDEM our plan to clean the two unnamed tributaries to Bayou Creek, and along the ditch along Felstead. We have submitted plans for the re-design that Mr. Mueller wanted. So, that's gone back and forth. We also have been back and forth with Mike Wathen of the County Engineer giving an updated soil erosion control plan, of the items that we did put in. Any of the items that came up when IDEM came down, those items have been done and taken care of. The last thing is, the Corps sample on Mrs. Bolin's lake, it's frozen over, so we can't get a boat or anything out there. So, they're prepared to come in and do that also. So, as soon as the weather permits.

President Ungethiem: So, are you indicating that some of these items that have been identified as having not been completed, you really can't proceed on those until the weather breaks and you can get in there and finish them?

Dan Buck: That would be on the two creeks and the ditch and the lake, which, yeah, we can't.

President Ungethiem: Okay.

Dan Buck: But, everything that IDEM came down last month, we had about 12 things they wanted us to add on to it. So, all of those things are completed.

President Ungethiem: Those issues, when you do a report or do an update for IDEM, do you also copy Mr. Mueller?

Dan Buck: No, I copy Mike Wathen and Sue Bock with IDEM.

President Ungethiem: Okay. Well, hopefully, spring will show up sometime in the near future and we can get some of these things completed and get this behind us.

Dan Buck: We are hoping for a deep freeze, I think it's Thursday night. If so, we have contracted with Superior Ag to go ahead and re-seed and fertilize the rest of the project again, for a second time. We did that last fall. There's already a small growth of wheat on the majority of the property, but we're going to go ahead and do it again.

President Ungethiem: Okay. Any questions for Mr. Buck?

Commissioner Melcher: No.

President Ungethiem: Anyone else in the audience that wants to speak to this?

Don Fuchs: Good evening. My name is Don Fuchs. I represent Barbara Bolin. Ms. Bolin is the owner of the property to the east of this development. The last I was here was at the October 28, 2014 meeting when there was developed and approved certain, a drainage plan and post certain requirements on Mr. Buck. My understanding is, from what I'm hearing here this evening is that those have not been fully met. My understanding is, is that the reason for that is the weather conditions. I'm just concerned about any approval of any further development here, or any relaxation of those requirements to allow Mr. Buck to go forward, because I'm looking at the matter that was approved on the October 28<sup>th</sup> meeting date, and it indicated that until these requirements were fully met, there would be no further development. What my concern is, Ms. Bolin's property has been damaged, and that's being addressed by IDEM. I've got an order here that Mr. Buck has agreed to remediate my client's property. But, none of that has taken place to date, and I'm just here to make sure that my client's property is not further damaged. I don't have my remediation addressed to date, and I just want to, again, let me just reiterate, I just want to make sure my client's property is not further damaged. So, assuming Mr. Buck is not asking for any relaxation, any amendments of this plan, that's fine with me. Again, I'm just here just to protect the interests of my client.

President Ungethiem: Any comments on that? I think, you know, we, as a Board, and the County Engineer's office and Soil and Water Conservation have ordinances that we need to follow, and we will follow those to the letter of the law. Until those things are completed, I don't see that progressing forward.

Don Fuchs: Thank you for your time.

President Ungethiem: Anybody else in the audience? Jeff or John, any comment?

Jeff Mueller: I'm fine, so, unless anybody else has got anything.

President Ungethiem: Okay.

<b>Ditch Maintenance Claims</b>
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President Ungethiem: Other business?

Jeff Mueller: The only other thing is just ditch maintenance claims. All the ditch claims have been previously submitted for 2014. We don't have any new claims until we open bids and start work for 2015. So, we're good on that for the remainder of the year, or for awhile. I shouldn't say the remainder of the year, but for the foreseeable future, I should say. I'm sorry.

President Ungethiem: Okay, anything else, Jeff?

Jeff Mueller: I'm good.

**Public Comment**

President Ungethiem: Any public comments? I would entertain a motion....oh, yes?

Commissioner Melcher: I do want to say, as we talked earlier, you know, you heard our Commissioner meeting about the 7<sup>th</sup>. So, whatever you could do to help on the 7<sup>th</sup>.

Jeff Mueller: Yeah, I'll keep her rolling as quick as we can.

Commissioner Melcher: That's what I'm trying to say. If everybody works, this is going to work.

Jeff Mueller: We'll try for another one of our 15 minute, ten or 15 minute deals.

Commissioner Melcher: I just want to make sure we're doing the public's interest and still getting done what we all have to get done.

Commissioner Melcher: Yes, we will, Mr. Melcher. Like I said, there might be a couple of preliminary plans in, but that's going to depend on folks, you know, they're going to have to get them in, and, as you're aware of, the preliminary plans are pretty quick.

Commissioner Melcher: I just want to bring it up tonight, because I know the sooner you get it going, the more lead time you have, the better off we are.

Jeff Mueller: Yes, and also at the same time, like we said too, to let people know that April 21<sup>st</sup> that we're not, that we want to shoot for not having a meeting. So, April could be a short business month.

Commissioner Kiefer: I make a motion to adjourn.

Commissioner Melcher: Second.

President Ungethiem: All in favor?

All Commissioners: Aye.

**(Motion approved 3-0)**

President Ungethiem: The meeting is adjourned.

(The meeting was adjourned at 6:25 p.m.)

**Those in Attendance:**

Bruce Ungethiem

Jeff Mueller

Dan Buck

Members of Media

Stephen Melcher

Joe Harrison, Jr.

Don Fuchs

Joe Kiefer

Madelyn Grayson

Others Unidentified

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Bruce Ungethiem, President**

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**Stephen Melcher, Vice President**

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**Joe Kiefer, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
MARCH 17, 2015**

The Vanderburgh County Drainage Board met in session this 17<sup>th</sup> day of March, 2015 at 5:53 p.m. in room 301 of the Civic Center Complex with President Bruce Ungethiem presiding.

**Call to Order**

President Ungethiem: Okay, I would like to call the March 17, 2015 Drainage Board meeting to order.

**Pledge of Allegiance**

President Ungethiem: Linda is going to lead us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

President Ungethiem: Thank you, Linda.

Linda Freeman: You're welcome.

**Approval of the March 3, 2015 Drainage Board Meeting Minutes**

President Ungethiem: I would entertain a motion to approve the previous minutes.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Ungethiem: Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

**Open Bids: 2015 Legal Drain Maintenance**

President Ungethiem: Jeff, I understand we have some bids to open this evening.

Jeff Mueller: Yes, we do. I think Madelyn has got a big pile of them. Joe's got them? Okay.

President Ungethiem: Joe's got them now.

Jeff Mueller: As we said, Linda is not a student here shadowing. She's here to help tonight.

Joe Harrison, Jr.: So, is there a motion to allow me to open them?

President Ungethiem: I would entertain a motion to open the bids for the legal drains.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

President Ungethiem: Joe, have at it.

Joe Harrison, Jr.: I'll have at it, and you guys can continue on.

President Ungethiem: We'll continue on.

Joe Harrison, Jr.: That's how we do it?

Jeff Mueller: Yes.

President Ungethiem: Hopefully you'll get done before we get done.

Jeff Mueller: Well, Madelyn want's me to talk slow, because she didn't want me to filibuster if we run out of time here.

Madelyn Grayson: We can always recess if they're not finished and reconvene.

Commissioner Melcher: I have to leave at quarter after, so.

Jeff Mueller: Okay.



**Solarbron Final Drainage Plan**

Jeff Mueller: The next thing we've got on the agenda is the Solarbron final drainage plan. You've got in your handout a photo, I could not get that photo to scan very well, but if you'll notice on the photo, you'll see a bunch of buildings and you'll notice there's like a little backwards toothbrush on there and then a parking lot expansion. The parking lot expansion you've already approved the drainage plan, so, all we're doing tonight is asking for approval for the drainage plan for the new building. The site already has sufficient storage to meet the code. The submitted plan is just for piping, the collection of the building drainage. There's a request for some minor variances on the gutter collection system, which is for eight inch piping, which is for gutter collection, which I don't have a problem with, and use of bends in the piping instead of manhole junctions. Again, that's on the eight inch piping, the gutter systems. Where they do use manhole, or a junction box, to use a Nyloplast area drains, which actually are used quite prevalent in the county. When we update our code, we're going to have that in there. Anyway, that's the request, so, I recommend approval of the submittal drainage plan, with the variances. The variances are highlighted in a letter to you from Morley and Associates. So, I would recommend approval of the plan with the variance letter. Any questions?

President Ungethiem: Questions? Any comment from the public?

Commissioner Melcher: I move for approval.

Commissioner Kiefer: Second.

President Ungethiem: Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

**Schnucks North Revised Drainage Plan**

Jeff Mueller: The next item on the agenda, Schnucks North revised drainage plan. The drainage plan for this site was approved by this Board on February 3, 2015. Schnucks, the developer of this site, is wanting to move the east basin to the location shown. I've got this on a couple of separate drawings, but the basin was to be located up here. This is where the proposed location is, I'm sorry, the basin was to be located in what's shown here, and now it's to be moved over to this location here. So, that's where the basin is now being proposed to be moved.

Commissioner Kiefer: Why are they moving it?

Jeff Mueller: They want to, my understanding, Mr. Farney is here, I'm going to let him address that question, if you don't mind.

Jim Farney: Good evening. My name is Jim Farney. I'm with the Lochmueller Group in Evansville, Indiana. We're here representing Schnucks' development on this project. The primary reason to move the basin is it's a value engineering move. The basin as it was originally positioned, which was a little bit further north and around the corner, has presented us some issues from the beginning in the fact that we had to actually introduce retaining walls within the basin to get enough volume to meet your storage requirements. So, as we came to the end of this show, Schnucks finally decided that the extra money they were going to have to put in that basin to construct it as we had previously gotten it approved, exceeded the value that they felt that the outlot was, for which the basin is now located. So, really it's a value engineering decision is what it's for. It's purely economics.

Commissioner Kiefer: Jeff, there's no negative effect by moving it?

Jeff Mueller: Well, I think we may have a remonstrator on that issue, but let me go through a few items and then we could address it. The proposed plan meets the code, with the exception of a couple minor exceptions. Some of the interior pipes show velocities greater than 15 feet per second, which exceeds the allowable velocity. That was also the case in the original plan. To overcome that, the outlet structures 140, 146 and 153 we're requiring an energy dissipation device. That was required in the original plan, so, nothing different there. The basin distance from the dwellings, it says in our code that all storm water detention facilities shall be separated by not less than 50 feet from any building or structure to be occupied by humans. There is a house here on the corner. It is 47 feet to the property line, but it is actually 50 feet from the high water mark of the basin. So, actually I feel that that meets the code. For the maintenance, on our basin code it describes that we're supposed to have a flat pathway, with a minimum of ten feet shall be constructed completely around the top of the embankment. In this particular design, it is on most of the basin, but not over on this area right here. I do want to point out that this is a dry basin. It is 4:1, you know, if this was a lake, we would want a ten foot pathway going around it, you know, where we could mow around it, but this is going to be a, you know, a dry, grass basin most of the time, other than when you have a major storm. So, it's not like you couldn't maintain it. So, to me, that is an issue, it's a minor issue that I don't have a problem with. The other issue is that this basin, for a 25 year storm, requires storage of 51,791 cubic feet. In our code we require that when the storm is coming through, that whether it's a dry or wet basin, either one, that you only take up to four feet of storage space. In this case, as in the case of the basin that was previously approved, it's going to exceed that four feet in that 25 year storm, only for a short time period. As you may or may not remember, in the previous basin proposal, we allowed that, with a variance, with the requirement, and Schnucks was willing to do that, that they put a six foot fence up. They're willing to do that here again too. They do have a variance request for that, but we will have a six foot, they will have a six foot fence around there. They've also agreed on that to make sure that it gets built, because this is going to be a platted subdivision, and it will have a letter of credit that the letter of credit will contain that provision. So, we will have a monetary ability to make sure that that fence gets constructed. You have in your review sheet, a review sheet that I put together with comments. That review sheet will be made part of any approved drainage plan. The submitted plan consists of the original submittal, dated March 9, 2015, along with drawings A-1 through A-5, plus A-7; appendix drawings F, H & I, plus revisions dated March 17<sup>th</sup> that includes the revised drawing A-6, corrected page six; appendix A, 8A, which is a proposed

plat; a revised appendix E and in addition to appendix F for run three, as well as a variance request regarding the allowance to allow the temporary storage to exceed the four feet, along with the committal of the fence. Also, as in the previous submittal that you approved, there was one eight inch pipe, that pipe was there because it drained a French drain. My understanding is it's the only, the way the French drain was constructed, you can only get in an eight inch pipe. I don't have a problem with that either. So, my recommendation would be to approve this, but like I said, I do believe there may be a gentleman here that would like to talk to you about this basin.

President Ungethiem: Any discussion here?

Commissioner Kiefer: No, but I would be interested in hearing what the remonstrator says about this.

President Ungethiem: Any discussion from the public? John, come forward.

Jeff Mueller: Come forward.

John Habermel: John Habermel. I own the property at 12700 Old State Road, which borders this retention pond, or basin, whatever it is. I was asked by the Area Plan Commission to sign off on this. As it exists now and the knowledge that I have, I can't do that. So, I'm here to try to get more information and get things straightened out so I can possibly assist Schnucks and get this thing going, rather than have them go back and start all over again. My concern is that that house is a residence. The corner of the house is 60 feet from the edge of the property line where that basin will be. They have the basin set right on the property line. I know what the code says, but there are small children there. It, to me, would be a safety hazard. They're outside, chain link fence or not, you know, it's still, it's too close to the house for my being. It's 40 feet from a utility, from a pole barn that I've got there to the edge of the property. My septic system for that property rolls, the ground rolls to this retention basin. So, my septic system, you know, if it leaks or leeches or, you know, weeps, which they all do, you're going to get some of this into that detention basin. So, I think that, there's many other things that I could bring up, and one of them I will, the dam or the southern border of that retention basin is in the utility easement and in the public utility easement and the sewer easement. So, if we run sewer to that house, that means I've got to disturb that dam and then put it back. Then if something is wrong with the dam, am I liable for that? You know, I mean, to me it's just ill placed. They're squeezing it in there and it's—

President Ungethiem: You're talking about on the Boonville-New Harmony side?

John Habermel: Yes.

President Ungethiem: Okay.

John Habermel: I'll give you...I don't have the ability to put all this stuff on....who wants it first? The engineer? There's the house, this is the retention basin, there's the public utility easement. I've got them marked.

Commissioner Kiefer: Okay, where are they putting the retention at?

John Habermel: Right here.

President Ungethiem: This was the old retention pond, they're turning it 90 degrees and putting it here.

John Habermel: And this is, that's 40 feet from here to there, and that's 60 feet from that corner to here. They've got it butted right up against the property line. It appears to me, having read their drainage plan that they're forcing water over here that can be put in here. When we did this property, we put a small retention basin right here. All they've got to do is knock off a little bit of top.

Commissioner Kiefer: So, what's the elevation difference between here and here? Could that--

Joe Harrison, Jr.: Why don't you let Jeff--

Commissioner Kiefer: (Inaudible. Not at microphone.) cause a problem?

John Habermel: For what?

Commissioner Kiefer: For water coming on to your property.

President Ungethiem: The water comes this way. He's higher.

Commissioner Kiefer: This comes down?

President Ungethiem: This is the highest point here, it goes down from here. The ditch right now is right in here.

Commissioner Kiefer: I asked that question because I was trying to figure out what the problem is then with doing this? I mean, outside of, I guess, it's just a safety concern?

John Habermel: Well, it's going to be a health concern, it's going to be a safety concern.

Jim Farney: Well, the answer to the health concern (Inaudible. Not at microphone.) There's probably a sewer already (Inaudible)--

John Habermel: I know there's a sewer, that's my point. If I decide (Inaudible.).

Jim Farney: There's an easement there for you to build a sewer. (Inaudible). If we didn't build (Inaudible) here (Inaudible). If we have a basin....listen to me, John, if we have a basin there, whether we do or not, if he's got effluent coming out of the field bed it's going in to a public ditch.

President Ungethiem: Okay.

Jim Farney: The basin affords an opportunity to catch that. Right now it's going into a public ditch.

John Habermel: It's not doing anything. No, it's not.

Jim Farney: If you have a problem, it would go to the ditch.

John Habermel: Which ditch?

Jim Farney: This ditch that's right here.

John Habermel: It would never get there. It would dry up before it got there.

Jim Farney: Oh, okay. Well, let it dry up in the basin then. The basin here actually affords more room to build the basin than where it was already approved. It was already approved here. We're only asking to move it from here to here. It's the only difference.

President Ungethiem: It appears to be just as close to this building here as it would be here. It's obviously farther away from the house.

John Habermel: It's further away here than it is here. Maybe not by much, but it is, because I mow that.

Jeff Mueller: But, the issue is still the property rights. If it's 50 feet away from the house, that's what the code says. I mean, I don't understand how we can sit there and say that just because we don't like it 50 feet away that we should say 100 or 200 or 300. I mean, the number is the number. I know you'll disagree with that, but, I mean, if we're going to change the number then we should change the code.

John Habermel: You arbitrarily let them go on other issues on this thing that aren't right.

Jeff Mueller: I didn't arbitrarily go with that.

John Habermel: Yeah, you—

Jeff Mueller: I, in my engineering judgement feel that what they're asking for is legitimate things. I don't feel they're arbitrary.

John Habermel: I disagree.

Jeff Mueller: That's fine, but as an engineer, I agree with what they're doing.

Jim Farney: As an engineer you normally want to put your detention at the lowest point on the property. The lowest point on this property is right there. So, from an engineering standpoint I've been trying to tell Schnucks for a year and a half that this basin belongs here. It's only until recently that they've come to that realization.

Jeff Mueller: From a safety issue they're putting a fence up that they wouldn't have to put up.

Jim Farney: The pool levels are lower here. The storm levels that, because it's downstream, all of the pool levels are lower, so they have less impact on him. He's above this whole thing. It's not like he's below it.

President Ungethiem: The only time this will fill is when we have a big storm?

Jeff Mueller: A 25 year storm, which is 4.---

President Ungethiem: 98 percent of the time it will be dry?

Jim Farney: That's right.

John Habermel: Completely dry?

Jim Farney: Yeah.

John Habermel: It will be completely dry?

Jeff Mueller: You're going to have a little water running, you're going to have water running through it.

Jim Farney: You're going to have water running through the bottom like you do today.

John Habermel: Is there going to be stagnant water in it is what I'm asking?

Jim Farney: No.

Jeff Mueller: What they're doing is putting the concrete liner—

Jim Farney: There's a paved invert in the bottom to keep the bottom dry. It's all being, the entire basin is being sodded, not seeded, but sodded to make it mowable. So, you'll have instant, you'll have an instant paved invert, plus you'll have an instant sod that you can mow.

President Ungethiem: What's the bottom elevation of the basin compared to the bottom elevation of that ditch?

Jeff Mueller: I think there's, I've got a profile (Inaudible).

Jim Farney: That elevation from the pond is 433.17 and it's going into a ditch that's like a foot and a half lower than that.

President Ungethiem: So, it will always drain?

Jim Farney: Oh, yeah.

President Ungethiem: It will never retain water?

Jim Farney: No, it's a dry basin. It's only going to—

John Habermel: Always is a long time. That's a long time.

President Ungethiem: Yeah, but we only have to worry about the next 30 to 40 years.

John Habermel: I don't have to worry about that, because I'm not going to be—

Commissioner Kiefer: So, it's a foot and a half drop from—

Jim Farney: There is another concession that I'm going to throw on the table. There is another concession that Schnucks has made and I want to put on the table here. Maybe John isn't interested, but as the drainage report states, and he can confirm this, Schnucks is allowing John to put his retention in that basin, because we have over a 100 year capacity in that basin.

John Habermel: But it has to be with their permission, according to what I read.

Jim Farney: The only reason it has to be with their permission is so you don't tear it up putting piping in (Inaudible) the slope, but they are offering to allow him to put his detention in that basin.

President Ungethiem: So, he could run roofs off of this and this and (Inaudible)--

Jim Farney: So, he doesn't have to reserve any of his own property for--

Commissioner Kiefer: Well, this is C-4, so later he could put a strip somewhere or something.

Jim Farney: That's a pretty nice concession, considering he doesn't have a lot of extra real estate.

President Ungethiem: One thing I want to make sure that I understand, this--

John Habermel: What?

Jim Farney: Considering you don't have a lot of surplus real estate to allow and allocate on your property room for storm detention.

President Ungethiem: This easement along this road, does it infringe into the basin at all?

Jim Farney: Not into the part that has storage in it, no.

President Ungethiem: Where is that?

Jim Farney: 442, elevation 442 is the 25 year storm elevation.

President Ungethiem: Right, but where is the south end of that basin in relation to that easement?

Jeff Mueller: He's not, well, let's get a different drawing there. Where's your other drawing, John?

John Habermel: Well, let's see--

Jeff Mueller: He's got a drawing that shows that.

President Ungethiem: Because we, one of his concerns is he doesn't want to....are you guys still working on those?

Linda Freeman: Oh, yeah.

President Ungethiem: He doesn't want to--

Jeff Mueller: He's actually going to be going through mainly virgin ground. There's going to be about two foot of fill right through here.

John Habermel: Which one are we talking about, Jeff?

Jeff Mueller: The basin (Inaudible. Not at microphone.)

John Habermel: This one?

Jeff Mueller: I think that answers your question, Bruce.

President Ungethiem: Okay, so the top of the basin is there, right? The dark line? And the easement is on the other side? So, they wouldn't have to interfere with the basin in order to put a line down through here in the future?

John Habermel: According to what Jeff and I—

Jeff Mueller: Well, the green line is your sewer easement.

John Habermel: That's the sewer easement right there.

Jeff Mueller: The yellow line is drainage and underground utilities.

John Habermel: That's a public utility easement, the yellow one is.

President Ungethiem: So, the green line would interfere with that?

Jeff Mueller: Yeah, a little bit right there.

John Habermel: What gets me is—

President Ungethiem: (Inaudible) issue in the future if you have to run sewer line down through there.

Jeff Mueller: Well, you're not—

Jim Farney: Not as long as it's put back properly.

Jeff Mueller: Yeah, and it's not like—

John Habermel: That's the point. That's my point.

Jeff Mueller: But, you're also not talking about a basin that's solidly holding water.

President Ungethiem: I understand.

Jeff Mueller: You know what I'm saying?

President Ungethiem: Yeah.

Jeff Mueller: I mean, theoretically anywhere you put a sewer pipe in you hope to put it back and compact it properly. If that's done, no, it shouldn't be an issue.

John Habermel: Who's expense is it going to be to do that?

Jeff Mueller: I don't know who's expense it is to run a sewer line.

John Habermel: I mean, if—



Jim Farney: Whoever the contractor is that extends the sewer.

John Habermel: That's extra work. I mean, you're worried about—

Jim Farney: Well, if he's thinking about putting a sewer in, that is extra work.

John Habermel: They made an economic decision to move it from here to here. Am I not allowed to make an economic decision?

Jim Farney: Are you building that sewer?

John Habermel: That's not the point who builds it. I'll be paying for it.

Jim Farney: Why?

John Habermel: Well, I own the property.

President Ungethiem: If he owns that property—

Jim Farney: It depends on who the sewer is all going to. Is the sewer only going to service your lot? Or is the sewer going to service—

John Habermel: We're talking about things you don't know, but I'll still have to bear some costs.

Jim Farney: Well, yeah, but if—

John Habermel: But you don't care about that. I understand that.

Jim Farney: I mean, they're sewerage all of this property. They're bearing that cost.

John Habermel: Well, that's fine. I'm not interfering with that.

Jim Farney: I don't think this is interfering with you. It's a courtesy that they're even giving you an easement to provide a way to get there. They're being as courteous as they can to you, John.

John Habermel: Well, so am I. That's why I'm here.

Jim Farney: Okay, that's fine. I don't know what else they can give you.

John Habermel: I'm not asking for anything except to get this right. That's what I'm asking for.

President Ungethiem: Okay, we understand.

Commissioner Kiefer: What's the pleasure of the President of the Drainage Board?

President Ungethiem: John, do you have any other comments?

John Habermel: I did, but Farney's got me so confused that I don't know what I'm doing anymore. That's typical of an engineer though. They don't think like everybody else.

Jeff Mueller: You're outnumbered now, John.

President Ungethiem: Boy, (Inaudible) pull that knife out, will ya?

John Habermel: There aren't any really good engineers in here though. There's no Purdue graduates, are there?

President Ungethiem: Oh, man. Whew! We won't go there.

John Habermel: No, don't go there.

President Ungethiem: We won't go there.

John Habermel: I'll just make one other comment. I read this, what was this?

Jeff Mueller: That's the verbal description.

John Habermel: Verbal description of the drainage easement that Mr. Mueller gave me, and it seems to me like that they're forcing everything into that east basin, what they call the east basin. If you read their plan. You have a small basin on lot three that we put in when we developed the property. That could be made into a full board, full blown retention pond very easily. Now, I went out there and stood on it this morning. It has a berm on it already on one side. There's a large drain box, and there's a drain out on the road that you could, and all you've got to do is remove some dirt up on the hill and you've got a retention basin here. They don't have to push everything over in that basin.

President Ungethiem: Okay.

John Habermel: That's all I've got to say right now.

President Ungethiem: Alright. Thank you.

Jeff Mueller: I stand by my recommendation for approval.

Commissioner Melcher: I'll make the motion already.

Commissioner Kiefer: Before I second it, I want to hear what Commissioner Ungethiem—

President Ungethiem: Well, I understand John's issue, and I think my biggest concern is that easement on the Boonville-New Harmony side of the retention pond, but it doesn't really get into the retention pond, it gets into the high side on the dry side of the retention pond, if they were to put something in there. That's a doable situation. That's not something that's going to cause a tremendous amount of problems. The fact that it's close to the house, yes, it is, but it does meet the regulations. From the Drainage Board's standpoint, if it meets the regulations, we're required to approve that. The issue about the septic system leeching into the drainage, that is a possibility, but as it was pointed out, that septic system if it's leeching, could also be leeching into the ditch, if that Drainage Board, or if that drainage retention pond wasn't there. So, I understand Mr. Habermel's concerns, but at this point in time I don't think they are sufficient enough to—

Commissioner Kiefer: Okay, with that, I'll make a second to Commissioner Melcher's first then.

President Ungethiem: Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

<b>Other Business</b>
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President Ungethiem: Other business, Jeff?

Jeff Mueller: Well, yes, we do have something else. If you all can watch your monitor for a second here. We've got a movie tonight. It won't last very long.

John Habermel: Could I interrupt? Thank you.

President Ungethiem: Thank you, John.

Jeff Mueller: What you're going to see is a movie that was taken by a drone of a drain up in Gibson County. This was done by a company called, sure as heck I forgot about the name of them. It was done by a company called Frontier Geospatial. The principals in this company were actually ex-employees of Vanderburgh County, they worked on the GIS system. I would like to show you this, and then I'm going to bring up a little something. So, this is done by a small drone. This is an actual ditch.

Joe Harrison, Jr.: That's interesting.

President Ungethiem: Is this at actual speed?

Linda Freeman: They can slow it down.

President Ungethiem: Well, I don't want you to slow it down. I mean, I was wondering if this is how fast it's flying through there.

Joe Harrison, Jr.: Yeah, that's pretty fast.

President Ungethiem: I mean, it's moving.

Jeff Mueller: Yeah. Now, the reason I show you this is that some of our drains are kind of hard to inspect. As you recall, last year we hired a company to inspect

Harper Ditch, but one of the toughest drains in the county for us to inspect, due to access, is Eagle Slough. Eagle Slough is over five miles long, it's south of the levee. I do believe Linda walked it at one time, or portions of it, the parts she didn't swim. Anyway, we have a quote from Frontier Geospatial where they could do a visual inspection, just like what you saw, and give that information to us, over five miles long, for \$1,160. Or, for a total of \$1,500, not only would they give us the inspection, but they would give it to us in a file which will give us elevation data. The reason I would like to do this on Eagle Slough is a couple of things; first, it would give us an opportunity to test this technology in the county. Second, Eagle Slough is a difficult ditch to inspect, and third, it would give us a picture of how, you know, where we could go back and have something to look at as a baseline, much like what we did on Harper Ditch underneath the shopping center, where we could sit there and a couple of years from now go back and look, or somebody's telling us there's a logjam, we can go and say, well, when we flew it in 2015 there wasn't. So, it's something that's developed since then. The price on this is so small, and my recommendation would be we pay for it out of the Eagle Slough drainage fund, which that fund right now has in excess of \$90,000 in it.

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

President Ungethiem: I'll second. Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 2-0)<sup>1</sup>**

Jeff Mueller: Okay.

President Ungethiem: Let's get it done.

Jeff Mueller: Alright. You know, that one's tough, because we did go to that place up in, I can't say that word, it starts with a P. Help me out, Bruce, what's the name of that college?

President Ungethiem: Pa-do?

Jeff Mueller: Yeah, but that was at, this demonstration was shown at the Indiana Surveyor's Association meeting, which I attended. So, we do get something out of these meetings. This was a nice thing to see.

President Ungethiem: Do they need permission to fly the drone that low? I mean, they're talking about regulations right now for drone usage at the Statehouse. I don't think there's really, there aren't any. You know, the only thing I'm thinking about is that is an approach way for Dress Regional Airport.

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<sup>1</sup> Commissioner Melcher had to leave the meeting at 6:15 p.m.

Jeff Mueller: I think they're only 300-400 feet above, and there are some regulations that they have, and they were talking about, I mean, it's not much, it's not like, I know there was talk about actually having to be a licensed pilot to fly one of these things, which that never, that hasn't occurred right now. They are up on, according to what they told me, their regulations, and, you know, what they need to do right now with it. This is a small plane. It fits in the size of a suitcase.

President Ungethiem: Yeah.

Jeff Mueller: He was actually down in Costa Rica and took it through baggage claim.

President Ungethiem: The last thing I want to do is have this plane be flying down there and a commercial airline came through.

Jeff Mueller: Yes.

President Ungethiem: We might want to let the airport know that we're going to do that on whatever day we're doing it, so, they know it's out there.

Jeff Mueller: Okay.

President Ungethiem: Okay, are we—

Linda Freeman: We're still cruising through, but he does have several papers.

Jeff Mueller: Do we want to go ahead and start reading them in?

President Ungethiem: Well, anything else?

Jeff Mueller: I don't have anything else. I know we have one visitor here, but I'm not sure, I think he's here just to listen.

President Ungethiem: Do you want to talk, Eldon? Or, are you listening?

Linda Freeman: That's another page for Joe to read.

President Ungethiem: Oh, you handed it to me like I was supposed to read that.

Eldon Maasberg: What John was talking about, I thought you all had to stay within a mile of that drone, from what I understand. The drone, you've got to be within eyeball sight of it.

Jeff Mueller: Well, yeah.

President Ungethiem: Yeah.

Jeff Mueller: You've got to be able to (Inaudible).

Eldon Maasberg: So, I mean, to try to fly a five mile, that's going to be....and there is regulations coming down, I'm sure, before it's all said and done.

President Ungethiem: They'll have to do it in segments, because he'll have to locate.

Jeff Mueller: There's different roads that cross that.

Eldon Maasberg: But, other than that, that's about all I got to say, because they talked about it at the Farm Bureau convention the other week.

Joe Harrison, Jr.: Will there be an agreement with us for that usage?

Jeff Mueller: Did you want us to, we could make some....do you have a standard agreement, and then you want us to put a little extra language in it, Mr. Harrison?

Joe Harrison, Jr.: I've never seen a drone agreement yet.

President Ungethiem: Well, that could be something you could–

Jeff Mueller: Could we not use a services agreement and then just supply some paragraphs to add to that?

Joe Harrison, Jr.: Yeah, yeah, we can do that, but, are you aware of any drone usage in the city or county before now?

Jeff Mueller: No.

Linda Freeman: This was in Gibson County.

Joe Harrison, Jr.: Oh, Gibson. Well, get with me, okay?

Commissioner Kiefer: They use them all the time in real estate, like residential real estate, they use the drones. If you look at some different residential sites, they'll have drones that fly over like the neighborhood, and even fly inside the house itself, like at elevation looking down.

Joe Harrison, Jr.: No kidding?

Commissioner Kiefer: Yeah.

Joe Harrison, Jr.: Well, President–

President Ungethiem: Big Brother is watching.

Joe Harrison, Jr.: –can I read some of the early returns in on the bids?

<b>Reading of 2015 Ditch Maintenance Bids</b>
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President Ungethiem: Well, let me understand where we go from here. We've opened the bids. We're going to put a recommendation together?

Linda Freeman: No.

Joe Harrison, Jr.: Later, at the next meeting.

President Ungethiem: That will be at the next meeting?

Joe Harrison, Jr.: Yes.

Linda Freeman: April 7<sup>th</sup>.

President Ungethiem: Okay. So, we just need to read the bids at this point?

Joe Harrison, Jr.: Yes.

President Ungethiem: No, need to vote?

Joe Harrison, Jr.: No, just to accept the bids later on, that we'll accept them and take them under advisement.

President Ungethiem: Please proceed.

Joe Harrison, Jr.: I guess, the way we're going to do it is read them in the name of the bidder, and then what they bid on. So, we can do it that way, and then we'll, Linda will formulate some sort of list and spreadsheet on all of these. Big Creek Drainage Association submitted a bid on Barr's Creek annual, that amount is \$4,261.53. Big Creek Drainage Association also submitted a bid on Barr Creek additional proposal, and that's \$7,400. Then, Big Creek Drainage Association bid on Buente Upper Big Creek, that bid amount is \$4,039, and then they also submitted an additional work proposal, I guess, for that same project for \$3,700. Big Creek Drainage Association also submitted a bid on the Maidlow, is it Maidlow or Madlow?

Linda Freeman: Maidlow.

Joe Harrison, Jr.: Maidlow Ditch, that's the annual cleaning of that, I guess, \$3,174.07. Three thousand one hundred seventy four dollars and seven cents. Then, an additional proposal for that project, \$2,000. The final bid they submitted is for, by Big Creek Drainage Association, is for the Pond Flat Main, the annual cleaning, that's \$5,527.80. Then, on that same ditch, an additional proposal for \$11,130. So, those are the bids submitted by Big Creek Drainage Association. Eldon Maasberg, who's here, submitted a couple of bids, first is on the, is it Baehl?

Jeff Mueller: Yes.

Joe Harrison, Jr.: Baehl Ditch, \$1,102.40. On Kneer Ditch he submitted a bid of \$410.40. On Maasberg Ditch, he's probably familiar with, \$220.60, and then on the Wallenmeyer Ditch, \$1,253.25. So, those are the bids that he submitted. John Maurer submitted a bid for Hoefling Ditch of \$557.10. Rexing Enterprises, Inc. submitted a bid for Singer Ditch in the sum of \$367.50. Three hundred sixty seven dollars fifty cents. RR Rexing Farm, Inc. submitted three bids, they are as follows; for Pond Flat Lateral "A", a bid of seven thousand, I'm sorry, \$743.54; for Pond Flat Lateral "B", a bid of \$391.58; Pond Flat Lateral "D", \$641.06. So, those are the RR Rexing bids. There are some bids that were submitted, I think five of them, from Union Township Ditch Association, and they are as follows; the Barnett Ditch, \$274.32; the Cypress Dale Maddox Ditch, \$774.05; the Edmond Ditch, \$453.38; the Helfrich-Happe Ditch, \$571.41; and on the Kamp Ditch, \$558. Next we've got some bids from Shideler Spray, Inc. They've submitted these particular bids. On Aiken Ditch, the bid amount, \$420. Eagle Slough, five thousand, and that's dormant spraying, Eagle Slough.

Jeff Mueller: All of these are.

Joe Harrison, Jr.: Okay, gotcha. Okay, five hundred and fifty, I'm sorry, \$5,557.40. On the East Urban South Half, that bid amount is \$3,199. On the Henry Ditch,

\$397.38. On the Keil Ditch, \$346.38, and on Sonntag Stevens, \$725.03. Shideler has some more bids, on, I guess this is, what is this, what do you call this?

Jeff Mueller: This is all for foliage spraying, or broadleaf and brush, it's Category 2 work.

Joe Harrison, Jr.: And, on Category 2 work, Shideler Spray, they've got these bids; on Aiken Ditch, \$981.19; on Barnett Ditch, \$282.75; on Cypress Dale Maddox, that bid amount, \$795.63; Eagle Slough, \$4,776.36; Eastside Urban North Half, \$2,112.70; Eastside Urban South Half, \$3,024.84; on Edmond, that's \$611.80; on Harper, \$321.55; on Keil, it's \$313.25; on Kolb, \$465.40, and on Sonntag Stevens, \$718.12. Category 1, sterilization of ditch bottoms by Shideler, their bid amount is Aiken, \$287.50; Eastside Urban South Half, \$2,124.39; Harper, \$309.75; Kolb, \$465.40, and on Sonntag Stevens, \$725.03. Now we've got some bids by Tru Green Commercial, this on the Category 8, dormant spraying. On Aiken Ditch, that bid amount is \$421.64; on Eagle Slough, \$4,973.87; on Eastside Urban South Half, \$2,921.01; Henry, \$369.56; on Keil, \$311.74; and on Sonntag Stevens, \$711.22. Some additional bids by Tru Green Commercial, on the Category 2, spraying broadleaf brush, on Aiken it's \$951.46; Barnett, \$273.48; Cypress Dale Maddox, \$777.25; Eagle Slough, \$4,411.37; Eastside Urban North Half, \$2,091.57; Eastside Urban South Half, \$2,894.46; Edmond, that bid amount is \$590.52; Harper, \$299.04; Keil, \$295.48; Kolb, \$453.64, and Sonntag Stevens, \$711.22. Now we've got some bids from Jim Axton, a bid on Sonntag Stevens, late spring mowing, that bid amount \$2,125.20. Jim Axton, Eastside Urban South Half, Crawford Brandeis and Bonnie View exit<sup>2</sup>, late spring, mid summer and fall mowing, \$739.50. Now we've got several bids from McCullough Land Improvements. On the Aiken mid-summer mowing, that bid amount is \$3,671.50; their bid amount on Eastside Urban North Half, Crawford Brandeis Extension, that bid amount is \$1,836. On Eastside Urban North Half, Crawford Brandeis Extension, after harvest mowing, \$1,764.57. On the Eastside Urban South Half, I guess that's railroad/canal mowing?

Jeff Mueller: Yes.

Joe Harrison, Jr.: \$6,901.07. On the Eastside Urban South Half, Crawford Brandeis and Bonnie View exit<sup>3</sup>, late spring, mid-summer and fall mowing, \$781.55. On the Eastside Urban South Half, Stockfleth mid-summer and fall mowing, that bid amount is \$3,175.14. Did I skip one?

Madelyn Grayson: Yes, you did.

Jeff Mueller: Yes.

Joe Harrison, Jr.: I thought I did. Eastside Urban South Half, Nurrenbern mid-summer mowing, that bid amount is \$1,395. Sorry about that. Next is the Harper, late spring and fall mowing, it looks like 2,900 feet, \$2,088.66, I'm sorry sixty cents. Two thousand eighty eight dollars sixty cents. Henry, after harvest 2014 mowing, \$1,837.46. Kolb, Section A, fall mowing, \$892.80. Kolb, Section B, mid-summer and fall mowing, \$1,975.54. Sonntag Stevens, late spring mowing, \$2,088.24. Sonntag Stevens, fall mowing, \$7,793.24. Keil, additional work, \$1,860. On Kolb,

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<sup>2</sup>Should be extension.

<sup>3</sup>Should be extension.



additional work, it's \$4,776, and on Sonntag Stevens, additional work, that bid amount is \$15,890. Now we're on to Elliott's Excavating, they've got three bids; Keil additional work, \$2,717; on Kolb, additional work, \$10,392; on Sonntag Stevens, additional work, \$9,339. Mark Naas Farms, he's submitted a few bids; on Keil additional work, the amount is \$1,443; on Kolb additional work, it's \$3,588; and on Sonntag Stevens, additional work, \$18,378. Allen Relleke Excavating, LLC, he has three bids as well, they are as follows; on Keil additional work, \$1,521; on Kolb additional work, it's \$6,000; and on Sonntag Stevens additional work, \$11,600. Kip A. Staub, LLC submitted, it looks like just one bid for the—

Linda Freeman: (Inaudible. Microphone not on.)

Joe Harrison, Jr.: Pardon me?

Linda Freeman: I thought they may have bid on more, but that's the only one they turned in.

Joe Harrison, Jr.: Okay, that's the only one I saw earlier, but I....Sonntag Stevens additional work, \$16,445. We've got a few more here that are going to be coming to me.

Linda Freeman: Yeah, I'm trying to decipher what the young man had.

Jeff Mueller: Do you feel like you're reading election returns here?

Joe Harrison, Jr.: Sort of. Maybe from a different country.

President Ungethiem: Jeff?

Jeff Mueller: Yes?

President Ungethiem: On these additional work, a lot of these guys have bid on the Keil, the Kolb and the Sonntag with three different dollars, are we going to take lowest bid with each of those? Or, are we going to try to combine those into lowest combined bid? How does that work?

Linda Freeman: They're separate projects.

President Ungethiem: They're separate projects?

Jeff Mueller: Yeah, they're separate projects.

Joe Harrison, Jr.: The lowest bid.

President Ungethiem: Okay, so, it's lowest bid?

Jeff Mueller: Yes.

Joe Harrison, Jr.: Is that it?

Linda Freeman: Yes, subject to (Inaudible).

Jeff Mueller: What's interesting there, Bruce, is the Sonntag Stevens, there's quite a range in there—

Joe Harrison, Jr.: Yes.

Jeff Mueller: – on that Sonntag Stevens work.

President Ungethiem: Yeah.

Joe Harrison, Jr.: One was half of one of the bids.

Jeff Mueller: Yeah.

Joe Harrison, Jr.: Okay, here's the last group of bids, Niemeier Property Solutions submitted all of these bids, and they are as follows; Aiken mid-summer mowing, \$3,587.50; East Urban, I'm sorry, Eastside Urban North Half, Crawford Brandeis Extension, that bid amount is \$1,360; Eastside Urban North Half, Crawford Brandeis Extension, that bid amount is \$1,414.80<sup>4</sup>. Eastside Urban South Half, railroad/canal mowing, \$6,916.10; Eastside Urban South Half, Crawford Brandeis and Bonnie View Extension, late spring, mid-summer and fall mowing, seven thousand, I'm sorry, \$768.50. Seven sixty eight fifty. Eastside Urban South Half, Nurrenbern, mid-summer mowing, \$1,375; Eastside Urban South Half, Stockfleth, mid-summer and fall mowing, \$3,181.50; Harper, late spring and fall mowing, \$2,065; Henry, after harvest 2014 mowing, \$1,812.03; Kolb, Section A, fall mowing, \$832; Kolb, Section B, mid-summer and fall mowing, \$2,018; Sonntag Stevens, late spring mowing, \$2,125.20; Sonntag Stevens, fall mowing, \$7,601.26, and the final bid that he submitted, or that they submitted, Keil additional work, \$2,600. Those are the bids submitted on all of these ditch projects. I would ask that the Drainage Board take these under advisement, have them reviewed by the County Surveyor's Office and get back with the Board for a recommendation on how to proceed ahead in the next couple of weeks.

Jeff Mueller: Yeah, we'll be providing a spreadsheet. Just so everyone knows, the bids, where they were like a summer and fall mowing, those were per mowing. So, I mean, we'll be awarding on the per mowing, but the actual dollars will be double, or....the way a lot of those are actually written is, it's like two times, but we can order a third mowing. So, if we have a really wet year, then we'll tell them, yeah, go out there and give it a third shot. Actually we've got some of them where they've got a fourth shot, yeah.

President Ungethiem: Four mowings, yeah.

Jeff Mueller: For everybody that might still be watching, our job on mowing is maintenance of the ditch. So, we try to mow, but we're not out there cutting them like we're going to be putting on the greens. So, we try to keep them mowed down so that they function properly, not so that they're really, that they look like your back yard.

President Ungethiem: Keep them under eight inches.

Jeff Mueller: Yeah, we keep them down. We keep them down, we keep them so the ditches are flowing, but that's our goal, not that they get mowed every other week or something like....especially that's an issue sometimes with some of these that go through subdivisions. People are like, well, you should be out there mowing them

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<sup>4</sup>This should be for the after harvest mowing.

every other week. That's not our job. Our job is to keep that ditch functioning, not keeping it necessarily looking pretty.

Commissioner Kiefer: Okay, so, I'll make a motion that we take this under advisement then.

Linda Freeman: We'll bring them back April the 7<sup>th</sup>.

Commissioner Kiefer: For April 7<sup>th</sup>, yeah.

President Ungethiem: Okay, then I'll second that. Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 2-0)**

President Ungethiem: Thank you very much for the work associated with putting that together. Jeff, anything else?

Jeff Mueller: No, I don't have anything else.

<b>Public Comment</b>
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President Ungethiem: Any public comments?

Eldon Maasberg: I already made my comment.

President Ungethiem: Already made.

Commissioner Kiefer: Move to adjourn.

President Ungethiem: Second. All those in favor say aye.

Commissioner Kiefer: Aye.

President Ungethiem: Aye. Meeting adjourned.

(The meeting was adjourned at 6:45 p.m.)

**Those in Attendance:**

Bruce Ungethiem  
Jeff Mueller  
Linda Freeman  
Eldon Maasberg

Stephen Melcher  
Joe Harrison, Jr.  
Jim Farney  
Others Unidentified

Joe Kiefer  
Madelyn Grayson  
John Habermel  
Members of Media

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Bruce Ungethiem, President**

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**Stephen Melcher, Vice President**

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**Joe Kiefer, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
APRIL 7, 2015**

The Vanderburgh County Drainage Board met in session this 7<sup>th</sup> day of April, 2015 at 4:02 p.m. in room 301 of the Civic Center Complex with President Bruce Ungethiem presiding.

**Call to Order**

President Ungethiem: I would like to call to order the April 7, 2015 Drainage Board agenda.

**Pledge of Allegiance**

President Ungethiem: I'll lead the Pledge of Allegiance. I'll do a double duty here.

(The Pledge of Allegiance was given.)

**Approval of the March 17, 2015 Drainage Board Meeting Minutes**

President Ungethiem: Okay, the first thing is approval of the previous minutes. I would entertain a motion to do that.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

**Acceptance of 2015 Legal Drain Maintenance Bids**

President Ungethiem: The next item is 2015 legal drain maintenance acceptance of bids. Jeff?

Jeff Mueller: I'm going to let Linda cover that. She's done all of the legwork on it and put everything together. So, I'll let her cover that. If you've got any questions, you can address her directly with it.

Linda Freeman: Basically, we're recommending all multiple bids to go to the lowest bidder. We've got 60 plus contracts that we'll be doing. So, typically we ask Madelyn to stamp the contracts when they come in, unless you guys all want to sign each one, 60 plus.

President Ungethiem: Sounds like a muddy business to me.

Commissioner Melcher: No, that's normal.

Linda Freeman: So, yeah, and then to allow her to return the bids bonds of the unsuccessful bidders. If you've got any questions, like I said, I did find a mistake right at the last minute, and if you'll look, the one with the highlighted up here in the upper left corner, that is the correct set of numbers. I didn't have anybody in the wrong place as far as what we were awarding, I just had a couple of swaps on the other side.

President Ungethiem: Okay, any questions from the Commissioners? Any comment from anyone in the audience? I would entertain a motion to approve.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Ungethiem: Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

Linda Freeman: Along with the, she can stamp the contracts when they come in?

President Ungethiem: Do we have to have a motion to do that as well?

Joe Harrison, Jr.: Why don't you go ahead and do that.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: To keep up tradition, I'll vote yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

Linda Freeman: Then to allow her to send the unsuccessful bidders checks back to them.

Commissioner Melcher: Do we really need a motion for that?

Linda Freeman: I know, gosh, working you to death.

Commissioner Kiefer: I'll make a motion that we send the checks back to the people that did not get awarded their bids.

Linda Freeman: Thank you.

Commissioner Melcher: I'll second.

President Ungethiem: All in favor.

All Commissioners: Aye.

**(Motion approved 3-0)**

Linda Freeman: Sorry.

President Ungethiem: Do it.

Commissioner Melcher: That's a gimme.

Jeff Mueller: You'd be happy to know, by the way, we assessed the railroad for their percentage that goes in there. CSX, we do get a little blood out of them.

President Ungethiem: Was it \$116,000 and some change?

Jeff Mueller: No, it was not. It was not, but anyway.

President Ungethiem: Can we make it that?

Commissioner Melcher: Just add another zero.

<b>Frontier Geospatial Contract</b>
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President Ungethiem: Okay, Jeff, Frontier—

Jeff Mueller: Geospatial.

President Ungethiem: –Geospatial contract.

Jeff Mueller: As you remember, we voted last time on this, this was for \$1,500 to do the inspection on Eagle Slough, but we thought, you know, we needed to have something a little bit more formal. They came back to us with their scope of work, plus in a little bit of a contract. Mr. Harrison, I believe you've had a chance to look at it, and he's okay. So, we have a contract for you to sign. It's just signing what you approved at the last meeting.

Joe Harrison, Jr.: Again, this is Option B, which is \$1,500, is that correct?

Jeff Mueller: Yes.

President Ungethiem: Any questions? Motion to approve?

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

<b>Shoe Carnival Distribution Center: Final Drainage Plan</b>
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Jeff Mueller: Shoe Carnival distribution center. This site is located on the east side of State Route 57, just east of the VIP Industrial Park. The original drainage plan for this site was approved October 17, 2006. The original approved plan called for the construction of a detention pond south of the building, which was constructed, and two retention ponds on the north side of the building, in which only one was constructed. What is proposed is construction of approximately a 200,000 square foot addition to the 400,000 square foot building, modifications to the existing drainage swales, relocation of the existing drainage, existing retention basin. One single, new basin will be constructed and the material from that basin will be utilized to fill in the existing basin and some wetland areas. Two swales will be extended across the Marathon pipeline. The submitted plan consists of the original submittal dated March 11, 2015, including drawing C100, 101, 200 and 201; a waiver request letter, which is part of your package, dated March 11, 2015, and responses per Jonathan Kipling submitted March 11, 2015. The submittal dated March 11, 2015 supercedes the original submittal dated December 12, 2014, as the revision was a re-submittal with additional requested information. The submittal also includes a



variance letter and a letter from the developer regarding a commitment to give us an as-built on this. There's a request for some minor variances, and they're included in the letter that you have before you, and these are as follows; the first waiver is more of a statement that the engineer provided what information they could find on the project, but not everything regarding the existing drainage features could be found. It was not possible to submit an as-built for the existing storm sewers as they could not be accurately located. The proposed retention basin cannot capture and detain all of the storm water. Per the report, the allowable runoff from this project is 25.13 cfs. The north basin is planned to release 2.55 cfs, while the existing south basin is designed to release 3.69 cfs, leaving 18.89 cfs of excess allowable runoff. The west side of the roof, when it originally constructed, did not capture the drainage as it was supposed to, and it's leaving the site undetained. This runoff is calculated at 27.34 cfs, so this results in a net of 8. cfs leaving undetained, which is better than what we have now, which is the 27.34. There's also not a maintenance, there is a request that there be no maintenance easements for the basins, as they only serve the single property. So, in summary, what is requested, in addition to the variance requested, the following needs to be noted; as a condition of approval, the Marathon pipeline easement will be provided, once agreement is made, and if as a result of the signed easement changes to the drainage plan is required, it will be submitted for approval. An existing 48 inch pipe is located south of the building and it carries all site drainage from the west of Highway 57. This was not previously put in an easement. So, prior to sign off of the site plan, an easement will be provided for this structure and the existing ditch east of the building where this pipe empties. Per discussion with Joe Harrison, the county would not be responsible for maintaining the pipe, and prior to recording the easement, the language would be submitted for the County Attorney's review and approval. We do have a copy, an unsigned copy of a U.S. Corps of Engineers permit, which as you're aware, we do not monitor those activities, but I'm just letting you know that there are wetland issues out there, and they have applied for the permits, and apparently they're very close, if they haven't already received the permit. There is some conditions, you know, that they have to meet along that. So, the approval of our drainage plan, however, in no way negates the developer from receiving all necessary State and Federal approvals. In view of the fact that no as-built was ever submitted for the original construction, the applicant will need to make a commitment, in writing to the Board, that an as-built will be submitted. It's recommended to the Board that the commitment have an enforceable action, and, as you can see, there is a letter from Steve Kahre there committing to giving us an as-built for this. So, based upon everything I read to you, it's my recommendation that while things weren't done correctly necessarily 100 percent for, we're much better in getting them there, and I would go ahead to recommend this drainage plan for approval. If you've got any questions, I do have a little bit here on the slides that show, this is a real compact, but this would be Highway 57 right here, this is the current basin, as is a basin to the south. This basin was not constructed. The proposed plan, the existing basin, it's kind of a little bit squirrely here, is here, I kind of changed directions on you here, all this area is to be filled in and a brand new basin is to be constructed where the previous basin is. So, that's the plan, they can't actually dig a ditch, so what they'll be doing is actually constructing berms on both sides so that the water will go across the ground, but it will be retained through there by a swale method of utilizing berms. That's what's needed for the Marathon pipeline agreement. So, and then there's construction of wetlands, I think there's mitigation area up in here, because most all of this area right here is wetlands, so that's what they've got to do with the Corps. It's a very complicated project. I'm glad I didn't have to permit it. I had to do some of these before. They're not fun. The last thing to show you is this is the south side of the building, the only thing I do want to show you is that, like I said, there is a 48 inch pipe that gathers a lot of the drainage

from the other side of the highway. For some reason this was never put in an easement, but we need to require that they have that in an easement. We wouldn't be responsible for maintaining it, but that way, 50 years from now when that pipe collapses, somebody would be able to have permission to get on there and fix that pipe. That's just standard that off-site drainage has easements for it. So, with that I have my recommendation. I think Mr. Kahre is here, and Mr. Morley is here too. There they are. So, if you've got any questions of them on this project.

President Ungethiem: Would either of you two gentlemen like to add to what Jeff has said?

Jim Morley, Jr.: Jeff covered it pretty well. We're excited that Shoe Carnival needs to expand to keep growing, and this is the best way to expand them. We're able to help remedy some situations that didn't necessarily get done the first time correctly. So, we're able to help the county get a little bit farther home on that and take care of a little bit of clean up along the way. So, we think it's a good project and we'd ask for your approval.

President Ungethiem: Is there any future plans on this site that would remediate that remaining, what is it, eight cfs?

Jeff Mueller: Yeah, 8.45.

President Ungethiem: 8.45?

Jim Morley, Jr.: At this point we will have used pretty much about all of the property there is. So, I don't see that there would be another expansion. There's sure not one planned at this time.

President Ungethiem: Any adjacent properties that might be in the—

Jim Morley, Jr.: There's really not adjacent properties that you would put a basin on. They're all on the other side of a creek. I will say that during the first phase, while the one basin was not dug, they did end up enlarging the basin immediately north of this site, which will, which does offer some additional retention for that area. Although it was never anything that anybody got any credit for or anything, it was done as part of their Corps mitigation for the previous, for the original construction. They went in, and I don't know if you've driven past there or not, there was an existing pond and then they went in and expanded that pond along the I-164 corridor, and my guess is, the size of that expansion more than offsets the eight cfs that runs off the site undetained. Given the size of that watershed, in reality, eight cfs is literally a drop in the bucket. I think that's a 200-300 acre watershed that comes down through there, and eight cfs would be a couple acres maybe. So, it's maybe one hundredth of the flow that's in that ditch probably. But, I will say, for what it's worth, it's partially already mitigated by the mitigation they did for the original construction when they enlarged the basin north of the ditch.

President Ungethiem: Okay. Commissioners, any questions? Anyone else in the audience have anything to say about this? We have a recommendation from the County Surveyor to approve this. I would entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

Jim Morley, Jr.: Thank you very much.

Jeff Mueller: Okay, by the way, we are addressing this problem of getting as-builts, and we've created some files so that we've got people on file when they haven't, and we're sending out letters at the end of the year, and the code proposals that I'm working on have got some proposals in there too. Actually, we would be able to send some fines out in the future. So, it's something that needs to be addressed and we're working on it. It's not only this site, there's a number of sites that we need to get this on.

President Ungethiem: Do you know when that as-built will, when will we get that as-built?

Jeff Mueller: I would request that be when they get the work done, which would be prior to the building being done, I would think, because they should have all of the drainage work done before the building is completely done, because they are going to need all of the dirt out of it. Is that a fair statement, guys, that we get an as-built before the building would be done?

Steve Kahre: Of what?

Jeff Mueller: Of the basin that you're going to be building up there.

Steve Kahre: Absolutely. No problem.

Jeff Mueller: Okay. Alright. Okay, ready to move on?

President Ungethiem: Move on.

<b>The Hills: Preliminary Drainage Plan</b>
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Jeff Mueller: The Hills, this is a request for a preliminary drainage plan approval. The, let's get the pictures going here. Okay, a proposed subdivision that's located on the south side of Mohr Road, west of Darmstadt Road and lies east of the former CSX railroad tracks. I'm not sure who owns those now. The subdivision was originally part of Spring Valley primary plat. That subdivision was a 68.6 acre site, of which 22 acres have been developed. From some phone calls I've received,

there's been some confusion regarding this subdivision, so, I would like to clarify a little bit of the information. The original Spring Valley Subdivision had an approved drainage plan for 149 lots. Of those 149, 50 lots were platted in 2005, the first section of the subdivision. The streets were constructed to serve a section of that subdivision, and the retention pond was dug that serves the entire subdivision. So, you can see this large lake right here, that actually will service not only the existing, but everything out here. Okay? This left 99 lots that were never platted. No additional sections of this subdivision were ever submitted to be platted, because the last section of the subdivision was platted in 2005, the original primary plat for this subdivision expired due to no further sections being platted within five years of the last section of the subdivision. Because of the expiration of the original primary plat, a new developer is coming forth with a new, primary plat. The new plat proposes 112 lots for a new subdivision known as The Hills. Those 112 lots, combined with the existing 50 lots platted in Spring Lake Valley result in a total of 162 lots between the two subdivisions, an increase of 13 lots over the previously approved primary plat for the area. You have in your handout the review sheet with comments. This review will be made part of any approved drainage plan. The submitted plan consists of the original submittal dated March 19, 2015, along with drawings C01, 02, and REC1A, plus responses to the comments via e-mail dated April 2, 2015 and drawings C03. The submittal, with revisions, does meet the criteria for a preliminary drainage plan approval. Though as you can see in my comments, there are issues that will need to be addressed prior to any final drainage plan approval. So, with that, as far as a preliminary plan, in my opinion, they've met the criteria. It meets the code, and therefore I'm recommending it for approval.

President Ungethiem: Okay, do we have anybody in the audience that would like to comment on this issue? Any questions from the Commissioners?

Commissioner Melcher: No.

Joe Harrison, Jr.: When does this go to APC?

Jeff Mueller: Thursday.

Joe Harrison, Jr.: Oh.

President Ungethiem: It will go Thursday. Yeah, the APC meeting is Thursday at 4:00, I believe.

Jeff Mueller: Correct.

President Ungethiem: I would entertain a motion to accept the Surveyor's recommendation.

Commissioner Melcher: So moved.

President Ungethiem: This is preliminary drainage.

Commissioner Melcher: Right.

President Ungethiem: I'll second that, in Joe's absence. Roll call.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 2-0)**

Jeff Mueller: Okay.

<p style="text-align: center;"><b>Autumn Ridge: Final Drainage Plan</b> <b>(Motion Made to Approve as Preliminary Drainage Plan)</b></p>
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Jeff Mueller: Finally, Autumn Ridge, final drainage plan approval. This is a proposed seven lot subdivision along Mesker Park Drive at the northwest corner of Mesker Park and Staubs Lane. The plan is essentially to convert an approximately 20 parcel, that is mainly a steep slope farm area, with a small amount of woods, to seven large home lots, six of which will be accessed from Mesker Park Drive and one from Staubs Lane. You have in your handout the review sheet with comments. This review will be made part of any approved drainage plan. The submitted plan consists of the original submittal dated March 23, 2015, along with revisions submitted March 27, 2015 and drawings C101, 102, 103 and 104 dated March 19, 2015, plus drawings 1, 2 and 3 dated March 25, 2015. Because the calculated C values for the developed watershed are less than the C values for steep slope farmland, there is very little increase in runoff. Therefore, the engineer has requested that no detention be required. With what I've said I've received comments and calls from two area residents, one is Linda Young located southeast of the proposed project, and the second is from Terry Hughes that lives directly across from the proposed development. The issues from both of these persons is concerned about inadequate drainage along Mesker Park Drive. While there is a 21 inch culvert under Staubs Lane that carries a large amount of the drainage south, there appears to be problems with the road ditches along the west side of the road of Mesker Park. I do believe that there is probably some people here that would like to speak, because I recognize some faces.

President Ungethiem: You're recommendation here?

Jeff Mueller: My recommendation is, I think, you know, from everybody, what I've understood out there, and from, you know, going out and making some site visits, there is some drainage problems apparently along Mesker Park, but as far as the adding of seven homes, I don't see where that's going to make a difference with what they've got out there. I think it's more an issue of trying to solve the problem they have out there versus what this will do, because we're taking a corn field, or, you know, a farm field and we're going to be putting in grass, they're going to be two and a half to three acre home lots. So, you're going to be taking this farm ground and converting it into grassed areas with seven homes. So, that's where we're at right now. To give you a feel for this, this is Staubs Lane, Mesker Park comes up and then shortly thereafter it veers to the west, and then comes into Highway 65. Right there, there's an old gas station there at 65, it's now a dance studio or something. So, but like I said, I do know there's some folks here that would probably like to have some time to speak to this.

President Ungethiem: Is this development on both sides of Mesker Park?

Jeff Mueller: I'm sorry?

President Ungethiem: This development's on both sides?

Jeff Mueller: No, it's this field right here.

President Ungethiem: Just on the southwest side?

Jeff Mueller: Yes.

President Ungethiem: Okay. Do we have anybody in the audience that would like to speak? Please come forward and state your name.

Greg Burkett: Hi, I'm Greg Burkett. I live at the, on Staubs Lane, and I'm in the southwest corner is all my property, (Inaudible) one piece. I get a lot of water running through my property, it's eroding it right now. I tried to get a hold of the farmer and the people that had it before and they wouldn't do anything about creating a ditch across through it. Then the water that comes off of it, if you went down there today you could see it runs across our road about an inch to two inches on a heavy run. What we would like is to have a ditch that would go across that between the road and the property that they're going to do, and run it to Mesker Park. Because, like you said, Mesker Park is big enough to hold it, and if we could just get a ditch to get that off, because once they put the houses up, off all the houses, going into the yards, coming down, it's just going to put that much more water on me, because I've already got two other subdivisions plus Cynthia Heights School that also come into my property. I've gone from a ditch about yea deep and probably four or five inches wide 28 years ago to three feet wide and it keeps changing, I keep filling it, he keeps eroding it and I've got a whole north end of my field I can't even do nothing with and I have horses. I can't even put them out there in this kind of weather because they'll sink four or five inches. I can't mow it, I can't cut the trees. So, we could have them to, while they're doing their dirt, just run a ditch through there. It don't have to be nothing special, just something to help get the water off the side of my property and also off of Staubs Lane, because all that water is going underneath and eroding that road.

President Ungethiem: Do you foresee this development helping that situation or hindering that situation?

Greg Burkett: It would probably hurt because the trees and stuff that they're talking about are on my side back there. They kind of slow it down some, but everybody mows, makes it so manicured, like I've got a piece of property on the back side of me on the north end on the back side, which is the back side of this property across from the school, and he manicures his lawn all the time and it's eroding my fence away, it's eroded all of my property, trees are eroding, they'll falling on me. I just foresee it's going to be happening again. You know, I don't want them to stop doing what they're going to do over there. I'm fine with the houses and building the property up. I'm alright with that, I just want something that can help alleviate the water that runs across us, because, especially, winter time when it melts, it turns to ice and we come around this 90 degree corner, like you said, we've got a 36 inch ditch that's in my property, somebody almost goes off in it every year. You know, so we've got two issues of it, you know, with the snow and the build up on it. It's a little, single blacktop and we've got the water coming on to it and that erodes it and it's breaking it down. I've got one neighbor that hauls heavy equipment in all the time. So, it's helping to hurt the road.

President Ungethiem: What causes the water to run over the road?

Greg Burkett: The big ol' field that's higher than the road. Because see the farmer moves dirt, every time he plows dirt it slides down. You guys know this as well as I do, you've seen erosion do it, and over the years it's come down and come down. I actually moved my fence over a little bit on to their property, so I forced him over farther away from it so he wouldn't keep digging the road up, or digging the ground up to plant and it slowed down some of it, but if they go up and start doing it and manicuring it, there's nothing that's going to slow this water down. Usually we have trees or he comes in and plants, and when he comes around it breaks the water up.

President Ungethiem: So, you think with a ditch along—

Greg Burkett: Staubs Lane, my property back there.

President Ungethiem: —Staubs Lane, running down to Mesker Park, that it would divert that water off of your property?

Greg Burkett: Yeah, well, like I said, my property's the whole, almost over half of what the length of that field is. I've got ten acres, and I've got 600-800 feet of my property touches that back parcel that's going to be accessed by Staubs Lane.

President Ungethiem: Okay.

Greg Burkett: So, I mean, it would be beneficial to the guys that are going to own that too, because he's going to have to keep having mud sliding down too on his property. So, if we can control the water, it's not going to slide over on to both of us.

President Ungethiem: If the development occurs, once the development does occur he'll have to abide by the soil erosion measures, so there shouldn't be anymore mud sliding into the ditches and moving down the creek.

Greg Burkett: What it does, it would help slow it down, because once you get to dirt you create a ditch, and once that ditch starts....like I said, I can't stop it. I've moved it, you know, filled in the dirt in my place and it just keeps coming down and just washes out. I can't stop it.

President Ungethiem: Okay.

Greg Burkett: So, you know, since now we've got somebody else changing something, while they've got a backhoe sitting out there, you know, I work on heavy equipment, I'll even help the guy dig the hole.

President Ungethiem: Okay, I understand.

Greg Burkett: Thanks.

President Ungethiem: Thank you. Anyone else?

Tim Hughes: My name is Tim Hughes. I live across the road from this development. My concern is I've got a creek that runs through my property, and it starts at Mesker Park Drive, but it was about 40 years ago a neighbor dug a lake that's at the north end of this field and the drain from the dam came on to this 20 acre property and went down to the bridge there on Mesker Park Drive, which is at my creek, and it's

kind of eroded that hillside out. I'm concerned about all of the drainage off of that going into the creek and putting more water on my side of the road, because I've got a bad enough erosion problem on my creek now, and it has been before with a heavy rain that water would come off that hill and go across Mesker Park Drive into my field. Last year I called the county and had them dig both sides of the road ditches out on my side and that side, and it's helped on that side of the road, but like the other guy said there's a bunch of erosion around there in the road ditches. If you go up to the north end of that property that's on Mesker Park Drive, the asphalt is breaking off the road. If somebody would run off of that, it will bury their car in that ditch. My main concern is just the erosion off that hill. I would like to see a plan for the erosion.

President Ungethiem: So, you're thinking a—

Tim Hughes: A drainage plan.

President Ungethiem: – cleaner, more open ditch down through Mesker Park Drive would help? Help divert that water?

Tim Hughes: Well, I don't know if that's going to be the whole solution or not. That's a good size hill. I don't know how they're going to move the dirt on the hill. You know, how much are they going to level off for them houses or what. I would like to see a plan for the dirt work on that hill and the erosion, you know, the drainage and all that.

President Ungethiem: Okay.

Tim Hughes: Thank you.

President Ungethiem: Thank you. Anyone else?

Randall Nelson: Yeah, I live at, I'm Randall Nelson, I live at the corner of Staubs Lane. I've lived there for, I think, about 30 years. Out of that 30 years, the last three years is the first time that I had my basement start filling up with water. They come in there and make all these roads up through there, that's going to be about like a waterfall. Our ditches won't hardly hold it now. I mean, I'm out there, mine's underground, but I'm out there ahead cleaning out ditches and everything else right now.

President Ungethiem: So, you're southeast of the property, down Mesker Park?

Randall Nelson: Right, right. Right on the corner. We get some big rains out there, and me building that many roads in there, there's no way them ditches down Mesker Park is gonna hold 'em. It don't do it now.

President Ungethiem: Okay.

Randall Nelson: Thank you.

President Ungethiem: Thank you.

Terry Hughes: My name is Terry Hughes. I just want to add a little bit to what my husband previously said. Today I went down before I left to come to this meeting, it was not raining. I actually took pictures of the water and how quickly it was running, it was coming, I guess, out of the lake overflow and probably from the rains last



night, coming off of that hill, the water, and if I could plug my phone in you could see it. It was traveling at a rate like this, running down the road and then there are two, in that north corner where that, I don't know how to describe it, you come around a really sharp curve and the land, and I realize that you guys are probably going to take that portion off, but then there's two big creek areas that run into that culvert that goes under the road and leads into our creek. When we have heavy downpours, I mean, like we had after I left the house, the water comes out of that culvert like Niagara Falls, and that is what it sounds like. We have, our creek comes down and there's also, there actually is a waterfall that drops down, and a big pool at the bottom of it, the only time water does not run through that area is when we have a drought. So, I just wanted to add, we really are concerned about the future possibility of more erosion in the pasture. We already have to do something this year. The county, with our permission, came in and put rocks on our side of the road, and thanks to the many groundhogs that you guys are going to have contend with, they have dug a hole and that is helping to cause more erosion. That is something that's a project that we already have to finance this summer to get that redone. We can't let it go any longer. So, you know, I don't want to add to future financial problems of that if this drainage isn't what it needs to be. I was told a long time ago that is the second highest point in Vanderburgh County that that water is coming off of. I will tell you that we used to watch the fireworks from our rooftop porch, from where we live, and we are at the bottom of the hill. We could see the fireworks in Evansville, until the trees got so high. So, just to kind of tell you how steep it is.

President Ungethiem: Okay, thank you. Anyone else?

Glen Merritt: Glen Merritt, Cash Waggoner and Associates. I'm the design engineer on the project. I kind of wanted to, I guess, elaborate a little bit on what Jeff had stated earlier. I prepared the drainage calculations for this project, and based on the current ordinance, the C values for a cultivated field for the undeveloped conditions, and when I calculated those compared to the developed 25 year conditions for the seven houses and driveways and then all of the lawn areas that will be added to this site, we increased the runoff by one cfs over the entire development. If you look at the aerial photo, I mean, the site is split into three watersheds. The culvert that everybody keeps talking about there on Mesker Park, about the north third of the site drains to that existing culvert and that existing lake outfall that they're talking does run this direction, but then there's a ridge that kind of runs down to the corner of Staubs Lane, where Staubs Lane turns to the south and it's split and crowned and part of it runs, part of the watershed runs to the southwest corner and then the remaining portion of it runs to the southeast corner, and there's a 21 inch culvert under Staubs Lane at that particular point at Staubs and Mesker.

President Ungethiem: At Staubs and Mesker Park?

Glen Merritt: Mesker Park Drive. I mean, an erosion control plan was prepared, at the request of the County Engineer, for this development. We've turned it in. I actually got the approval back from Mike Wathen today that it has been approved. Some people were bringing up the additional roads, I mean, there are no internal roads going to be built within this development. It is seven individual houses that will have seven driveways, and then there are potentially seven houses to be built on the seven lots, but the runoff, we're not going to increase the runoff. We're basically at the upstream edge of this watershed, and I understand their existing drainage issues because of the water, but, I mean, the erosion that's coming off the existing cultivated field will be eliminated with our development. I mean, the houses are going to be built and the lawns are going to be seeded and it all should be green and

grassed, once the houses get constructed. So, I think there's a lot of problems out there based on the comments, but we're not going to add to the problems. I think a lot of driveway culverts are undersized out here, and then, I mean, there is a significant elevation that we're dealing with on our site. I mean, for the houses to get built, the hills are going to have to be flattened off a little bit, and I'm assuming walk out houses are going to be constructed on these lots. So, according to the calculations, the runoff is not going to increase and hinder any downstream properties with the construction of this subdivision. That's, I'll answer any other questions that anybody has, but I feel that it meets the ordinance. I've talked to Jeff about it, and the calculations show that we're not increasing the runoff from the development. If you look at the ten year flows from the existing cultivated field, and the proposed flows from the site, we're actually less. The only reason that I increased it by one cfs was because we're looking, we're comparing the ten year undeveloped versus the 25 year developed. I know here more and more we keep getting 50, 100 year rains when we get these three or four inch rains in, you know, a few hours time period. You can't design, the drainage ordinance is not intended to be designed, you know, to handle those type of rain events. The 25 year is not of that intensity. So, that's all I have.

President Ungethiem: Did you consider, when you put this development together, and I've not seen how the houses lay out, and maybe that's not even been developed at this point in time, but did you consider at any point in time some kind of retention capability on this property?

Glen Merritt: No, I did not, because when I went through the original calculations I came up with the only increase was one cfs over the entire development, and if you're going to put a retention basin in, you can release at the ten year rate. Basically, right now we're releasing at the ten year rate at the developed stage. So, it's really pointless to put a detention basin in. The only purpose it would serve would be to account for any off site watershed, but the only off site watershed is that existing lake, and it basically feeds around our northern boundaries. It's kind of coming around our site, not through our site. We are at the upstream end of the watershed, and it's just kind of, everything's split in three different directions across our site. So, no, we didn't.

President Ungethiem: Where do you, where are you planning to direct the runoff from the rooftops, the gutters, the down spouts, that kind of thing?

Glen Merritt: As you said a minute ago about setting the homes, I mean, we basically have the seven lots laid out for the subdivision. I mean, the home sites will be determined by the individual people who buy the lots and then the home builders, you know, the home builders will have to prepare a site plan and turn it in to APC.

President Ungethiem: But, your thought process is that would be piped to the nearest ditch?

Glen Merritt: I mean, I think with as big as the lots are that, I mean, the runoff from the houses are going to come out down spouts and discharge across the lawns. I mean, I think it would be too long of a run to get out....I mean, you're going to be a couple hundred feet off of Mesker Park Drive to have to run a pipe, you know, from our down spout out to the ditch. I don't think it, I mean, I'm not saying they won't, but I don't think it really makes a whole lot of sense for somebody to do that. I think it would be in the best intentions of everybody to not do that, to let it run through the grass and slow it down before it gets to the ditch. It will, you know, it won't get there

as fast if you let it run across the yards versus putting it in a pipe and directly discharging it to Mesker Park Drive.

President Ungethiem: Okay.

Glen Merritt: But, like I said, all that is up to the individual home builder on what they decide to do on that lot, unless we have to put some kind of stipulation on the plat that doesn't allow them to run down spouts to the ditch. I've dealt with that in the past on certain developments.

President Ungethiem: Okay.

Glen Merritt: I think we'd be open to adding that statement on there that they cannot run pipes directly to Mesker Park Drive.

President Ungethiem: Alright.

John Elpers: I'm John Elpers. I would answer any questions that you might have for me on the drainage. I'm hearing a lot of things that I think, in a development as yards go in, typically you don't see erosion get worse, you see it get better. I'm not real sure on some of the people that spoke where they actually live at and what they're seeing in the way of erosion, but, for instance, and I forget names but the guy that spoke—

Greg Burkett: Greg Burkett.

John Elpers: – Yes, and you own the horse farm?

Greg Burkett: Yeah, yeah, basically.

John Elpers: For instance, how I collect his water to run it down the side of Staub, that sort of thing, I'm not real sure where the swale starts or where the swale ends, but a ditch along the side of a road is not a big issue to me, as long as I know what I'm supposed to do. As far as the neighbors across the street, when you have a lake that's above you that's spilling out, there's nothing I can do. You guys know that. I can't stop water flow, but, again, when people have yards, obviously, and none of us can speak for the people that are going to live there, but you try to control erosion, you don't want it to get worse. When it's a field, that don't typically happen. So, we're talking yards, and the yards do typically slow water down, not be raw ground and let it erode like it sounds like they're having right now. I went out there during this last rain and I was looking at Staub, because Staub was the intersection that came up during conversation. I noticed that the ditches above Staub, no debris came out of them ditches. So, the ditches that were there above Staub were sufficient in size during that rain where the ditches didn't come out of their banks, but below where possibly there were maybe some undersized culverts might be some of the problems going on causing some of this erosion. I'm just guessing, but I did see smaller culverts than 21 inch. I'm trying to answer any other questions that popped up. I mean, did you guys have any other—

Commissioner Kiefer: No, I don't have any questions, but I would like to, you know, unless this is going to be detrimental to somebody, I would like to postpone this to our next meeting, because I would like Jeff and John to go out there, and I'm sure they haven't had a chance to look at some of the neighbor concerns. Then we can

come back at the next meeting, that might, if you're okay with that, Jeff, or, unless you're saying we need to vote on something tonight.

Jeff Mueller: Well, I mean, first of all that's, what they want to vote on, I mean, that's theirs. I know they want to go to Area Plan, but as far as going out and meeting with people, no, I don't have any problem. In fact, John and I were saying we need to grab Scot too, but one other alternative could be that instead of going with a final drainage plan, we could go with a preliminary plan, that would allow them to go to Area Plan, but then they still couldn't do anything out there until the final drainage plan was approved. That way, then we could talk to folks and see what's workable out there with people.

Commissioner Kiefer: I think that's a good idea. Why don't we do a preliminary plan then.

Jeff Mueller: You know, and then maybe we can get John out there too, but I definitely, because I'll be honest with you, I've talked to a few people on the phone, but like Mr. Burkett we know each other, but I didn't realize that Mr. Burkett had some issues, and the person next to you, I didn't realize that you had some issues. So, I'm a little bit surprised that, you know, with seven lots—

Commissioner Kiefer: Right.

Jeff Mueller: — that we had this many issues. So, I would like to do that.

Commissioner Kiefer: Mr. Elpers, would you be okay if we vote on this as a preliminary plan? Then we can come back and look at it.

Jeff Mueller: I mean, do people understand what we would be doing? If it's not voted on tonight at all, they can't go to Area Plan. They would like to go to Area Plan. That doesn't mean that they can move and build out there, because they would still have to have final drainage plan approval, but at least they wouldn't be held up for a month, and we would be more than happy....because I would like to find out, because it sounds like you've got some water problems out there right now. We would bring Scot Wichser, who's head of the County Highway Department, out with us. So, unless, I mean, that's my suggestion, I don't know if everybody else is—

Commissioner Kiefer: I would like to make a motion to accept this and approve it as a preliminary drainage plan, and come back later for the final.

Commissioner Melcher: I'll second it.

Jeff Mueller: Does that work for you two?

(John Elpers nodded his head in agreement.)

President Ungethiem: I think that's a good compromise. I think we could take a look at some of the issues that may not be part of this development, but it's still in the neighborhood. So, we would have to look at those issues and see how we're going to resolve those. It may not fall on the developers to resolve it, it may be a county issue that we need to resolve, but we need to identify what those issues are and what the solution is to them before we move forward. So, we've got a motion and a second. Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

President Ungethiem: That is a preliminary plan. You can go forward to Area Plan. We'll have to come back before the Drainage Board again for final approval.

John Elpers: Thank you.

Commissioner Kiefer: Thank you everybody. Appreciate your time.

President Ungethiem: Thanks for everybody's input.

Jeff Mueller: Do we have everybody's phone numbers, by the way, on the sheet? Folks, did you guys put your names and addresses and phone numbers on the sheet, so that we've got them?

President Ungethiem: So, we can get in contact with you, yes.

Jeff Mueller: We're almost done.

<b>Other Business</b>
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Jeff Mueller: The only other thing I've got is we had talked about not having a meeting on April 21, 2015. I'm fine with that if that's what the, because I know you've got your road meeting that night.

President Ungethiem: That was due to the road meeting.

Commissioner Kiefer: Yeah, road meeting, yeah. Okay.

President Ungethiem: That's fine.

Commissioner Melcher: So, you're going to be there anyway, so.

Jeff Mueller: I could be, yes, but I still save time. I can get some other stuff done if I don't have to prepare for a meeting. We do spend some time, because I try to make it so it's as simple as we can for everybody to understand, because these are complex issues.

President Ungethiem: Okay.

Jeff Mueller: So, we are going to cancel the 21<sup>st</sup> meeting?

Commissioner Kiefer: Yeah, do we need a motion on that then? Or, did we already do that?

Commissioner Melcher: So moved.

Joe Harrison, Jr.: I don't think you did, but go ahead.

Commissioner Kiefer: Second.

President Ungethiem: All those in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

Jeff Mueller: The only other thing I've got is I'm a poll worker, I appreciate you listening to folks, and I think people forget that we have vote centers, and these things there's a lot of work to a vote center versus an old precinct. So, I put my two cents in and that's all I've got to say.

President Ungethiem: Okay.

Commissioner Kiefer: Thank you.

President Ungethiem: Thank you, Jeff.

Commissioner Melcher: My biggest thing was that it's the city's money.

<b>Public Comment</b>
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President Ungethiem: Any other public comment for the Drainage Board?

Commissioner Kiefer: Move to adjourn.

Commissioner Melcher: Second.

President Ungethiem: This Drainage Board meeting is adjourned. Thank you.

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

**Those in Attendance:**

Bruce Ungethiem

Jeff Mueller

Jim Morley, Jr.

Tim Hughes

Glen Merritt

Others Unidentified

Stephen Melcher

Joe Harrison, Jr.

Steve Kahre

Randall Nelson

John Elpers

Members of Media

Joe Kiefer

Madelyn Grayson

Greg Burkett

Terry Hughes

Linda Freeman

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Bruce Ungethiem, President**

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**Stephen Melcher, Vice President**

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**Joe Kiefer, Member**

(Recorded and transcribed by Madelyn Grayson.)

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**VANDEBURGH COUNTY  
DRAINAGE BOARD  
MAY 12, 2015**

The Vanderburgh County Drainage Board met in session this 12<sup>th</sup> day of May, 2015 at 5:38 p.m. in room 301 of the Civic Center Complex with President Bruce Ungethiem presiding.

**Call to Order**

President Ungethiem: I would like to call this meeting of the Drainage Board, May 12, 2015 for Vanderburgh County to order.

**Pledge of Allegiance**

President Ungethiem: Steve, can you lead us in the Pledge?

Commissioner Melcher: Yes.

(The Pledge of Allegiance was given.)

**Approval of the April 7, 2015 Drainage Board Meeting Minutes**

President Ungethiem: Okay, I would like to entertain a motion to approve the previous meeting's minutes.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: All those in favor say aye.

All Commissioners: Aye.

President Ungethiem: All opposed? Minutes are approved.

**(Motion approved 3-0)**

**Autumn Ridge Final Drainage Plan**

President Ungethiem: The first item on the list is the Autumn Ridge final drainage plan.

Jeff Mueller: Okay, the preliminary plan was approved for this subdivision at the last meeting on April 7, 2015. As you may recall, there were several remonstrators to this subdivision. Most of the complaints were in regard to existing drainage concerns. John Stoll, Scot Wichser and I, along with Glen Meritt from Cash Waggner and the developer, John Elpers, met with the folks in the area on Tuesday, April 28<sup>th</sup>. Out of that meeting came a general agreement on some conditions and commitments that were agreed to on site. A letter was sent to everyone in attendance shortly after that meeting. You have a copy of that letter right behind your agenda. Before I go on, I would like to call on John Elpers, if he may have any questions regarding that. I don't think there are any remonstrators here regarding



that subdivision though. So, if you've got any questions of John, or we can ask if there's any remonstrators.

Commissioner Melcher: I don't have any questions, I'm just glad you was able to work it out with them, because I think that's the only way we get harmony is everybody at least get a chance to voice.

John Elpers: Right.

Jeff Mueller: And the issues mainly out there were existing. A lot of the people even said, I don't think this subdivision is going to cause problems and some other things. John's going to help out one neighbor with a ditch along Staubs Lane, and he's also going to help some people out with some pipe along Mesker Park, that he stepped up to the plate on. So, he gets anatta boy tonight, as far as I'm concerned.

Commissioner Melcher: You'd better write that one down.

John Elpers: I want to see that document.

Commissioner Melcher: He might want the minutes.

President Ungethiem: Carry that with you.

Commissioner Melcher: Get the minutes of this meeting.

President Ungethiem: Carry that with you, because the opposite comes very quickly.

Jeff Mueller: So, if you don't have any questions of Mr. Elpers, then, therefore the developer is requesting approval of the final drainage plan, which consists of the previously submitted plan on April 7<sup>th</sup> that was approved as a preliminary drainage plan, plus the enclosed letter. For the record, the final drainage plan will consist of the original submittal, dated March 23, 2015, along with revisions submitted on March 27, 2015 and drawings C-101, 102, 103 and 104, dated March 19, 2015, plus drawings one, two and three, dated March 25, 2015, and a letter from Glen Meritt, Jr. of Cash Waggner and Associates dated April 29, 2015. So, with that my recommendation is for approval.

Commissioner Melcher: Are there any remonstrators? Just for the record.

President Ungethiem: Is there anyone who would like to speak on this issue? I do have one question. There was an issue on access to that one lane from one of the pieces of property. Did that get resolved sufficiently?

John Elpers: John Stoll went back to, I guess records are hard to come up with on stuff like this, he said he found documentation in 1977 where it was recorded, or where it was public right-of-way. So, he felt that that was sufficient, and I know the landowner still did not agree, but that's where I guess it will be between he and I. I don't know what else to say.

President Ungethiem: And, that's just on that one plot?

John Elpers: Right.

President Ungethiem: The others are fine?

John Elpers: Correct.

President Ungethiem: Okay. Does anybody else have questions here from the Commissioners? I would entertain a motion to approve.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: I want to wish you good luck, and yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

President Ungethiem: Thank you, John.

John Elpers: Thank you guys.

<b>Enclave: Submittal of Pictures into File</b>
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President Ungethiem: Next up is Enclave, submittal of pictures into file.

Jeff Mueller: I received an e-mail on April 6<sup>th</sup> from Mr. Don Fuchs, the attorney who represents Barbara Bolin, who's the property owner on the east side of Felstead Road. He requested that the photos that you have in your packet be given to the Board, so, I'm honoring his request. As an addendum to that, I know that Marco DeLucio is here, and I think he also would like to speak to you in regard to photos out on the site. So, if you would like to let him come up, I think he had some comments on this.

Marco DeLucio: Marco DeLucio for Jagoe Homes. Very briefly, I represent Jagoe Homes. I haven't seen the pictures that have been submitted by Mr. Fuchs and we'll take a look at those. I wanted to just update you on the progress Jagoe has made in the subdivision. As you may be aware, they have already purchased 17 of the lots out there. I'm going to leave with President Ungethiem a little map showing the lots that Jagoe has purchased. Of those lots, most of those have already been, construction has started or almost completed and sod is down and we've got pictures of that, showing sod in the area. We want to let the Commissioners, or the Commissioners also know that once the work is completed out there, we understand there's been some substantial progress made, that Jagoe is in a position to purchase an additional 17 lots. In that area where they already have a lot of those pre-sold, we'll be able to begin construction promptly and get those sodded, much

as in the fashion I'm going to hand you these photos right now. We're happy to answer any questions you may have.

President Ungethiem: Thank you. Now, as I see this, the red have been built and sodded?

Marco DeLucio: Yes. There's a couple of blue that have not been started yet, but will be started. Then the 17 lots that are going to be purchased are the lots along Stellar Drive, Commissioner Ungethiem, that front on Stellar Drive going away from there. Then there's an additional, those are 12 lots, then there's an additional five lots along Cliftwood to the other side that will purchased as well. Those are the next 17, once we're able to get the drainage situation cleared up out there.

President Ungethiem: Okay, both sides of Stellar Drive and the north side of Cliftwood?

Marco DeLucio: Yes, sir. That would be the south side of Cliftwood, I believe, if I'm thinking correctly.

President Ungethiem: Off the map over here?

Marco DeLucio: Yeah, off the map, correct.

President Ungethiem: Okay. Alright.

Marco DeLucio: Thank you.

Jeff Mueller: Jeff Stemaly is here. I don't know, Jeff, did you have anything you wanted to address the Board? I mean, we met with Jeff last Thursday. They're getting ready to submit some changes. They didn't get them to us until right before the Drainage Board. They've got some changes for the basin that we'll be bringing in next time. I know he's been out there working, and we've told him that once he gets everything done to let us know and we'll come out and do an inspection and see how we stand on things.

President Ungethiem: Okay.

Jeff Mueller: Against the original order of October 28<sup>th</sup> of last year, but that's kind of—

President Ungethiem: Okay.

Jeff Mueller: Did you have some comments or anything, Jeff, that you want to tell them?

Jeff Stemaly: Hello, I'm Jeff Stemaly with Stemaly Excavating. I've been working in conjunction with Mr. Mueller and Mr. Stoll to clean up the outstanding issues that have been identified. We've made significant progress in the last two weeks. Hopefully, before the next meeting we can give you a better report, that everything's cleaned up with regard to one item. I just wanted to make you guys aware that we are diligently pursuing cleaning this up. If there's anything I can help answer, I would be glad to answer any questions.

President Ungethiem: I haven't been out there in probably a month. I assume the ground cover is considerably more now than it was a month ago when it was just beginning to sprout and seed.

Jeff Stemaly: Yes, that's correct. The re-seeding and the vegetation has taken off. We've had favorable weather. We've also, the past week we've been re-seeding and taking care of areas of minor erosion, installing concrete ribbons, touching up rip rap, all items that are related to erosion control.

President Ungethiem: Okay.

Jeff Stemaly: Thank you.

President Ungethiem: Jeff, if this is going to come before the Drainage Board at the next meeting and you're going to go out and do an inspection prior to that, I would like to tag along.

Jeff Mueller: Yeah, the way we left it with Jeff was he is to call when he is ready for us to come out.

President Ungethiem: Okay.

Jeff Mueller: But, yeah, we'll give you a buzz.

President Ungethiem: Visually seeing it is worth a whole lot more than trying to interpret it through pictures.

Jeff Mueller: I understand. I agree entirely.

President Ungethiem: Thank you.

Jeff Mueller: I think that's it for The Enclave.

President Ungethiem: Anything else on Enclave? Anybody else got anything to say? Okay.

<b>Construction in Floodway: Big Creek SEA368 Review</b>
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President Ungethiem: Okay, we can move on to construction in floodway, Big Creek.

Jeff Mueller: Big Creek SEA368 review. The regulated drain that is known locally as Pond Flat Main is by the IDNR known as Big Creek. Under Indiana law, the County Drainage Board or Surveyor is allowed to do certain maintenance activities to regulated drains, as long as by definition they are under ten miles in length. All of the regulated drains in Vanderburgh County are under ten miles in length, except for Pond Flat Main, ie: Big Creek. Now, remember, what I just said was regulated drains. There are several drains in the county, such as Little Pigeon Creek, Pigeon Creek, Schlensker Ditch, Carpentier Ditch/Creek, for example, these might be over ten miles, but they're not regulated. So, we're only talking about regulated drains. Also, just so you know, I heard one time where a county had a regulated drain that was like 19 miles, and they tried to rename it two different drains of nine and a half miles. The nine and a half miles, DNR didn't go for that.

President Ungethiem: That didn't work, huh?

Jeff Mueller: It's by what is on the USGS map. So, the old USGS maps, how they're labeled, that's what they go by. Okay, so, anyway, the drain is over ten miles, ie: Pond Flat Main/Big Creek, will require a construction in floodway permit prior to doing the scheduled work on the drain, which we bid with Big Creek was to pull back the slopes from roughly 1:1 or 1.2:1, they're pretty steep, to about a range of 1 ½: 1. Under Indiana Code, the County Surveyor can submit, prior to a construction in the floodway permit application, a review of the project by any agencies that may have an issue with the proposal. This is coordinated by Indiana Department of Environmental Management. What you have before you, that's right after your pictures, you've got an e-mail, and then you've got an eight page, what's called an SEA368 inspection report. Now, what I understand is that once we have taken a look at this, that IDEM would like me to sign it and get it back to them. What, essentially, this is, is they have given us their comments that will be on a construction in floodway permit. So, they allow the County Surveyor to come in advance and show them a project, and before you go through the efforts of giving a construction in floodway permit, they'll say, if we give you a construction in floodway permit, these are going to be the restrictions. If you look on these, most of the restrictions they're requiring are pretty standard. I mean, it's just, you know, they don't want soil dropping in the water, they want you to re-vegetate it, they don't want you cutting down big trees during the summer months, because of Indiana bats. Things that we can all live with. So, the only thing we don't know is if the Corps is going to have any issues with this. The Corps was notified, they didn't respond to IDEM, but they have responded to me in an e-mail that they may want to take a field visit out there. Essentially, like I said, what we're doing on this project is we're looking at just pulling the dirt back on one side. This should all be within standards, but we want to do this with a permit. We don't want to have people coming in after us saying why did you guys do this. Me, as the technical adviser to you guys, I think it's my responsibility to make sure we try to keep ourselves clean. So, that's what we're doing here. Like I said, it's only on Big Creek where we would have to do these permits in the future. I've been working with George Bowman on getting through, on this whole permit issue. George is the Deputy Director of DNR. I used to work with George a number of years ago. He's kind of helped me walk through this. So, we'll sign this sheet saying we don't have any problems with their proposal. What I expect back is a letter from them then saying, go ahead and submit your actual permit. Then we would submit a permit, much like everybody else does. We've got some other ones we've got to go through here in a minute, and then once we get a permit we could give them the okay to do the pull back work on that stream this fall.

Commissioner Melcher: Do we have to wait on the Army Corps of Engineers?

Jeff Mueller: The Corps would go out with us and look to see if they would have any issues. But, since we're doing a one-sided pull back, since we won't be putting any dirt, I don't think, in any wetlands, we should be meeting their criteria for no permit. That's what we need to hear from them is, we're not going to be doing anything for that. We would need clearance from them up front.

Commissioner Melcher: So, do we have to wait for them to come?

Jeff Mueller: Yes, but I just got an e-mail from them today. I mean, this has all just taken place in the last couple of weeks. So, it's not like they've been dragging their feet or anything. So, I'll try to get something set up pretty quickly.

Commissioner Melcher: I've been involved with the Corps two or three times over the years.

Jeff Mueller: I've been involved for 20 something years.

Commissioner Melcher: So, that's why I was saying that could drag back a little longer.

Jeff Mueller: I understand, but, you know, we certainly don't want them...we'll try to expedite it as quickly as....what I'm hoping is that they're going to say this is standard ditch maintenance, you're not throwing any dirt in any wetlands. They have identified some wetlands on the other side, if we would ever do anything that they've got some issues with, but, right here, Mr. Ungethiem, you're most familiar with this, this is from Woods Road south, so, it's essentially from the road that parallels the Interstate, from there south. Right there, it's all open farmland on the west side, I think, Blankenberger is a landowner, Dave Schmitt, those guys up in that area. It's that ground up in there where we're looking at working.

President Ungethiem: Okay.

Jeff Mueller: So, that's where we're at. So, all I wanted to show you was their comments that I'll be signing back to them saying I'm okay with them. There's a lot of comments there, but a lot of them are duplicates, because what you've got is DNR's and IDEM's and a lot of them are the same things, you know.

President Ungethiem: How long do we, how long could we wait for this approval before it would get into an issue where we might not be able to do it this year?

Jeff Mueller: Well, we won't be doing anything until the crops come out.

President Ungethiem: Yeah.

Jeff Mueller: So, I mean—

President Ungethiem: You're probably talking—

Jeff Mueller: —September, early October.

President Ungethiem: — September or October before you do it anyway.

Jeff Mueller: Yeah, right, and then we're only talking, I think Allen said, I think we're looking at a week, week and a half worth of work.

President Ungethiem: Okay.

Jeff Mueller: So, it's not like it's going to—

President Ungethiem: So, we've got time here?

Jeff Mueller: Yes.

President Ungethiem: We've got time on our side.

Jeff Mueller: You know, perfectly, it would be ideal to do it in the fall anyway, because then we'll be putting fall vegetation down. So, it would really be best to do it in the fall anyway.

President Ungethiem: Right, okay. Anything else on Big Creek?

Jeff Mueller: Nothing else on Big Creek.

<p><b>Construction in Floodway: ADM Grain</b> <b>Construction in Floodway: Olympus Investments (Shoe Carnival Bldg.)</b> <b>Construction in Floodway: Amendment to Evansville Regional Airport</b></p>
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President Ungethiem: The next item is construction in floodway, ADM Grain.

Jeff Mueller: Yeah, let me just walk you, I'm going to walk through all three of them. You have, as you're aware, IDNR submits to the County Drainage Board all approved construction in floodway permits and allows us 18 days in which to appeal any permits. So, when these things come through, I look to see if there's anything that, whoa, we don't like that. I looked these over, and, like I said, if I would see anything we would object. So, most of these are fairly routine. The first is for ADM, and it addresses some paving at their facility on Dixie Flyer Road. This section is a construction in floodway is for the Olympus Investments, which is the Shoe Carnival building. As you'll recall, the Board approved a drainage plan for this project at it's April 7<sup>th</sup> meeting. That drainage plan called for a re-location of a retention pond, there was going to be some construction in the wetlands and some development of replacement wetlands. So, the construction in floodway permit addresses the DNR's permanent requirements for this activity. Then, the third construction in floodway is just an amendment to the Evansville Regional Airport permit. It's just a modification to some of their conditions that their previously approved permit regarding Firlick Creek. So, I'm just submitting, these three construction in floodway permits are being submitted to the Board as a matter of record.

President Ungethiem: You don't need any approval for any of this?

Jeff Mueller: No.

President Ungethiem: This is just informational?

Jeff Mueller: No, that way they're just in the record. That way instead of just, they're not only in my files, but then you've got them officially in the record book that way.

President Ungethiem: Okay. I would entertain a motion to accept this information.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

<b>Other Business</b>
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President Ungethiem: Okay, we've covered Big Creek, ADM, Olympus and our Airport. Other business, Jeff?

<b>Ditch Maintenance Claims</b>
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Jeff Mueller: Yeah, ditch maintenance claims, we've got two claims that are summarized on the spreadsheet, for a total of \$4,845. They're all payable to Big Creek Drainage Association for work on Barr's Creek and Maidlow. Madelyn's got them already up there for you for signature. So, I just ask for a motion for approval.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Ungethiem: Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

<b>Public Comment</b>
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President Ungethiem: Any other business, Jeff?

Jeff Mueller: I don't have any, but there might be some folks here for some public comment.

President Ungethiem: Any public comment? Please step forward and state your name.



Ralph Effinger: I'm Ralph Effinger. I live at 629 East Columbia Street. I'm here to kind of voice my opinion on the drainage that affects my farm, which is on the Oak Hill Road. It lays south of the subdivision, 20 acres, and the L shape of the ballpark. I have a problem right now that the water that you okayed for the water to run out of this subdivision, down to the other lake. It isn't deep enough to keep from running over my field. I have corn there now planted, and it's rutted out washes. Now, I went with Mr. Mueller Monday and with—

Jeff Mueller: Mr. Warner.

Ralph Effinger: – Warner, and we tried to discuss what we could do. They're coming up with another plan. The plan we have now doesn't take care of me as a farmer, or a landowner. So, I'm here trying to point out that you've raised all this ground around me probably two foot, three foot, and now with this subdivision, they've got three houses in it and the streets. Now, we're going to have 60 more there, and that's going to put a lot of water in these two pipe, and that's going to generate a lot of wash, or a lot of energy that's going down this ditch. Now, right now them pipe are at, the bottom of them pipe are roughly the level of my land. Now, how are we going to hold that water in this waterway without damaging my farm? Now, I know the farm drains to the northeast, and that's the way it's going to cut across that ground.

Commissioner Kiefer: Jeff, can you get this on the overhead screen?

Jeff Mueller: We may have it available somewhere.

Commissioner Kiefer: Just so I can get a better idea exactly where his property is.

President Ungethiem: Where is it in relation to the ballpark? Is it—

Ralph Effinger: The L shape that's in the back of the ballpark, where they've got the utility buildings, or the big lake that goes down, that's the east line, I'm backed up to it from the east and then to the south, which is the, just a quarter of a mile off of Heckel Road.

President Ungethiem: Okay.

Ralph Effinger: That's where it's at. The ballfield is mostly toward Heckel Road.

Joe Harrison, Jr.: Is your complaint with the ballfield project, or is it with the residential subdivision.

Ralph Effinger: It's a joint situation. Reinbrecht—

Joe Harrison, Jr.: Right.

Ralph Effinger: – is the subdivider there, he bought the ground and he's changed the elevation greatly, raised it greatly. So did the ballpark. I have nothing against that, but I would like to have drainage that it don't tear up my property.

Joe Harrison, Jr.: Sure. Well, there's two drainage plans. There would be the subdivision's, the residential subdivision drainage plan. Then there would be the ballpark drainage plan.

Ralph Effinger: Yeah, well, it looks like—

Joe Harrison, Jr.: Mr. Mueller might–

Ralph Effinger: – that they–

Joe Harrison, Jr.: –have some comments.

Ralph Effinger: – the subdivision drainage plan brought this water all up to this one corner, which is the subdivision's corner, I guess you would call it the north, it would be the, yeah, the northeast corner, and then starts the ballpark. That's where the water starts to run east. This ditch that I had had there was a small ditch, it's only probably a foot deep or something like that. That was designed by the USDA back in the 50's. There were several farmers there, with my parents, they fixed it so this, I guess what you would call a floodplain would drain better. Now that's all tore up. That's gone maybe except for one little ditch, which lays on my side. Now, they're trying to drain this water through the ballpark part that Mr. Mueller pointed out to me, which we've been in conversation with him for the last, I guess since December about this and trying to get it worked out. I'm not here to fight with you, I'm here to try to get this problem solved without tearing up my land. I'm willing to work, I think he will tell you that. I've had some plans to make this work. I think that you need to have a berm, and I'm willing to lose some farm crop to put a berm up on my side of the ditch to keep the water in the ditch and take it down to the lake.

Joe Harrison, Jr.: Again, I keep asking the same question, but I'm not hearing an answer. Is this the ballpark's project issue, or is it the residential subdivision?

Ralph Effinger: Both of them.

Joe Harrison, Jr.: Okay.

Ralph Effinger: Ain't that right, Mr. Mueller?

Jeff Mueller: Okay, yeah, let me point out what's going on here. Kenway has developed a large lake right in here. The drainage for Kenway goes out through this area right here into a small ditch.

Commissioner Kiefer: Is that Mr. Effinger's property?

Jeff Mueller: This is it right here.

Commissioner Kiefer: Right at 35510?

Jeff Mueller: Yes, right, right. The ballpark's is all developed down in here. When we got the original plan for the ballfields, they were actually going to show the parking lot going right up against this. Mr. Stoll and I said, that ain't gonna work. You've got to leave something open here for this water to get this way. So, what's happened now is the subdivision approved drainage plan is for, their allowable release rate was 55 cfs. Their actual release rate is going to be 20 cfs, which is two pipes, elliptical pipes coming out here. They had, one problem that they had was this lake here, they had a ditch coming along here, and if they got anything at all, half inch of rain or whatever, that water was going across. Mr. Reinbrecht has already went through and cut a better ditch for the water to go to the lake and put a berm up right along Mr. Effinger's property. I think he's quite happy with that.

Ralph Effinger: There's no problem with that.

Jeff Mueller: The problem right now is is that the water here is not going across the ballfields. We had a meeting Monday, myself, John Stoll, Bob, Mark Craig, the manager of the ballfields, Mr. Effinger was there, Jim Farney from Lochmueller, Ryan Fox from Blankenberger, we had a pretty good crowd there, and the issue is that the ballfields need to get this area opened up. Right now, Mr. Farney is waiting for some survey information back from Blankenberger on that. I even suggested today, you don't know this, but I sent Mr. Farney a memo saying, because 20 cfs is not a lot of water, and they've got a wetland area planned for this right here. I even said, from what I've looked at, if they would take a dozer blade and cut it one foot deep, it would carry that water. A one foot cut of dozer blade, if they would cut that dirt up to your direction, you would have a nice amount of dirt to throw up as a levee. That's been my suggestion to them, but they have to come up with the solution. They have to get that water, they have to get the water across there, I agree with that. That's where we are right now, is trying to get that water away.

President Ungethiem: Jeff, when you say "they", you're talking about—

Jeff Mueller: The ballfields.

President Ungethiem: – the ballfield?

Jeff Mueller: Right, the ballfields.

Commissioner Melcher: So, what do you want from us, some kind of a date that they have to have this done?

Jeff Mueller: Well, I mean, Jim Farney just started taking off on this yesterday. So, I think we need to wait to hear back. Now, Jim was of the comments that, well, we really need to dig a ditch four feet deep and a whole bunch of other stuff. I mean, if the ballfields want to do that, that's their business, but I really think they can keep what they want and make Mr. Effinger happy doing what I just suggested.

Commissioner Kiefer: Jeff, what can we do in the mean time? If he gets his crops, you know, washed out.

Jeff Mueller: The ballfields need to, they're almost finished, but they need to get back in there and they didn't need to cut that so that water can get through.

Commissioner Kiefer: No, I agree with you, I just, I mean, we're waiting for all this engineering work to be done and in the meantime we get some more rain, he's losing money on his crops.

Jeff Mueller: About four weeks ago we moved, we had a discussion then, and I thought everything was resolved and it wasn't.

Commissioner Kiefer: It would be nice to do a temporary thing, I think, to go in there and do something until Farney and other people get—

Joe Harrison, Jr.: Well, the temporary may do it.

Jeff Mueller: The temporary will do it. I mean, we're talking—

Commissioner Kiefer: I know, but in the meantime—

Jeff Mueller: – I mean, I'm a terrible tractor operator and I could probably do it in a shift.

Commissioner Kiefer: Well, I tell you what, I wonder if a call to the CVB would help.

Jeff Mueller: Well, Bob was out there yesterday.

Commissioner Kiefer: Yeah.

Jeff Mueller: So, he's given it to Jim to design something. I shot Jim some ideas. So, I mean, we just met yesterday morning. So, we need to see what they come back with. Like I said, I shot my suggestion to them, you know, and as I've said, you guys have got to let 20 cfs of water come through there, because that's what's coming through there, and by code you have to let it come through anyway. So, you know, that's kind of my opinion.

Commissioner Melcher: We've got a meeting again in two weeks. So, what can we do between now and the two weeks to get it done?

Jeff Mueller: I hope that Jim has a suggestion back to us here in a few days, and they're doing something. I mean, I could tell you in two weeks where we're at on it, Mr. Melcher, if nothing's been done or if something has been done.

Commissioner Melcher: If it's as easy as your fix, it could be done in two weeks.

Commissioner Kiefer: It could be done tomorrow.

Jeff Mueller: Well, I mean, you know, dirt, if it rains, it won't be, because it's a muddy mess.

Commissioner Kiefer: Well, right.

Ralph Effinger: I asked a question here on this, when these pipe come out of this drainage or this lake, they're coming at an angle to that ditch. Now, don't you think that that is going to cause an (Inaudible) there to make the turn to go east?

Jeff Mueller: I talked to the engineer, and there was supposed to be some dissipation devices put in there. That already was planned. They're not in there yet.

Ralph Effinger: Oh, they're not in there?

Jeff Mueller: No.

Ralph Effinger: Well, then—

Jeff Mueller: See, yeah, so, I mean, we're working on your problem. I know, Mr. Effinger, not as quickly as what you'd hoped, but it's like we talked about four weeks ago, I thought this was going to be resolved that one day when we sat out there and I said we've got two feet of fall from here to here, let's get it cut, and it didn't happen. So, hopefully, this round it will happen. I mean, I'm on your side. I know you don't—

Ralph Effinger: I know you are, but I'm trying to....I have no—

Commissioner Melcher: We have complicated—

Ralph Effinger: – other way but to come to ask the Commissioners there and tell them my problem, and I have to work with what they say and you say to get this–

Jeff Mueller: And, I think Mr. Melcher is saying he's got a meeting with CVB in two weeks.

Commissioner Melcher: I do?

Jeff Mueller: Is that what you were saying? Oh, you were talking about Drainage Board in two weeks?

Commissioner Kiefer: Drainage Board in two weeks.

Jeff Mueller: Oh, I'm sorry, Drainage Board, I'm sorry.

Commissioner Kiefer: I'm willing to call CVB as soon as I leave this meeting. I mean, I'm for Mr. Effinger on this thing.

Jeff Mueller: Well, can we give Jim and Bob, you know, a few days to see what they come up with? Let's do that. I mean, I think that's–

Commissioner Melcher: Okay, what about Friday?

President Ungethiem: Can they–

Ralph Effinger: I'm willing to wait, but I would like to be taken care of. I mean–

Commissioner Melcher: Well, we want to take care of you.

Ralph Effinger: The thing of it is, if I have a two inch rain, I'm in bad shape. The crops going to be hurt to a degree.

Jeff Mueller: I hope you realize, I've been trying to take care of you. I've made a lot of visits out there, you know.

Ralph Effinger: I ain't sayin'--

Jeff Mueller: Okay, I'm just...yeah, okay.

Ralph Effinger: – (Inaudible).

Commissioner Melcher: Well–

President Ungethiem: Can we ask the ballfield group that's working on this to have an answer back to us by Friday?

Jeff Mueller: Yeah, I'll send something over to them. I can do that.

President Ungethiem: If we can get an answer back by Friday.

Jeff Mueller: Here's the question I have–

President Ungethiem: And copy Mr. Effinger.

Jeff Mueller: – if Joe is willing to, since they report partially to you guys, would you be willing to send an e-mail–

Commissioner Kiefer: Yeah.

Jeff Mueller: – saying, Bob, can you have an answer to–

Commissioner Kiefer: Yeah.

Jeff Mueller: – Jeff and them by Friday–

Commissioner Kiefer: Yeah, I'm glad to do that.

Jeff Mueller: – coming from you guys? I mean, not to–

Joe Harrison, Jr.: You ought to do it too.

Jeff Mueller: Yeah, okay, alright.

Commissioner Kiefer: I'll do it. I'll make sure it's done tonight.

President Ungethiem: Okay.

Commissioner Melcher: Joe, you can put in there that we discussed it in a meeting, and all three Commissioners are for him here.

Jeff Mueller: But, I do think there's a little bit of confusion on who should be responsible. I mean, to me, I still say, you know, it's like I told him, and John Stoll will also tell you, we told them, you've got to make sure that water gets across there.

President Ungethiem: And that was part of their drainage plan.

Jeff Mueller: We told them. Yeah, and it's not in as good of detail as I would like it–

President Ungethiem: Okay.

Jeff Mueller: – Commissioner Ungethiem.

President Ungethiem: If we cut that ditch and put that berm on Mr. Effinger's side, which way does your field drain then?

Ralph Effinger: It drains to the north/northeast. Most of that land drains, even where the ballpark was, from Heckel Road to halfway to Millersburg–

President Ungethiem: It would drain away from that berm?

Ralph Effinger: What?

President Ungethiem: It would drain away from that berm?

Jeff Mueller: Yeah.

President Ungethiem: That berm would not cause a dam in your field?

Ralph Effinger: That's right.

President Ungethiem: Okay.

Jeff Mueller: Actually, the ditch that used to run along Mr. Effinger's field....one of these days we're going to get a mouse and something that works up here.

Commissioner Melcher: No, we've been trying for ten years.

Jeff Mueller: I know, I know. The ditch used to go like this and turn up, and their lake is right here. So, actually, now this ditch is curved and it's cut right into the field. So, actually, he's actually, on this part of the ground, he's actually got drainage now going directly to the lake. So, he's not even dependent on that little ditch that used to be there.

Ralph Effinger: But, the water's coming from that subdivision.

Jeff Mueller: No, I understand that, Mr. Effinger. I'm just talking about this area over here, that you don't have that little ditch anymore, that's going directly to the lake. I'm not saying the other part, no.

Ralph Effinger: Yeah.

Jeff Mueller: So, you know, that portion he's actually open, they've actually opened the ditch up and it goes to the lake. His problem is along his property line where he's concerned at, because it's flat, there's not a lot of fall, and what falls is going to go (Inaudible).

Commissioner Melcher: Just so I don't get confused, Joe's going to call, and if they take care of that, will that solve the subdivision's problem?

Jeff Mueller: I don't, the subdivision, the biggest problem is right now is their pipes are about half blocked because they just need to knock the soil out right against the property line so that the water will go that way. That's kind of been held off, because they were trying to finish the park, but I really think they need to go back in and make a little deeper cut. That's what I was saying about a foot cut.

Commissioner Melcher: So, can we recommend that tonight?

Jeff Mueller: Well, if the CVB wants to do a four foot ditch, I mean, I guess that's kind of up to them.

Commissioner Melcher: Okay. I'm just trying to move this forward.

Jeff Mueller: Yes.

Commissioner Melcher: I don't want the CVB to do something and all of a sudden, well, now, this should have been done.

Jeff Mueller: Yes.

President Ungethiem: So, they're going to submit to you a plan?

Jeff Mueller: Farney was going to come up with something, yes.

President Ungethiem: And, you're going to look at it and approve it, and then they'll go forward with it?

Jeff Mueller: As long as it'll carry that 20 cfs coming out of that lake, because that lake is, there's a lake above in the old subdivision here, off this side. I can't remember what that subdivision is.

Ralph Effinger: Ensle Subdivision.

Jeff Mueller: Ensle, thank you.

Ralph Effinger: That's on the corner.

Jeff Mueller: That thing runs pretty constant, and it runs through now, and it runs into this lake here. So, you've got Ensle going through here, and then you've got the subdivision. Like I said, when Glen did his calculations, he was allowed to release 55 cfs, but because this lake is so big, he's only releasing 20 cfs. He's not releasing, actually when the ten year, when the 25 year storm comes, the pipes aren't even running full. It will hold the full 100 year, and then when it is, it's only with about a half foot of head on top of the pipe. So, it's not going to be like there's a whole lot of pressure on those pipes, because the lake is so big it's able to soak up so much of that water. So, they're flat pipes.

Ralph Effinger: I hope you're right.

Jeff Mueller: Well, I mean, there's a lot of water to come through there, but that's a big, big lake.

President Ungethiem: Okay, so, what I'm hearing is—

Ralph Effinger: I want it to work.

President Ungethiem: —Joe's going to give Bob—

Commissioner Melcher: Us too.

President Ungethiem: — Joe's going to give Bob Warren a call after this meeting, and—

Jeff Mueller: Kind of inch him along.

President Ungethiem: — and kind of give him a little nudge. You're going to monitor that, they're going to come back with a plan to you. If that's sufficient, then they can immediately go forward with that plan, and we should have that information by the end of the week.

Jeff Mueller: That's what our plan is tonight.

Commissioner Melcher: Just make sure you e-mail to all of us, including Joe Harrison.

President Ungethiem: Okay.

Jeff Mueller: Okay.



President Ungethiem: Yeah.

Jeff Mueller: Okay, I'll e-mail it tomorrow that what you guys are requesting is—

Commissioner Melcher: And let Mr. Effinger know what's going on too.

President Ungethiem: If the plan, if you think the plan is sufficient, don't wait for our approval for it to go forward. Just go ahead and do it.

Jeff Mueller: I mean, all we're looking for is a ditch that will carry at least 20 cfs, whether it's one foot, you know, whether it's one foot deep and 20 feet wide, or, you know, two feet wide and four feet deep, whatever will carry 20 cfs.

Commissioner Melcher: I don't know about cfs, I just want the water going, whatever that is.

Jeff Mueller: Yeah, I'm sorry, cubic feet per second.

President Ungethiem: Cubic feet per second.

Commissioner Melcher: 100 ccf's or whatever.

President Ungethiem: We're going to make him an engineer before it's over with.

Commissioner Melcher: No, you're not.

Jeff Mueller: Sorry, I apologize for the use of acronyms. I was always irritated when people did that to me. So, yes, cubic feet per second.

President Ungethiem: Okay.

Jeff Mueller: But, you know, what I want to point out though is that there's two pipes there and they are only going to release 20 cfs, you know. There's 35 cfs coming on the property on the 25 year storm from Ensle Place. So, if nothing else, if the thing was never, if the subdivision was never built, when Ensle Place's pipe was running full, there will be less water coming out at that corner, because you're going from 35 cfs to 20, and the rest is going into storage.

President Ungethiem: Uh-huh.

Jeff Mueller: Then, in addition to that, the subdivision's water that's being, that's created, is also going into that lake, but, again, it's being held at 20 cfs. Because that...the pipe's can only allow so much water through them, you know.

Ralph Effinger: What always scares me is that you've got so much covered up of the ground that was there that when it rained before we had the water coming very slow and it run off. Now we're going to set that water, I would say 70 percent more water, because of the blacktop streets and the subdivision roofs and driveways, and that's going to get there in minutes. Maybe I shouldn't say minutes, but five to 30 minutes time it's going to be in that lake, and then when it comes out of them pipe, what he's saying, I would say she's going to have a lot of energy, she's going to cause some tear up in that ditch. If you don't have a good berm there, it's going to come across that field. So, that's my point I'm trying to make to you. I'm saying that we will probably only have these rains once in a great while. We had a nice spring that were

rains of an inch, half inch something like that, it wasn't bad. All winter it took to fill that lake. It wasn't bad then, but now I'm at a point that the lake is full, and the ditch is not there to really, I don't think is there to hold the water off of me.

Jeff Mueller: And, but you also have to admit that right now that the pipes at half full aren't even flowing because they're being blocked.

Ralph Effinger: Yes, that's true.

Jeff Mueller: If that blockage was gone, those pipes would already be flowing.

Ralph Effinger: We would have some of the water out of that lake.

Jeff Mueller: Yeah, out of there right now.

Commissioner Melcher: So, we need to get the pipes cleaned out.

Jeff Mueller: When they cut whatever swale it is, that will lower, it's a blockage like 15 feet away from the pipe, because it's against the property line. So, whenever they cut whatever they cut, that blockage will be gone. It's not in the pipes itself, I'm sorry, Mr. Melcher.

President Ungethiem: You'll have gravity falling—

Jeff Mueller: Yeah.

President Ungethiem: — in that ditch.

Jeff Mueller: It's like it's going out in a pool and the pool's not going anywhere because the water is blocked.

President Ungethiem: Okay, Mr. Effinger, we'll do everything we can. We will give you a report Friday as to where we're at. Hopefully we'll have it resolved by the first part of next week.

Ralph Effinger: That sounds real good. I hope it all works.

Commissioner Melcher: Usually we have to wait till—

Ralph Effinger: That's what I want.

Commissioner Melcher: Well, we do too. We usually have to wait two weeks until the next meeting. You're getting special treatment here. It's hard to get something done in a week.

Ralph Effinger: I have no other way to come and....I talked to Mr. Mueller here at different times in the last six months trying to get this solved. Now, I wanted the Board to understand what was going on out there. You should know about it.

Commissioner Kiefer: With modern technology, I've already sent Bob Warren an e-mail.

President Ungethiem: There you go. He's already been notified.

Jeff Mueller: Like, I do want to point out that both John and I even talked to Mr. Farney back when this design was first coming along, and we actually, they actually moved the parking lot down, because they had the parking lot and then they have a walking trail, and they had it, after it was sloped down, very close to the property line, and we said, can't do that. There's not enough room, you've got to bring that down so this water can get through. So, we recognized even then that that had to be. It wasn't that your comments were falling on deaf ears. The last thing I want is a drainage obstruction petition, guys.

Commissioner Melcher: And, it didn't fall on deaf ears tonight.

Ralph Effinger: Well, okay, I sure thank you all for—

President Ungethiem: Thank you, Ralph.

Ralph Effinger: —trying to help us out here, get it solved, that's what I'm after.

President Ungethiem: We'll do it.

Ralph Effinger: So we can all be good neighbors.

Commissioner Melcher: We're good. Joe's going to make it happen. He's going to get a hold of somebody.

Commissioner Kiefer: We'll make it happen.

Ralph Effinger: Okay, thank you.

Commissioner Kiefer: Is there anything else?

President Ungethiem: Any other public comment? If not, I would entertain a motion to adjourn.

Commissioner Kiefer: I make a motion to adjourn.

President Ungethiem: Okay.

Commissioner Melcher: Second.

President Ungethiem: This meeting of the Vanderburgh County Drainage Board is adjourned.

(The meeting was adjourned at 6:21 p.m.)

**Those in attendance:**

Bruce Ungethiem

Jeff Mueller

John Elpers

Ralph Effinger

Stephen Melcher

Joe Harrison, Jr.

Marco DeLucio

Others Unidentified

Joe Kiefer

Madelyn Grayson

Jeff Stemaly

Members of Media

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Bruce Ungethiem, President**

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**Stephen Melcher, Vice President**

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**Joe Kiefer, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
MAY 26, 2015**

The Vanderburgh County Drainage Board met in session this 26<sup>th</sup> day of May, 2015 at 5:45 p.m. in room 301 of the Civic Center Complex with President Bruce Ungethiem presiding.

**Call to Order**

President Ungethiem: Okay, I would like to call to order the Vanderburgh County Drainage Board meeting for May 26, 2015.

**Pledge of Allegiance**

President Ungethiem: Joe, can you lead us in the Pledge of Allegiance?

Commissioner Kiefer: Yes.

(The Pledge of Allegiance was given.)

Commissioner Kiefer: There's too many Joe's, I guess, around here.

President Ungethiem: We're going to have to use middle names or something.

**Approval of the May 12, 2015 Drainage Board Meeting Minutes**

President Ungethiem: I would like to entertain approval of the previous meeting's minutes.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: All those in favor say aye.

All Commissioners: Aye.

President Ungethiem: Opposed?

**(Motion approved 3-0)**

**Applications to Affect Kelly and Nurrenbern Legal Drains**

President Ungethiem: Alright, Jeffrey?

Jeff Mueller: Alright, the first thing on the agenda is the applications to affect Kelly and Nurrenbern legal drains. These applications were made by the Schneider Corporation on behalf of Vectren Energy and their contractor, Troy Construction. The applications are for work within the right-of-way of Nurrenbern Drain and underneath Kelly Ditch. The work is to repair a 16 inch gas line that runs from Old Boonville Highway south to the pipeline station located just south of the Lloyd Expressway. This is part of ongoing maintenance work being done by Vectren throughout the area on their gas line infrastructure. No new lines are proposed. I

have no issue with their proposed plans. They filled out the applications that, you know, the form that we created a couple of years ago, and, like I said, it's just basic maintenance. So, I would recommend them for approval.

President Ungethiem: This is within the budgeted amount we have for the drain?

Jeff Mueller: We're not paying anything at all.

President Ungethiem: Oh.

Jeff Mueller: They're just working within our right-of-ways.

President Ungethiem: Okay.

Jeff Mueller: Anything within our right-of-ways they have to ask permission for.

President Ungethiem: Okay.

Jeff Mueller: So, that's all they're doing.

President Ungethiem: Anybody have any questions?

Commissioner Melcher: No, I'll make a motion to approve.

Commissioner Kiefer: Second.

President Ungethiem: We have a motion and a second. Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

<b>Cayman Ridge: Section 2 &amp; 3: Minor Drainage Plan Revision</b>
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Jeff Mueller: The next thing on the agenda is Cayman Ridge, Sections Two and Three, minor revision to the approved drainage plan. You have before you a letter from James Morley of Morley and Associates requesting a minor change to the approved drainage plan to a portion of Cayman Ridge, Sections Two and Three, specifically swale 212. It's just a little swale right here that takes these four properties in. A portion of this subdivision was developed about ten years ago, the swale along the four properties was not constructed to the required minimum depth. The swale carries very little drainage. The four lot owners, which are the only persons affected by the swale, have requested that the swale be allowed to stay in

place, as is, versus having their yards torn up. Enclosed with the letter is a signed statement from each of the four owners, which will be made part of the approved document and be part of the documents included in the meeting minutes. With the four property owners signing off on this request, and I've run this by our County Attorney, Mr. Harrison, I don't have any problems with recommending this minor change for approval. Mr. Ray Zeller is here too, he was involved in the development, and it's actually at his request that this is being done, if you have any questions of him.

President Ungethiem: Any questions?

Commissioner Melcher: No, I'll make a motion to approve.

Commissioner Kiefer: Second.

President Ungethiem: Any discussion from....no? Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

<b>Schnucks North: Minor Revision to East Basin</b>
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Jeff Mueller: Next, Schnucks North, minor revision to the east basin. This is a very minor revision to the approved plan dated March 17, 2015. The revision will replace drawings C6-3 in the previously approved plan with the drawing and supplemental information being submitted tonight. The revision consists of substituting the approved Sun Tree baffle box with one manufactured by Hydro International. The revised box will allow for a higher capacity treatment rate, but the overall outlet rate from the detention pond will not be changed, as the outlet rate is controlled by an 18 inch pipe at the outlet point. This is just kind of a dual box structure that they've put in to capture some of their sediment, and they just asked to change one structure for another. It doesn't really affect what we're doing, you know, the outlet of the pond. It's very minor. I would recommend we approve it, or you approve it, I'm sorry. I don't have a vote.

President Ungethiem: Any comments from the audience? Make a motion?

Commissioner Melcher: I'll make the motion to approve it.

Commissioner Kiefer: Second.

President Ungethiem: Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

<b>Evansville Health Campus North</b>
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Jeff Mueller: Evansville Health Campus North, this is a two lot commercial subdivision located at roughly the southeast corner of Baseline Road and Husky Way. You can see it on your map here. It's right over here. Yeah, it's right there. This area right here. Fenway Park is up here and North High School is down this way. That's Azteca over there. The proposed subdivision is a 13 acre site. The two lots, one will have a 96 bed skilled care facility on one lot, and there will be 15 assisted living duplexes and a community active building located on the second lot. The drainage plan consists of construction of a single, dry detention pond on the eastern lot that will discharge into Pond Flat Main. The development falls within the boundary of the Pond Flat system, which by the Vanderburgh County drainage code is considered an impacted area. Therefore, instead of designing the pond to release runoff from a rainfall from the developed area of a 25 year storm to the constricted rate that would result from the runoff produced from a rainfall from the undeveloped of a ten year storm. The pond must be designed to release the runoff from the rainfall from the developed area of a 100 year storm at the constricted rate of the rainfall from the undeveloped area of a 10 year storm. The drainage plan was originally submitted on March 20, 2015, with revisions submitted on May 15, 2015 and May 20, 2015. The plan that is requested to be approved consists of the complete revised document dated May 20, 2015, along with the proposed plat drawings that were submitted on March 20, 2015; drawings C-104, 105 and 108 dated March 30, 2015; drawings C-106, dated May 14, 2015; and drawings C-102 and C-109, dated May 20, 2015. Included with the request is a letter requesting a variance to allow residential structures within ten feet of the lake maintenance easement. The detention pond is to be a dry basin and the structures are to be two foot above the 100 year elevation of the emergency overflow. The letter copied in your package, along with a copy of the review comments for the drainage plan you have, but upon your approval would be made part of the approved drainage plan. I would like to note that the only thing that might occur would be some minor modifications to the proposed drainage easements when they actually give us the plat, but, other than that, the drainage plan would be as it is submitted. So, I would recommend it for approval.

President Ungethiem: Any comments from the audience? Discussion from the Board?

Commissioner Kiefer: No, I don't have any.



President Ungethiem: We need a motion.

Commissioner Melcher: Go ahead, Joe.

Commissioner Kiefer: I'll make a motion to approve, based upon your recommendation.

Commissioner Melcher: I'll second it.

President Ungethiem: Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

<b>Enclave: Revision to Approved Drainage Plan: Basin 2</b>
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Jeff Mueller: Enclave, revision to the approved drainage plan, Basin two. As you are aware, a revised final drainage plan was approved by the Board on October 28, 2014. During that time it has been brought to the developer's attention that the outlet structure did not conform to the approved plan, as the pipe was not discharging at or near the base of the natural channel, as shown in the original plans, but instead approximately ten feet above the channel and fill had to be placed off property approximately 15 feet. For the record, because there does seem to be some confusion at this point, we have never recommended, nor did this Board approve any drainage plan that called for the placement of fill on the adjoining property or the outlet pipe to be at an elevation of ten feet above the natural channel. With that said, Morley and Associates has submitted for your approval a revised drainage plan that will call for installation of a drop box at the end of the existing pipe, and an additional pipe to be installed that will discharge the water on the base of the natural channel. I'm bringing before you that re-design, and they are requesting approval of this re-design in order to bring the basin in conformance with the original design concept. At this time we do not know as to whether IDEM or the U.S. Corps of Engineers will need to also approve the proposed revision. If you look at your package you will find a copy of the latest IDEM inspection, which was done by Sue Bock on May 18, 2015. It's a couple of colored pages and there's some pictures and that. So, that's there for your information. We do know that the proposed plan that you have will require a permanent easement for the placement of the structure. Included in the package is a proposed drainage easement that will allow the placement of a portion of the drainage structure on neighboring land that is not part of the subdivision. With that said, I believe that any approval of this Board must be contingent on the following; that the easement enclosed with the package be executed and recorded as a condition of approval of the revised drainage plan;

also, that any approval by the Drainage Board is solely to meet the requirements of the Vanderburgh County drainage code. Furthermore, the Board's approval in no way is meant to circumvent any requirements that the developer may need to meet for IDEM or/and the U.S. Corps of Engineers, and that IDEM or the Corps of Engineers may desire to alter or deny the plan, as submitted, in which case the developer must submit any requested plan revisions or modifications as required by IDEM or the Corps to this Board for their review approval. The proposed submittal is being submitted to address the concerns that we have had with the outlet structure from this west basin. I would suggest that the proposed change be made as an amendment to the approved plan of October 28, 2014, and be therefore subject to the conditions of that plan of approval. There are, you have some more information in there, but, essentially, there's two drawings here that, you know, I just kind of wanted to show you. There's a pipe that will come down, I can't see this very good, so, I hope you guys can. Then there's the structure, and then the outlet pipe will actually sit on the natural channel. This is the property line right here. The next drawing, it's just kind of, it doesn't show up very good, but you can see this is the property line, and there's some fill placed right in here, and then the pipe would come out right here. So, that's what we're proposing to approve tonight.

Commissioner Melcher: Is this a recommendation that you're bringing forth, or is this one that Mr. Buck did?

Jeff Mueller: This is one that Morley is bringing forward. My only request was that we get the water down to the channel—

Commissioner Melcher: Is Morley, did he hire Morley to do this?

Jeff Mueller: As far as I know, yes.

Commissioner Melcher: So, he's got a copy of this report?

Jeff Mueller: I would assume so.

Commissioner Melcher: Okay, I'm just—

Jeff Mueller: I mean, I don't know, Mr. Melcher.

Commissioner Melcher: I don't see anybody here.

Jeff Mueller: I know what you're saying. Yeah, I mean, Mr. Morley submitted it on his behalf.

Commissioner Melcher: Okay. I just, I've always wanted to make sure everybody knows what we're doing.

Jeff Mueller: I agree. I appreciate you asking that question.

Commissioner Melcher: That's the reason why I was asking, because I want it on the record that I asked.

Jeff Mueller: Yes.

President Ungethiem: Any other comments?

Commissioner Melcher: Not on this.

President Ungethiem: Any comments from the audience? So, Jeff, you're making a recommendation that we amend the existing drainage plan to include this drop box, and it's contingent upon getting an easement signed—

Joe Harrison, Jr.: A drainage easement.

Jeff Mueller: Yes.

President Ungethiem: —the drainage easement signed, and contingent upon IDEM's approval?

Jeff Mueller: Not contingent, but that we are only approving it to meet our code. IDEM and the Corps, if they have to get approval from them, they would have to do it at our—

President Ungethiem: It's separate?

Jeff Mueller: Right.

President Ungethiem: Okay.

Jeff Mueller: We're not giving an overall, we're just giving our approval and that's it.

President Ungethiem: Okay.

Jeff Mueller: But, I'm stating it so everyone understands that we're not trying to circumvent the Corps or IDEM.

President Ungethiem: Okay.

Commissioner Melcher: No, I understood that.

Jeff Mueller: Yeah.

Commissioner Melcher: I just want to make sure that everybody knows what's going on tonight.

Jeff Mueller: Yeah, and that's why I kind of wanted to reiterate it, to make sure, I'm like you, Mr. Melcher, because I know there's been some confusion out there on this site before.

President Ungethiem: Okay. Any other comments from the Commissioners?

Commissioner Melcher: No.

Commissioner Kiefer: I just want to make sure that I've got the location of this.

Jeff Mueller: Let's see here. Let's see if I've got a picture. I think I do. This is an older picture, but the basin is right in here.

Commissioner Kiefer: Yeah, okay, I think I know where we're at now.

Jeff Mueller: Okay, and it goes off to the west, south of this parking lot where the apartments are.

Commissioner Kiefer: Okay.

Jeff Mueller: Okay?

Commissioner Kiefer: Okay. Did we have a motion? Is that what we have?

President Ungethiem: Not yet.

Commissioner Melcher: I'll move for approval.

Commissioner Kiefer: Second.

President Ungethiem: Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

Joe Harrison, Jr.: And, we'll get a recorded copy of the drainage easement, or you will?

Jeff Mueller: Yes.

President Ungethiem: Do we have a time on that drainage easement? How long will it take to—

Jeff Mueller: No, I don't. I mean, it could be something, if they're ready, if someone's ready to sign it, they could bring it in for recording tomorrow. I don't know what their status is.

President Ungethiem: Okay.

Jeff Mueller: But, Mr. Harrison, has reviewed the language and he's fine with it.

President Ungethiem: Okay.

**CVB Baseball Complex Update**

President Ungethiem: Alright, baseball update.

Jeff Mueller: As I believe you all saw an e-mail from Mr. Bob Warren. Bob gave approval for additional spending of the contractor to essentially do the drainage work suggested at the last meeting. Mr. Effinger, the farmer to the north, that was in the last meeting, stopped by my office last week and was wanting an update. I told him that Mr. Warren gave the approval to do the additional work. Mr. Effinger realized that we were going to be in for some rain. It might be a little bit of time, but he was fine, you know, he was glad to hear that Mr. Warren had given the work, the approval for the work, and I suggested to Mr. Effinger that he contact Mark Craig, the Manager of the complex to, you know, to know when things were going on out there. Knock on wood, it looks like, you know, we might have that one solved. So, Mr. Effinger was, seemed to be happy with the way things were moving forward on that.

Commissioner Melcher: Will they let us know when they've got that done?

Jeff Mueller: I can call and request, I was also going to kind of keep an eye on it, because I'm out there quite often.

Commissioner Melcher: That's the only thing, they came here, so I just want to make sure we follow through.

Jeff Mueller: Yeah, I'll be following up on it.

President Ungethiem: Are they going to have to wait until that dries out? That was a pretty wet area when I was out there last time.

Jeff Mueller: Yeah, I think that's what they were going to do. Mr. Effinger was fine with that. You know, he's a farmer, he realizes you don't need to be out there mucking around in the mud. So, he was very appreciative of the Board and the way you listened to his comments, and I think the way everybody is trying to help him.

President Ungethiem: And, grand opening is this Saturday?

Jeff Mueller: That's what I understand. Play ball.

President Ungethiem: Alright.

**Ditch Maintenance Claims**

President Ungethiem: Other business?

Jeff Mueller: Ditch claims, you've got a summary of our claims. There's a total of nine claims, from four different vendors on seven different legal drains for a total of \$8,893.67, and Madelyn's got the claims up there. I would recommend those for approval.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

<b>Public Comment</b>
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President Ungethiem: Alright, do we have any public comment on any other issues? We see a smiling face that we've seen before.

Marco DeLucio: Marco DeLucio for Jagoe Homes and Jagoe Land. I realize I'm the last thing between you and the door, so I'll be very brief. This has to do with The Enclave, and you've approved already the revision tonight to the drainage plan, we appreciate that. Jagoe has a contract to buy 17 lots out there, and, you know, there's been an order issued by the Drainage Board that no further plats can be recorded until all of the conditions that were set back in October have been met. It's my understanding that, I wasn't there, but it's my understanding there was a meeting last week where Commissioner Ungethiem and John Stoll and Jeff Mueller and Jeff Stemaly participated and they walked through and saw where we, where the condition, or what conditions were out there, what needed yet to be done. It's my further understanding that there has been substantial progress made over the past couple of months, since Mr. Stemaly has kind of taken over the operation, trying to get things done out there. It's our hope, and we're looking for a way where we could release some of these lots, or all of these lots so Jagoe can purchase the lots and begin construction out there. I showed you last, two weeks ago, at the last Drainage Board meeting some of the, once the project is done out there the lawns are sodded, and I think that goes a long way to solving some problems. I've spoken briefly about this today with Jeff Mueller, and understand his position on that. We're just looking to see if there's some way where Jagoe can proceed to buy some of these lots and pull down some building permits, while at the same time trying to ensure that the rest of the work, the drop box that you approved tonight, there's some grass that needs to grow further in drainage basin number one. I know one idea that had been thrown out would be to go ahead and release some of the, release these lots so they could be recorded and don't assign some addresses to lots that would be draining into the drainage basin, I think it was 50, 51, 52 maybe, but we're just looking for a way so that construction can start, houses can be built, taxes could be paid. We're all in the business of doing those kinds of things and looking for a way to see if there's something we can do, rather than wait, you know, three, four or five weeks until everything has been done and the construction season passes us by. I know Jagoe has pre-sold some of these lots, and some of the homeowners are anxious to get in and get going. So, that's our request, don't know if there's a way that we can work

around that and try to accomplish the goals that the Drainage Board has, while at the same time beginning the process of trying to have some of these houses sold.

Commissioner Kiefer: Marco, so Jagoe has 17 lots that they would like to start construction on?

Marco DeLucio: Yes, I'm not sure they're ready to start construction necessarily on all 17, but I think a lot of those have been pre-sold and they would probably sooner rather than later get the rest of those sold. So, yes, sir.

Commissioner Kiefer: Out of that 17, what percentage of what total is remaining? What is that, is that the majority of them? 50 percent? 100 percent?

Marco DeLucio: That would be roughly 75 percent, and there's still some lots, Jagoe is, I think, committed to buy all of the residential lots out there. There are some commercial lots that Jagoe is not purchasing.

Commissioner Kiefer: I mean, can we approve something without approving say the commercial side? Can we approve what Jagoe has so they can proceed and do their construction?

Joe Harrison, Jr.: Well, the original 10/28/14 plan, I believe, indicated that no other lots would be permitted to be platted until all of those conditions were met. So, that's kind of the request now is will the Commissioners, or Drainage Board consider releasing any of the lots, even though not everything is done, but some of the stuff is done?

Commissioner Kiefer: But, I think we would, if we could release what Jagoe has, then that would still leave us some, a hammer to hold over the developer.

Marco DeLucio: And that would also—

Commissioner Melcher: What numbers is it that Jagoe wants?

Marco DeLucio: The lot numbers themselves?

Commissioner Melcher: Uh-huh.

Marco DeLucio: I think it's in Phase Two, I don't have all the particular lot numbers.

Joe Harrison, Jr.: We need that.

Commissioner Melcher: See, that's something I think we're....because I've got, we're getting e-mails from people that bought property and want to know why they can't get their house built.

Marco DeLucio: We certainly apologize for that. That's not your fault. We understand that.

Commissioner Melcher: No, I understand.

President Ungethiem: Steve, it's basically the lots that are on the adjacent, or on the roadways that are already completed.

Commissioner Melcher: Okay.

President Ungethiem: The roadway around to the north, it's the lots on both sides of that roadway—

Marco DeLucio: Yes.

President Ungethiem: — and then Cliftwood Drive, it's the lots to the south.

Commissioner Melcher: I usually don't do texts, but I got one today and I didn't get it until I got in here, but what I understand the lots needed is lots 50-56, 1-5 and 33-40. Is that—

Manuel Ball: What was the last one?

Marco DeLucio: 33-40.

Commissioner Melcher: Well, it's 50-56, 1-5 and 33-40 is what I got, and I don't do texts.

Manuel Ball: 33 through?

Commissioner Kiefer: 40.

Manuel Ball: Through 37, I think is what we're actually—

Commissioner Kiefer: Okay.

Manuel Ball: So, yes, that is correct.

Commissioner Kiefer: I mean, I would be interested in helping out Jagoe and helping out these people that have contracts to get their homes built, while holding back on the remaining lots so we still have some leverage otherwise.

President Ungethiem: Yeah, when we were out looking at the site late last week, there were three lots in question around the, is that basin one or basin two?

Marco DeLucio: That would be lots 50-53, I believe.

President Ungethiem: On the curve up on the north side. There was a problem with those and allowing those to go ahead and be constructed, because we may have to go in with equipment to finish that basin or adjust the drainage after that. So, I think Jeff had some issues with those three lots around that corner. Likewise, on the south side of Cliftwood Drive there are, I think, five lots there.

Commissioner Kiefer: I mean, can we do a temporary access easement to get equipment back in there?

President Ungethiem: You'll have to go—

Commissioner Kiefer: No?

President Ungethiem: It's kind of landlocked. You would have to go back on the backside of that.



Commissioner Kiefer: Okay.

President Ungethiem: That was the issue was getting equipment in there.

Commissioner Kiefer: So, we could hold back those three lots then.

Marco DeLucio: We have no objection, and I think it's lots 50 through it looks like 53, as I look at that. We have, I mean, those are lots that we understand would probably need to be out of the equation, at least until that drainage basin—

Commissioner Kiefer: Yeah, all I'm interested in is helping Jagoe and the homeowners that are waiting on their house to be built.

Commissioner Melcher: So, we're saying 50 through 56 we wouldn't do.

Joe Harrison, Jr.: 54 and 56 you would do.

Marco DeLucio: 54, 55 and 56, I think are outside of that.

Commissioner Melcher: Okay.

President Ungethiem: Jeff, do you want—

Commissioner Melcher: And, the ones we can't do would be 51, 52 and 53?

Joe Harrison, Jr.: And 50.

Jeff Mueller: Okay, I would like to make a comment on this. A couple of things, first of all, as you are aware Mr. Fuchs was in here before representing Barbara Bolin.

Commissioner Kiefer: Right.

Jeff Mueller: My own opinion is, is that we should allow him some public comment, you know, at least give some kind of a notice to allow people to, you know, give their opinion on this. That's my own opinion. Second of all, I personally feel that IDEM was out there with an inspection, and although they saw some improvement, they still had some issues. I think we have to be very careful with our standing with IDEM and the Corps, they're coming down a lot stronger on us, and personally I don't think this is going to help us much. I don't know why we can't hold off three or four weeks until the outlet structure gets in and some of the additional remedial seeding gets in. That's my opinion, that's what I'm saying before there, and that's my two cents for it.

Commissioner Melcher: Okay.

Commissioner Kiefer: Alright, thanks, Jeff.

Commissioner Melcher: Are you talking about all the lots then?

Jeff Mueller: Yeah, I think we should wait three or four weeks.

Commissioner Melcher: You think we ought to wait three or four weeks?

Jeff Mueller: I think we should, you know, give notice, like, if nothing else, wait two weeks and let Mr. Fuchs also come in and address the Board, since he represents Ms. Bolin, and, you know, and also, like I said, let's get this structure, the structure is approved, let's get this thing in and let's see some more improvement. You know, we asked for a number of issues out there, they have made improvements on there, but they're not to the criteria of where we want them to be.

Commissioner Kiefer: Our next meeting is June 9<sup>th</sup>.

President Ungethiem: June 9<sup>th</sup>, yes.

Commissioner Melcher: But, we're, I think we're tentatively kind of, we're going after the developer let's say, we're kind of hurting these other people. You know, somewhere there's got to be a give and take here. I'm not saying we release every lot we have, whatever lots that need to be released, I don't understand why we can't. What's the idea of holding the lot?

Jeff Mueller: Well, the violation was against the whole subdivision.

Commissioner Melcher: I understand.

Jeff Mueller: And, you know, if we cherry pick through, IDEM, that's what it's going to look like to IDEM is that, you know, we're just allowing folks to do this. I mean, the idea was to get this thing looking good, and it has made some improvement. I think with some time and let's get, you know the outlet structure, for example, was just approved tonight, but that outlet structure it wasn't our fault that it wasn't approved three months ago and something wasn't done on it. So, I mean, I guess, my feeling is, is why should we jump ahead, I mean, I will agree that Mr. Stemaly, since he's taken over, has gained some things, but let's get this thing a little closer to being finished before we say, okay. That's my own personal opinion.

Commissioner Kiefer: Jeff, I have a question, and I, you know, I do totally 100 percent understand your perspective on this—

Jeff Mueller: Yeah.

Commissioner Kiefer: — and, honestly, the only reason I'm interested in doing something is because of the same reason Commissioner Melcher is, is that I've been getting e-mails and text messages from home buyers, and, they're, you know, stories of, you know, them wanting to get started on their home. Here's my question, does the fact that a home is being built with the improvements that Jagoe does, the lawn, everything, does that improve the drainage situation? Or does it, it's neutral, or does it hurt it? Is it neutral, hurt or help?

Jeff Mueller: When it gets completely done, that can help, but when it's under construction, you could experience, you know, you'll have an area that's green that's going to be affected. Hopefully, Jagoe will put the proper procedures down and therefore you won't have any problems off of it, but then once the home is done and sodded, you've got more runoff from the driveway and the roof, but offsetting that is you do have the green grass capturing it, and, hopefully, what's running off the driveway is clean water and not muddy water.

Commissioner Kiefer: Right.

Jeff Mueller: But, you know, some of those e-mails, I have a problem with people coming to the county thinking it's the county's fault for a developer that didn't do things correctly. Now, I feel like, you know, we've handled some of these calls and Mr. Stoll's handled some of these calls, and it's like—

Commissioner Kiefer: Oh, I don't disagree with you on that at all.

Jeff Mueller: — why are we being beat up on for doing what we're supposed to do?

Commissioner Kiefer: I don't disagree with you at all on that. I'm not disagreeing with you. I just want to help these people out that are looking to buy a home.

Jeff Mueller: I understand that.

Commissioner Melcher: The way I look at it, we represent everybody. We represent them all; the developer, Jagoe, the people buying the homes, their trying to sell their other homes. We're trying to support you, I'm looking at the big picture. I'm not looking at....and, I've done this for over 20 something years, and you're not going to make everybody happy.

Jeff Mueller: I agree, but I also don't want the regulatory agencies coming down on us even harder. That is a concern that I have.

Commissioner Melcher: Well, what could they do?

Jeff Mueller: I'll let Mr. Stoll answer that question, but, I mean, they could come in and, you know, do an audit and say, what are you guys doing? Are you administering your laws? I mean, I guess, my feeling is why not let this finish out three or four weeks, and, like I said, why not have, at least let Mr. Fuchs come in in two weeks and express his opinion, because I do feel we owe him that. We told him that we weren't going to do anything for awhile. He's not been noticed that, you know, that Jagoe was going to come in tonight and ask for release.

Commissioner Kiefer: Okay, does June 9<sup>th</sup> meeting...how far back, I mean, is that going to be—

Manuel Ball: I mean, first of all, I would like to state that we have advised our customers not to contact anyone. I don't know that I've had that conversation with Jeff, but I have with John. I'm not sure where that's coming from, but that's not information that's coming from us. I just want to make sure that that's clear. As far as the June 9<sup>th</sup>, we would like to start construction as early as possible. You know, we've had some people who have put their money down in February, and looking for that start date. The quicker we start, the quicker we'll finish and we'll actually be able to get those lots sodded. The other concern that I have, and I understand Jeff's position, he and I, I respect Jeff, I don't know if Jeff respects me or not, but I respect Jeff and John both.

Commissioner Melcher: You can't make it personal now.

Jeff Mueller: It's not personal.

Manuel Ball: I respect their position on this. My concern is that we're going to get to the end of this and on June 9<sup>th</sup>, if it's actually approved, at that point in time we are then going to go in and we're going to clean off the vegetation on each individual lot

that we start, obviously, we'll have perimeter controls for erosion up, but we're kind of waiting until the erosion control is all set in place and perfect, and then we're actually going to come through and the first thing we're going to do is we're going to put up perimeter controls and then we'll grab a lot and put a foundation in. So, it kind of negates some of what we're looking to achieve.

Commissioner Melcher: So, you're asking for.... I guess, I don't see a problem releasing some lots. That's my own personal thing. If this was a whole different project somewhere else, we have to release, explain to me the process of releasing the lots? Every time I think I know this, I don't.

Jeff Mueller: Well, I think, what you as a Board did was you said there was to be no more platting of any lots until the October 28<sup>th</sup> drainage plan is met.

Commissioner Melcher: I understand that.

Jeff Mueller: So, what they're asking for is can they plat some lots.

Commissioner Melcher: And, the reason why we did that, explain why we did that.

Jeff Mueller: Was to make sure that the work got done that was required.

Commissioner Melcher: Okay, and the man did start working on it and that, we know we've been in some weather problems, so, it looks like everybody is kind of working towards the same goal to me. Maybe I'm wrong, but it sounds like it. I mean, that's what was recommended, we did it, I agree, but they've also done some work, and Jagoe's trying to make a living too, and they've got people that have sold homes, transferred homes. They're going to e-mail us anyway.

Commissioner Kiefer: They read it in the paper.

Jeff Mueller: Yeah, I mean, and I don't think Jagoe, I understand what Manuel was saying, I don't think that he's pushing people to do that.

Commissioner Melcher: These are all public meetings, anybody can come to these meetings anytime they want to. So, if somebody wanted to be here at every Drainage Board meeting, they could be here. I would like to know what lots you really need.

Manuel Ball: I don't have an actual list of what lots are sold with me tonight. It's my understanding that we have, that we basically have four lots left to sell. We have reservations on 13 of the 17 lots. The lots along the basin, in reality, typically for us go a little bit slower due to the fact that most of those are walk-out basement lots. So, we're here to get as much as we possibly can to move forward. Currently, we've gone about this a little bit different than what we did last time. In the past we actually signed agreements hoping to have it done at a certain time. This time we've taken a different standpoint, we've actually taken reservations. So, there are no agreements in place in order to try to keep someone on the hook per se, but at the same time not, they don't technically have a contractual obligation at this point in time. So, we have, currently we're not necessarily out promoting these other lots, it's people are coming to us and are wanting these lots. So, for me to tell you exactly which ones those are, I can't tell you tonight, but from our perspective we would want as many of them as we can, because those that are not sold, we would want to promote those and try to sell those to actually get some absorption in this particular

community. What we're doing at this time, and I understand it's not your all's fault, and I understand it's not Jeff or John either, what we're trying to do though, or what we've done in the past is, you know, we release 17 lots and then we basically put a home on every lot, with the exception of two lots. So, and that happened between, I forget when it actually, when we actually approved it originally, but, you know, that's happened very quickly. I feel like we'll have the same thing, there's a lot of growth there in the area, there's a lot of demand for these lots in this particular area.

Commissioner Kiefer: I think what Commissioner Melcher and, at least, and myself, you know, Bruce still probably has some comments about this, but I think what I'm looking for is some kind of compromise to reasonably help people that are trying to buy these houses and get their homes built, while at the same time we still have some leverage with the developer to accomplish what Jeff wants to accomplish.

Manuel Ball: Sure, I understand.

Commissioner Kiefer: So, you know, to say, hey, we would like to have them all is one thing, versus here's the ones we really need to get going on.

Manuel Ball: Okay.

Marco DeLucio: I think, when we say all we were talking about 17.

Manuel Ball: Correct.,

Marco DeLucio: There's a lot more lots out there. I think to answer your questions, and I'm looking at lots 54-56, right?

Commissioner Melcher: Right, I got that.

Manuel Ball: And lots 37-33.

Marco DeLucio: Thirty seven to 33.

Commissioner Kiefer: 33-37.

Commissioner Melcher: I was getting ready to say—

Manuel Ball: I'm sorry.

Commissioner Kiefer: I got 'ya.

Manuel Ball: I'm from Kentucky, you all know that.

Commissioner Melcher: The attorney said it first.

President Ungethiem: It depends on whether you're looking north or south.

Manuel Ball: Then we would also have lots one through—

Commissioner Kiefer: Five.

Manuel Ball: — one through five, that's correct.

President Ungethiem: Jeff, the agreement that was signed in October, there was an agreement in October that was signed by who?

Jeff Mueller: It wasn't an agreement, it was an order by the Board.

President Ungethiem: Okay.

Jeff Mueller: Wouldn't that be correct, Mr. Harrison?

Commissioner Melcher: Yes.

Joe Harrison, Jr.: Yeah.

Jeff Mueller: Yes.

President Ungethiem: Okay, so it was an order by the Board. So, in order to deviate from that order, we would need this Drainage Board to deviate from that agreement?

Jeff Mueller: I'm going to defer to Mr. Harrison on that.

Joe Harrison, Jr.: Yes, and my own—

President Ungethiem: Would that require another agreement drawn up?

Joe Harrison, Jr.: Well—

President Ungethiem: Or an addendum to this agreement?

Joe Harrison, Jr.: — I think, from what we've heard tonight, Mr. Mueller is not comfortable with doing that at this time. I mean, that's what I'm hearing, he's not comfortable with not having Mr. Fuchs here to have an opportunity, if he wants to be here. My thought would be that you continue this discussion until June 9<sup>th</sup>, notify Mr. Fuchs, between now and June 9<sup>th</sup> I assume there's going to be a lot more improvement out at the site, and at that point you can deviate, since the drainage plan was just amended tonight, there's been no work on the amended—

President Ungethiem: Would we need a document to deviate from that, something drawn up?

Joe Harrison, Jr.: It probably wouldn't hurt.

Commissioner Kiefer: Well, it would be an amendment—

President Ungethiem: It would be an amendment to that agreement.

Joe Harrison, Jr.: It would be the second amendment, because we had an amendment tonight. That was an amendment to this, even though—

President Ungethiem: Well, that was an amendment to the original drainage plan.

Joe Harrison, Jr.: Well, and that's what this would be.

President Ungethiem: Okay. That would be my recommendation is that we go to June 9<sup>th</sup>, that we look at this agreement that we had here, let's put together a

resolution or whatever it is we need to do to amend that or augment it or whatever the legal term is, and then on June 9<sup>th</sup> we'll look again at what the progress is. I think the four or five lots that are on the south side that don't go into either basin, you have some drainage work to do on those, because I think that drainage is supposed to be broadcast into that woods area and not concentrated into one point. I think that drainage right now is still concentrated in one point. Is that true, Jeff?

Jeff Mueller: That's correct.

President Ungethiem: So, there's some drainage—

Jeff Mueller: Do you know what he's talking about?

Manuel Ball: I do, yes.

President Ungethiem: There's some drainage issues on those lots that still need to be corrected, and they're a lot easier to correct now than corrected once there's a house sitting there. So, I would like to see at least, if we're going to release lots, I want to see no drainage issues around any of those lots. I don't want to have to bring a dozer or, you know, something in there to change that drainage. I think some of those lots on the inside circle of the road to the north, I think they're okay. I think some of the lots on the outside of that circle are okay, with the exception to the one that Jeff had that go into the basin itself, that are right on the basin. Then, if we can correct the drainage situation along Cliftwood Drive so that the backyards of those lots are done and ready to go, then on June the 9<sup>th</sup> we can take a look at that, get public comment, and I would entertain making a change at that point in time.

Commissioner Melcher: I think what would help us if you could get us the exact lots.

Joe Harrison, Jr.: Right.

Commissioner Melcher: The exact lots to the attorney.

Marco DeLucio: We'll do that.

Commissioner Melcher: Because I think that would help, because we're voting next time.

President Ungethiem: What we don't want to do is get into a situation where we've got a house sitting there and somebody living in it, and then we say, oh, by the way, we need to bring a dozer into your backyard and shovel off this mound.

Marco DeLucio: That doesn't do any good to Jagoe either.

President Ungethiem: No, and we've got a situation right now in the county where that is the situation. The houses are built and the drainage wasn't completed.

Marco DeLucio: Okay.

Joe Harrison, Jr.: It looks like there's 12 lots that you were referring to; 54, 55, 56, maybe there's more by the time between now and the 9<sup>th</sup>; one through five, and then 33, 34, 35, 36, 37, is that 12?

President Ungethiem: Yeah, that's these up here.

Manuel Ball: There should be a total of 17 lots.

Marco DeLucio: Well, but we're not going to release them.

Manuel Ball: Oh, I'm sorry.

President Ungethiem: Well, there's three of them on that corner.

Manuel Ball: I'm sorry, yes, that's correct.

Joe Harrison, Jr.: Or, is it more than that? Is it 14?

Marco DeLucio: We'll get you the exact lots.

Joe Harrison, Jr.: Okay, and then can you give how many are remaining? So, we'll know what that other number is so we can say and there's still 20 out there that, so everybody knows there's more out there.

Commissioner Melcher: Let's just clarify it, just for me, because I'm just a potato guy. Total lots, and then break it down. That way we could get a percentage of what lots have already been released, what lots are left and what percent we're going to release.

Marco DeLucio: We'll do that.

Manuel Ball: Yeah, we'll take it a step farther also, we'll actually have a list of the lots that are actually sold as well.

Joe Harrison, Jr.: Good.

Manuel Ball: We'll basically, we'll make sure that everyone has a plan.

President Ungethiem: If you would like to get the overall drawing and color code them, these are sold, these are proposed, these are future, it would be real easy to—

Manuel Ball: Yeah, we'll do that. We'll make it easy enough that a Kentucky boy can read it.

President Ungethiem: I'm not from Kentucky, but I understand.

Commissioner Kiefer: Alright, thanks, guys.

Commissioner Melcher: I'm a Bosse High School graduate.

Marco DeLucio: Appreciate your time this evening.

President Ungethiem: Alright, thank you.

Commissioner Melcher: '66.

Jeff Mueller: So, I'll work with Jagoe on giving you an amendment on here's what we have, here's the way it's going to read with whatever lots they're proposing.



President Ungethiem: Yeah, and, Jeff, on that agreement that we had back in October, if on the 9<sup>th</sup> you could rate all of those bullet items as 100 percent complete, 90 percent complete, 50 percent complete so we've got a flavor for how close we are, that would be helpful.

Jeff Mueller: Yeah, I'll either do that, or if I can't do percents I'll say like this basin has got this, this, this and done and it still needs this.

President Ungethiem: Okay.

Jeff Mueller: Maybe it might be that instead of percentages, but some, there will be some method of telling you where we are on each point.

President Ungethiem: Okay.

Commissioner Melcher: So, you're saying the engineer can't give us an estimate.? I'm just kidding. Rose Hulman, huh?

Jeff Mueller: Hey, we really are cordial to each other, other than when Kentucky basketball is going on.

Commissioner Melcher: We've got a Purdue grad now?

Commissioner Kiefer: No, he's a Rose Hulman grad.

Jeff Mueller: No, two Rose Hulman grads.

Commissioner Melcher: Two Rose Hulman, I knew that.

Commissioner Kiefer: That's the second time he's called you a Purdue grad.

Jeff Mueller: Wait a minute, we've got to say one more thing, because I pointed this out to Commissioner Ungethiem, not only are we two Rose Hulman grads, but there's two Rose Hulman grads in here with minors in Political Science.

President Ungethiem: There you go. Probably the only two Rose Hulman grads with Political Science minors in the country.

Commissioner Melcher: That's probably one of your problems.

Jeff Mueller: Could be, could be, but anyway, I mean, you understand my feelings, but I will work with you as technical advisor to work through this piece of paper.

Commissioner Melcher: No, we do, but we answer to everybody.

Jeff Mueller: I understand that. I understand that, and, I mean, you know, I just feel like I need to express my opinion, and I did so.

Commissioner Kiefer: Thank you, Jeff.

Commissioner Melcher: I look at it just like a zoning, you know, it's everybody.

Jeff Mueller: I understand. I understand, and I always, when I'm speaking I'm only doing it from my viewpoint of what I think is best. That's not always the right way, but that's –

Commissioner Kiefer: But, that's important–

President Ungethiem: No, that is the right way. We appreciate you being open and honest, that's the right way to do it.

Jeff Mueller: Yeah. If you want, as I worked for a guy one time and he told me, he said the company didn't hire me to say yes. So, anyway, that's all I have, unless someone else has comments.

President Ungethiem: Any other public comment?

Jeff Mueller: Do you have some comments?

President Ungethiem: I would entertain a motion to adjourn.

Commissioner Kiefer: So moved to adjourn.

President Ungethiem: Let me get that out.

Commissioner Melcher: Second.

President Ungethiem: All those in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Ungethiem: The meeting is adjourned.

(The meeting was adjourned at 6:30 p.m.)

**Those in Attendance:**

Bruce Ungethiem

Jeff Mueller

Marco DeLucio

Others Unidentified

Stephen Melcher

Joe Harrison, Jr.

Manuel Ball

Members of Media

Joe Kiefer

Madelyn Grayson

Jeff Stemaly

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Bruce Ungethiem, President**

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**Stephen Melcher, Vice President**

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**Joe Kiefer, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
JUNE 9, 2015**

The Vanderburgh County Drainage Board met in session this 9<sup>th</sup> day of June, 2015 at 6:22 p.m. in room 301 of the Civic Center Complex with President Bruce Ungethiem presiding.

**Call to Order**

President Ungethiem: Okay, I would like to call to order the Vanderburgh County Drainage Board for June 9, 2015.

**Pledge of Allegiance**

President Ungethiem: Commissioner Kiefer, could you lead us in the Pledge?

Commissioner Kiefer: Yes, thank you.

(The Pledge of Allegiance was given.)

President Ungethiem: Thank you.

**Approval of the May 26, 2015 Drainage Board Meeting Minutes**

President Ungethiem: I would entertain a motion to approve the previous minutes.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: I've got a motion and a second. All those in favor say aye.

All Commissioners: Aye.

President Ungethiem: All those opposed? The minutes are approved.

**(Motion approved 3-0)**

**Construction in Floodway Permit Application: Pond Flat/Big Creek**

President Ungethiem: Jeff, construction in floodway permit application, Pond Flat/Big Creek. My neighborhood.

Jeff Mueller: Yep, you have in your package, Madelyn's got the original, an application for construction in floodway for the proposed work on the Pond Flat Main/Big Creek. Also with this is a blue claim for \$200 to the DNR for the construction in floodway application fee. I'm requesting signature of the construction in floodway permit and approval of the \$200 claim so we can submit this. Linda's working on some of the required maps that need to accompany this form, but our goal will be to get this application out this week.

President Ungethiem: Okay. Anybody have any questions about this? I would entertain a motion to approve.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: All those in favor say aye.

All Commissioners: Aye.

President Ungethiem: Opposed?

**(Motion approved 3-0)**

President Ungethiem: Madelyn, do you have the original that we need to sign?

Madelyn Grayson: Yes.

President Ungethiem: Okay.

<p><b>Enclave: Inspection Update &amp; Submission of Summary Document of Final Drainage Plan as Amended</b></p>
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President Ungethiem: Enclave, inspection update and submission.

Jeff Mueller: Of summary document for final drainage plan as amended. In your packet is a three page document entitled, "Enclave at Eagle Cliff Final Drainage Plan, As Amended". The original document that was approved by the Board on October 28, 2014 had three handwritten addendums, which were part of the approval. This document has those typed into the document. Second, as everyone is aware, on May 26, 2015 the Board amended the drainage plan with a revised outlet structure on basin two. The revision is listed in this document, as well as when the drainage plan was amended, there was a requirement to submit a recorded copy of the easement that is required for the amended drainage plan. That requirement is listed as an addition to the conditions of approval. Finally, in the original approved document, the conditions of approval were listed as bullet points. Those bullet points were changed to a numerical listing for ease and identification of the bullet points. The revisions to the documents are underlined and footnoted so that everyone realizes I'm not trying to pull anything or make any major changes to the document, we're just giving you a clean document to work off of. So, what I would like to do is ask for the Board to look at that document, if they don't have problems, I'm requesting that you approve the document.

Commissioner Melcher: So, there's nothing added or different from what the original was?

Jeff Mueller: No, it's just like we handwrote some things in on the October 28<sup>th</sup> that everybody agreed to, and then, like I said, then there's the, you know, we amended it. So, it's just a nice, clean document. The only thing, and like I said, the bullet points were changed to numbers. So, when we go through the inspection, or if anybody's got any questions, instead of saying bullet point, we can now say number one of the condition, or number two.

Joe Harrison, Jr.: And, it's also amended to include the easement, the drainage easement and the basin, the amended changes from the last meeting.

Jeff Mueller: Yes, yes, because that way we wouldn't be talking about an amendment of an amendment of an amendment, when we've got a new, clean piece of paper to work off of. Because I know there's going to be some discussion tonight about some things, so, this way we have a clean document to work off of.

Joe Harrison, Jr.: As we sit here right now?

Jeff Mueller: Yes.

Joe Harrison, Jr.: Before anything else.

Jeff Mueller: And, anything that's changed, or, I mean, like, not changed, but anything that was, like I said, was handwritten or from the previous, I've underlined it and I've even footnoted, you know, why it was, you know, like I said it was part of the original agreement or whatever.

Commissioner Melcher: So, the only changes is this bold print that's underlined?

Jeff Mueller: Actually the bold print was in the original document.

Commissioner Melcher: Alright, then the underline?

Jeff Mueller: Yes.

Commissioner Melcher: So, just one sentence?

Joe Harrison, Jr.: No.

Jeff Mueller: No, there's—

Commissioner Melcher: I've only got one sentence underlined, number seven right here. Oh, this is darker on this side. That's bifocals for you.

Commissioner Kiefer: I think there's a typo error, it says—

Joe Harrison, Jr.: Mary.

Commissioner Kiefer: – Mary instead of May.

Jeff Mueller: Yep, that would have been a typo. Sorry about that.

President Ungethiem: Okay, motion to approve the amended drainage plan for the Enclave at Eagle Cliff?

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Ungethiem: Any discussion? All those in favor say aye.

All Commissioners: Aye.

President Ungethiem: Opposed? Alright, amended drainage plan is approved.

**(Motion approved 3-0)**

Jeff Mueller: Okay, staying on The Enclave, the next thing in your packet is a letter that both John Stoll and I received from IDEM this morning. This letter is addressed to Daniel Buck, the registered agent, for Eagle Enclave Development, LLC, and refers to the fact that the respondent has violated a portion of the agreed order with IDEM and therefore a stipulated penalty is being assessed. According to the letter the respondent failed to submit a plan for sediment removal on the off-site lake owned by Barbara Bolin. I believe Mr. Fuchs is here tonight and he may want to address that more, but I'm just giving you that letter for a matter of file so that you know what's going on out there from IDEM's perspective.

Commissioner Melcher: So, this June 9<sup>th</sup> letter was faxed to us today or certified mail to us today?

Jeff Mueller: Yes, it was faxed, it was e-mailed to both John and I today.

Commissioner Melcher: So, we haven't gotten it yet? So, they faxed this part?

Jeff Mueller: Yes.

Joe Harrison, Jr.: E-mailed.

Jeff Mueller: Or, e-mailed, yes.

Commissioner Melcher: That's the fastest I've ever heard of them getting it.

Jeff Mueller: I mean, it's just we didn't request anything, I mean, other than normal correspondence that we be copied on, but it was just, you know, we got the e-mail today. I didn't even recognize the address when it first came to me.

President Ungethiem: Is this the only correspondence that we've had from IDEM?

Jeff Mueller: No, we've had other correspondences.

President Ungethiem: You've had others? Okay.

Commissioner Melcher: But, this is the first that we've got of it.

Joe Harrison, Jr.: Well, this is the first time they've received this document, but they've received other—

President Ungethiem: Other documents.

Joe Harrison, Jr.: — like orders from IDEM a couple of months ago, I believe.

Jeff Mueller: Yeah, we've been copied, plus—

Commissioner Melcher: I've just been questioning the timing. This was fast.

Jeff Mueller: Yeah, I don't, why it came today I don't know. It just did.

Commissioner Melcher: Maybe they've got a schedule of our meetings up there. Isn't that amazing?

Jeff Mueller: Well, I do know they had an inspection a few ago, so maybe that was the result of after that inspection too.

Commissioner Melcher: Great timing.

Jeff Mueller: So, anyway, I just provided that for your information.

Commissioner Melcher: Okay.

Jeff Mueller: Moving forward, the next topic under The Enclave is to provide the Board with a summary of an inspection performed yesterday, June 8, 2015 by John Stoll and myself. I'm going to ask John to also come up and make comments. Also, I want to point out to you that there is a packet, and, Joe, you don't have one yet, but I think they're supposed to get you one that Jeff Stemaly brought in today that Mr. Stemaly may want to talk to you about a little bit, but it's got some pictures of some of the work that he did out there too.

Commissioner Melcher: Is this the packet?

Jeff Mueller: Yes. This packet is from Mr. Stemaly. There's some pictures showing the construction activities and that. I kind of show that to you too, so that when we're going through the inspection you'll have his comments and stuff available too. With that, I would like to go ahead and go through the inspection, if you don't mind. This is The Enclave, it's a 2014 State image, and it's just there for a little bit of reference. These were the lots that were previously platted. The conditions of approval, which are in that letter that you just approved, there were seven of them, and we're going to go through each one of these, so we can say number one, two, three whatever. So, the first condition of approval, 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. With the change in the design of the outlet basin and the construction work done there, the gabion blankets are no longer required. So, this is kind of not applicable, as far as I'm concerned. Or, it's no longer an issue. The second condition, the developer shall complete the construction of Basin #1 and #2, per the submitted final drainage plan, in their entirety by November 30, 2014, and in case of Basin #2, as amended on May 26, 2015. What I've got is a little chart with some of the things that we looked at for each basin, you know, and kind of what was the status. Going through, on Basin #1, and I've got some pictures to follow up here, but on Basin #1 with the exception of a few areas of minor erosion, the vegetation looks pretty good there. We do need an as-built drawing. We had one, but there's, you know, with the addition of the concrete liners and a note on the drawing saying it has a capacity we need that drawing, but otherwise pretty good. One of the things I want to point out was the rip rap on the inlet channel needed to be reshaped and I brought that up to Mr. Stemaly and he addressed that. So, I do, as a matter of fact he's addressed a number of things that we brought up. I just want to point that out to the group. On Basin #2, the big issue was the drop box, which was just approved on May 26, 2015. That, you'll see some pictures from Mr. Stemaly in your packet. You can see that he was out there working over the weekend. It's not complete, but a lot of it's installed, there's some work that needs to be done to finish it up and we'll show you those pictures in a minute, but considering that it was May 26<sup>th</sup> when he asked for the approval, he got the thing ordered, got it in, like I said, not complete, but did a lot of work on it. So, you know, again, there's some clean up work, and you'll kind of see it when we go through the pictures, and, again, we also need drawing C-102 for this basin. This is Basin #1, and you can see where he's put the concrete liner in. There's three different pictures



here, from three different angles, and where he's cut the rip rap, as we suggested, so that when the water came in it wouldn't erode around but would actually stay within the channel. So, you can see we're getting pretty green. There's a few little minor erosions, but overall this basin is much improved over what it was. Basin #2 was a mudhole, it looked terrible. Mr. Stemaly's done a very good job on the interior of this basin. He's got the concrete liner in, actually needs to cut the grass out there on part of this. On the other side of the basin this is the structure that he put in, you can see where he did the knockout on it and he still needs to come in and repair that. There's also, it's right next to the emergency spillway. The emergency spillway needs some cupping and this rip rap, kind of block, and because he was just in here this weekend we don't have anything green there, which you wouldn't expect. As Mr. Stemaly told me today, he worked on it Saturday and Sunday and it rained Monday. So, he's not quite finished out there, but progress was made, especially on the interior of this basin. Condition three, as a condition to the amended drainage plan approved on May 26, 2015, the developer shall submit to the County Surveyor a signed and recorded copy of the easement that was approved as part of the amended drainage plan on May 26, 2015. That easement was recorded on June 2, 2015 as required by the plan, and it was recorded prior to him doing the work out there. Condition four, the developer shall immediately seed the entire subdivision, install required erosion control blanket by November 30, 2014 and achieve 90 percent cover with appropriate vegetation. The exception of this shall be on any lot within Section One of the platted Enclave Subdivision with an active home under construction, which means 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. As far as the vegetation, I would like to wait until we get to comment six, but do have, there's some comments about the erosion control, and as you're aware, Mr. Stoll's office handles that through his inspectors, so, I would like to let him comment on it.

John Stoll: The erosion control has improved out there, but during our inspection yesterday we did see some things that still needed some additional work. As it states there on the Power Point, there were a couple of houses under construction on Tawny Drive where there were, where the erosion control measures, like silt fences and construction entrances, needed some work. The entire site has had silt fence around its perimeter in the past, there are some areas where it's in pretty good shape, there's still some other areas that need some repairs. There is a construction entrance on Stellar Drive, we saw equipment sitting immediately west of the construction entrance rather than utilizing the construction entrance, so it was just parked on mud. That's where, I know it was just storing the equipment there for the time being, but realistically all of the construction equipment needs to go in and out the construction entrances. I'll show a picture of that here shortly. We saw another sign of where construction traffic is entering part of the site south of Stellar Drive where there was no construction entrance. That has led to, it appears that the curb has been cracked because of where construction traffic has traveled across an area where there was no construction entrance. There's a check dam upstream of Basin #2 that's holding water, which it's doing it's job trying to filter the water, but due to the fact that it's got the ponded water behind it has made it to where the swales can't get it's final vegetation. So, that's an issue that still needs to be resolved. There's some other swales throughout the subdivision that still need regrading and reseeding. What else? Let's see, the swales need additional grading and grass cover, like I said, (Inaudible), overall they've made significant improvements. It's not finished yet, but it's much better than last August when the County Attorney and Commissioner Kiefer and Jeff Mueller and I met out on site. Here's the house that's, one of the two houses, the lower left is where you can see there's a stock pile with no protection

around it. It doesn't show up real well, but there's not lot of silt fence on this side. The back side of one of the houses you can see there's signs of failed silt fence, but here's an example here on the right, lower right, where the erosion control measures are looking in good shape. This is the area where the check dam is holding the water upstream of Basin #2. Again, this is here to try and control the sediment getting in to that pond, but in doing so it's resulted in all of this standing water, which prevented these swales from getting finalized. This is the equipment, the construction entrances I was telling you about. As you can see, the construction entrance sits here, but the equipment is off to its west, south side. I know they need access to the site, but this is just an area where there was no construction entrance to get to the interior of the site. This is just another example of the swales that aren't finished. Again, they're better, they're just not in a final completed state. Do you want that one?

Jeff Mueller: You're doing great.

John Stoll: When Jeff and I were out there yesterday we noticed that the water coming from Basin #1 was slightly cloudy. It looked much better than it had been in previous inspections. The only thing was that we could still see sediment down in Bolin's lake, but we just didn't see a clear path of exactly where that sediment laden water had gotten into the lake. We checked up along side the Lloyd Expressway frontage to try and see if there were obvious signs up there. There's an area where Jeff Stemaly had installed a pipe to drain the area where water had been standing on the commercial lots. That pipe was discharging behind some silt fence, which that then sheet flows out on to the Expressway right-of-way. Again, that water was not significantly cloudy and muddy. So, to identify the exact source as to why the Bolin lake was still receiving the muddy water, we couldn't do that based on what we saw yesterday. Basin #2, back on the south, southwest side of the subdivision, the water discharging down there was still fairly muddy. These pictures are kind of, it's hard to see, this water was much clearer than it has been in the past. This is one of the areas where....I hit the wrong button again, where cutting off the water from the commercial lots prevented this area from continuing to erode, which in turn kept some of the sediment out of the Felstead Road ditch, which helps make this water cleaner than it's been in the past. These pictures just make it really difficult to tell the quality of the water, because in this case, the water looked better on site than the way it appears in these pictures. In this case, I would say that's fairly accurate. The water on the west side of the site coming out of Basin #2 was fairly muddy. This is where the new drop structure, the outlet pipe for the drop structure was installed down at the creek elevation. This is just where it goes off-site. There have been signs of mud deposits in there in the past, those have been cleaned up, but we had muddy water there again yesterday. Do you want to talk about this one?

Jeff Mueller: Yeah. Condition six, any reseeding for permanent vegetation shall be installed with erosion control blankets and shall be maintained in order to achieve 90 percent cover. Like I said, we kind of mentioned this one before. I'm going to go through some of the things and talk about it. The vegetation varies across the project. Seeding in some areas is done very well, while other areas have just been recently seeded, and therefore the success of germination in these areas is unknown. Some areas have a weak covering, but require overseeding with permanent vegetation. I'll just kind of show you some different things on the site. This is on the south side, that's the entrance road when you first come in. These are lots 35 through 37. Some of the areas along the brim of Basin #2 actually need to be mowed, I brought that up earlier. This was an area that was disturbed, I think it was around Thanksgiving, and you can see the seeding actually here is coming up

real nice. This is actually on a portion of lots 28 and 29. Lots along the western border, those are the apartment complex, I can't think of the name of it, this is an area that's been a big problem, it's looking better. There's some check dams, but also here again, if you look at the vegetation on lots 13 and 14 area, it's still pretty sparse in this particular area. Along lots 52 through 57 the vegetation is pretty sparse. There's wheat when you drive through there that looks pretty good, but when you look at the actual ground we don't have a whole lot of permanent vegetation in that area, at least none coming up. Lots 58 and 59, this was an area where we had a lot of standing water, The standing water would go, it would go over the hillside and get in to the Felstead Road ditch. This is one of those areas where I like to say that Mr. Stemaly instead of continuing the band-aid approach there, which was done there before, went in and worked at the problem. He cut the water, got the water draining out and the area is drying up and he's got, they've actually put a little bit of sod in here, and it's been seeded, it's not there yet, but the nice thing is this was one area that I am hopeful will, once it greens up, cut down on the suspended solid material leaving the property. I think one of the things it needs is, if the seeds taking, it just needs some good sunshine. This is along lots one through five, kind of spotty in different locations. I think this is actually lot, I think this is lot five here, but you can see we've got some, again, just kind of spotty vegetation and some wheat. So, we're kind of all over the place in there as far as, you know, some of it looks pretty good, some of it's still a little spotty. So, finally, the last condition was the actual one, which I know it's going to be discussed tonight, which said nothing shall be platted until everything is met. To date nothing has been platted, but I know that's going to be a discussion, or I think that's going to be a discussion of tonight. That's our inspection. I do know, like I said, that Mr. DeLucio is here, Mr. Stemaly is here, I don't know if he has any comments on the work being done here, and I know Mr. Fuchs is here. So, I'm going to turn it over to these folks and let them talk to you, unless you have any questions of John and I on the inspection.

Commissioner Melcher: We want to get all of the talking out there done first.

Jeff Mueller: That's fine.

Marco DeLucio: I'm Marco DeLucio. I'm here this evening on behalf of Jagoe Land, which is the perspective purchaser of some of these lots. This afternoon, at Mr. Mueller's request, I submitted a request and I hope you have that in front of you. That request is similar to the request that we made two weeks ago. That request is we believe that there have been, even two weeks ago, substantial progress out there at The Enclave. I think that's been indicated this evening. We would agree that there is still some work to do. What I would like to point out this evening is, when we were here two weeks ago the major issue was obtaining an easement and completion of the drop structure. When I left that meeting, and I think I got that impression at the meeting and certainly after the meeting, that completion of the drop structure may take three, four, five weeks, it might take some time to get the easement. So, I thought we would be here this evening without the drop structure there, and maybe even without the easement. I was surprised to hear late last week, or maybe it was over the weekend, that the drop structure had in fact been installed, that the easement has been obtained and recorded. Mr. Stemaly, as I think Mr. Mueller indicated had been out there all weekend trying to get this project up to snuff and try to meet some of these six or seven requirements that have been imposed. I think there's been substantial progress made. You've seen pictures out there this evening, Mr. Stemaly is going to talk a little bit about the work that he has done, some substantial progress being made. The request this evening, and we didn't have exact numbers last week, but we're asking that 17 lots be released that form up Section

Two of The Enclave, be released from the order so that the plat can be recorded, so that the land can then be transferred to Jagoe so that houses can be constructed. On the map that I've provided to you, and you each had a copy of that and I gave you a little larger version, the light green areas are lots that have already been sold to Jagoe and that houses have been completed. There are some red checked boxes, those lots are part of Section One that have been sold to Jagoe, and those houses are under construction. What we seek this evening is a release of 17 lots, which are the dark green structure. There are 17 of them, and out of those 17, 14 have already been pre-sold or pre-spoken for by customers of Jagoe. So, that if these lots are released, Jagoe would move very quickly, as soon as the plat was recorded, to close on these lots and begin construction. So, some of the conversation that you heard this evening about perhaps some of these lots not being completely seeded or having spots, I'm not sure make a tremendous amount of difference, because Jagoe is going to go in there and the first thing they're going to do is strip the top soil and begin to do some work out there and install some erosion controls to protect that way. So, hopefully that will solve some of the problem. We did show you some photos two weeks ago that showed the lots that Jagoe has constructed homes, and you'll see once the homes are constructed that they're completely sodded and they look like nice yards. A couple of things I'll mention, we heard tonight too for the first time some of the findings that Jeff presented and John presented, and I can tell you I leaned over and talked to Manuel Ball from Jagoe, you saw some areas where the houses were under construction where there was some erosion control issues. What Manuel indicated is that as soon as Friday those issues would be addressed, if not before. So, we'll take care of those problems. The request this evening is, again, to release those 17 lots. There will be, if you release those 17 lots, there will still be 25 lots out there, and those are kind of the white cross hatched areas out there. So, there's a substantial number of lots that will still be subject to the order. The Commissioners will still have a great deal of control in going forward to make sure that the work has been done. I hope that you would agree that the work that Jeff has done over the past two weeks, or really over the past month and a half as the construction season has progressed has shown and demonstrated that he's very aggressive on getting this work done, he's done a good job, you know, we're very pleased with the effort that Jeff has undertaken on the work out there. With that, I'll cede my time to Jeff so he can walk through his packet. He's got some photos in there to show you some of the work that he's done over the past couple of weeks. We would respectfully request that you approve the release of these 17 lots this evening so that the plat could be recorded, the lots transferred and construction could begin on these 17 homes. Jeff?

Jeff Stemaly: Good evening, I'm Jeff Stemaly, I represent The Enclave. This morning I dropped a packet off at the Commissioners office. Basically that is a progress report for the last two weeks, whatever we've gotten done, pictures to support everything that I tell you. I believe a lot of it will mirror what Mr. Stoll and Mr. Mueller have told you. The IDEM issue that was brought up earlier in our meeting, I contacted IDEM, a Mary Farren is the lady's name, approximately two weeks ago and introduced myself, told her that I would be addressing the issues that they have, but I had to take some time to get my head around it. I told her that I would contact her on June 10<sup>th</sup> after our meeting and I would have a better direction of how things were going to be handled. So, that issue will be taken care of.

Commissioner Melcher: Are you talking about this letter here?

Jeff Stemaly: Yes, sir. It came today.

Commissioner Melcher: You told her it would be June 10<sup>th</sup>?

Jeff Stemaly: I told her about two weeks ago that I would call her on June 10<sup>th</sup>.

Commissioner Melcher: And we got it on June 9<sup>th</sup>.

Jeff Stemaly: Yeah, good timing.

Commissioner Melcher: It's all starting to come together now.

Jeff Stemaly: I had the opportunity to meet with Mr. Fuchs last Thursday, to introduce myself and open a dialogue so that we may explore the path to resolving their issues. Nothing has been resolved at this time, but I believe we had a positive dialogue and we can find a resolution down the road to their issues. As stated before, I obtained the easement for the off-site drainage, I installed the drop structure. The drop structure needs a little bit of work for 100 percent complete. I agree with Mr. Mueller and Mr. Stoll, there are some items that need to be addressed, but this is a two week progress report, what I've gotten done in the last two weeks. So, with that said, I would request that you would release 17 lots so that we can continue this development and move it forward. Is there any questions that I could answer for any of you guys?

Madelyn Grayson: Jeff, do you have an extra packet that I can have for the record?

Jeff Stemaly: Yes, I will give that to you, yes.

President Ungethiem: Any questions or comments?

Commissioner Melcher: Not as of now.

President Ungethiem: Jeff, I just wanted to say, at this point in time, that I am pleasantly surprised at the progress that has been made in the last two weeks. I didn't expect the drop structure to be in the shape that it is right now, and I want to thank you for that effort to get all of that completed. I think substantial progress has been made. We all agree that it's not 100 percent, you know, it probably won't be 100 percent for a few months until we get some good weather to grow vegetation, but you have done a significant job of cleaning up some of the issues that were in front of us, and I appreciate that.

Jeff Stemaly: Thank you.

President Ungethiem: Do we have anyone else in the audience who would like to speak on this issue?

Don Fuchs: Good evening. My name is Don Fuchs, I'm an attorney here in Evansville, and I represent Barbara Bolin. Ms. Bolin is a widow who resides at 6816 Middle Mt. Vernon Road. She owns approximately ten and half acres there, approximately three of those ten and a half acres constitutes a lake that has been damaged by this development. As you all will recall, this development began in the fall of 2013. I was not representing Ms. Bolin at that time. I only began representing her in May of last year. What she advises me of is this subdivision, this development and the excavation work was started late in the year. The rains came, the winter rains came and the erosion started. She indicates to me that on September 1, 2013 she first contacted Mr. Stoll's office and advised him and his office of the damage

that has been caused to her lake. Ms. Bolin advises me that she has had continuing discussions and conversations and more, I would say, reports to Mr. Stoll's office there, and advising him of the continuing damage that has been caused by this development on to her property. That damage just is, basically consists of the soil erosion that has come from this development, over and across Felstead Road, over and across the ditches and the culverts and have poured into her lake. I think as Mr. Mueller even had stated in his presentation, because I've had continuing conversations with Mr. Mueller in this matter, is that they're evidencing and continuing evidencing that there is erosion that still comes on to Ms. Bolin's property. I didn't hear anybody discuss, didn't hear, the people from Jagoe Homes, didn't hear Mr. Stemaly or anybody advising of and representing to you that there has been no continuing damage to her property, because it is, it's ongoing. As I indicated, over the past, since September of 2013, Ms. Bolin has been on record on numerous times of advising Mr. Stoll's office of the damage to her property. I began representing her in May of 2014, and at that point in time, I've attended certain of these Drainage Board meetings where this issue has come up. I've tried to voice my concerns of her continuing concern with the fact of the ongoing damage to her property, and equally as important is, there's been no remediation to the damage to her property. What I've asked for is that a drainage plan, or a more effective drainage plan, be put into effect, and we have seen that. It's the October 28, 2014, and there's been a modified drainage plan, I believe to address certain of Ms. Bolin's concerns. I've also asked to have developed a remediation plan. I've had discussion with Mr. Buck about that. Is how is he going to effectively remediate the damage to her property? Mr. Buck's response was is that he offered a lot. He said, Mr. Fuchs, here I'll give your client a lot out in my subdivision that's adjoins your property. What about that for full and complete damages? I said, no, that doesn't do it, because first of all I haven't been assured that there's not going to be any continuing damages, and secondly is, to be quite honest folks, I have no idea of what the cost is going to be to remediate and put Ms. Bolin back into a position that she was in prior to this development. I just note to you is that Jim Morley, Jr. was, my understanding was part of putting together the drainage plan. Mr. Morley acknowledged to me is prior to this, The Enclave, prior to the excavation work, his own words were is the fact that Ms. Bolin's pond, her lake, was pristine. I don't, I assume, I think all of you gentlemen have been out there and have seen her lake, and it's less than pristine. There was a discussion with Mr. Buck after I rejected his offer of providing us a lot in full exchange for settlement in this matter is that I was contacted by a Becky Langford on behalf of Mr. Buck that indicated that she wanted access on to Ms. Bolin's property to look at doing some soil sampling and to start to develop an assessment of her damages. We gave her permission to come on to the property, and it was arranged. She did come on to the property near, on or about the Thanksgiving holiday of last year. The weather conditions were such that she could not do any soil sampling, and she indicated that she would be back at a later time. I want to represent to you is no one has been on that property to do any plan of remediation. Mr. Buck knows how to get a hold of me. He knows that I've served as legal counsel, no one has contacted me to have permission to go on Ms. Bolin's property to address the damage, and we would welcome that. I believe that you all are familiar with, or hopefully are familiar with the order that was entered by IDEM, an agreed order on January 26, 2015. I have copies that I would like to make part of the record. This is a 16 page order of where, and it was an agreed order, Mr. Buck as it indicates as doing business as Eagle Enclave Development, LLC voluntarily entered into this agreed order with IDEM. I bring to your attention is that there is numerous admissions on his part, on behalf of this development, as to how that they are in violation of the various erosion control measures that were to be put into effect. I bring your attention to page four where it states, "Based on inspections

on September 30, 2013; October 15, 2013; January 13, 2014 and June 17, 2014, Respondent", being the developer here, "failed to ensure that all storm water quality measures and erosion and sediment controls necessary to comply with this rule were implemented as explained below." It goes on to indicate of all the violations. It goes on to say that; "Respondent failed to implement and maintain appropriate storm water quality measures in accordance with the construction plan, and/or the measures beyond those specified in the construction plan in accordance with the Indiana Administrative Code". I bring your attention to page seven of the order, where the actual order section of this document starts, and it says in paragraph two that "Respondent shall comply with all environmental statutes and rules listed in the findings at the above issue." That he was to implement a plan, a self-monitoring plan to show that he was in compliance with all of the necessary requirements of the Indiana Code. In paragraph five it states that within 30 days of the effective date of this order, he was to submit a plan, including specific actions to take to remove accumulated sediment from the road ditch on the east side of the respondent's property and the unnamed tributaries of Bayou Creek. Within 60 days he was to submit a plan, including specific actions that the developer was to take to remove any sediment attributable to the activities of the site from the off-site pond owned by Barbara Bolin. You'll note in here that there are various provisions in here for him, for the developer to pay penalties in the event he complies. He has not complied with that. As a matter of fact is that the letter that Mr. Mueller provided you from IDEM today, I received a copy of it because I called IDEM approximately two weeks ago, or maybe more than that, asking where is the remediation plan the developer was supposed to provide? I hadn't been provided a copy of it, and I wanted to know where they stood with IDEM. They advised me that they had not been provided with me, and that they were taking this matter under advisement as to what enforcement action they were going to take in this matter. Like Mr. Stoll and Mr. Mueller, I was copied on this letter of June the 9<sup>th</sup>, which indicates they have not received the remediation plan, and that they have levied more fines against the developer. So, where do we stand today? On October 28, 2014 the final drainage plan was approved by this Board. Seven months later, seven months later and now we have the developer coming in and indicating on last minutes effort to come in compliance with your drainage plan. Seven months later they're working on there day and night to bring themselves in compliance with this. The only reason they're bringing themselves, in my opinion, in compliance with it is because the October 28<sup>th</sup> order indicated there will be no platting, there will be no release of lots until you bring yourself into compliance with this. What is the report here today from Mr. Mueller and Mr. Stoll? They've made progress. Are they there? Do they have full compliance with this? Absolutely not. Is there damage still to my clients' lake? Yes. Is there damage to her surrounding property? Yes. I didn't hear anything about what Jagoe Homes is willing to do, about what the developer is willing to do to make a commitment to Ms. Bolin to get her property addressed. So, they're not in full compliance with the Drainage Board, but they come here and stand before you and say, we want, what, 17 lots released? I've had discussions with the developers banker, Evansville Commerce Bank, and what they've indicated to me is this, this is a highly, highly leveraged development. Which means is this, is that the indebtedness that is owed, the mortgage indebtedness that's secured by this real estate is extremely high, and this is a very thin development. What that means to me is that as more lots are sold, Jagoe comes in, does what they need to do, they're gone, my client is going to be left with nothing. Now, if this was a couple of months ago when this transpired I could understand of giving some leeway and some credence, but folks this has been going on for two years. Now they come before you and say, you know, we're not fully in compliance with this, but we want you to kind of look the other way and to release these lots. You know, I don't have any problems

in you releasing these lots, but you know what I would like, I would like Jagoe Homes, I would like Mr. Stemaly, I would like Mr. Buck to come up here and represent what they're going to do to effectuate, first of all, a plan to remediate Ms. Bolin's property, the damage to her property, which is required by IDEM. This is an order required by IDEM. I would like to hear from them what they're going to do to put into effect a plan of remediation. Then I would like to see who's going to stand behind that to take care of her problem and to make sure that her property is put back to the condition that it was prior to this development. I'll conclude by saying this, this was a, for lack of a better term, a botched development from the beginning. They didn't comply with the rules and regulations that you all had imposed. They're not in compliance with them today. You know what, one of our taxpayers has been damaged. She's a widow lady that's in her late 60's that lives adjacent to this property, and because these people have not complied with what they're supposed to do, she's been damaged. She asks me after every meeting, she said, Don, do the people hear you? Do they hear the damage that has been caused to me? What are they going to do about that, Don? I said, I don't know, Ms. Bolin. I've been waiting for somebody to step forward and say we're going to address your problems. We stand up and we're going to take care of that. I don't hear that. So, in view of those circumstances is I have no other means but to oppose this. There shouldn't be any release of lots until, number one, at a minimum, that the County Engineer, the County Surveyor can come up and stand and say to you is Ms. Bolin's property, or anybody else's property that's affected by this, is not damaged any further. Then, secondly what I would like to see is somebody stand up and have some financial standing and say, you know, we're going to take care of that problem for her. We're going to develop a plan of remediation, and we're going to make sure that that plan of remediation is put into effect. My position is, gentlemen, until that's done, there shouldn't be any release of any further lots in this subdivision. Thank you.

President Ungethiem: Thank you, Mr. Fuchs.

Manuel Ball: Manuel Ball with Jagoe Homes. We do understand what Mr. Fuchs' issues are. We're definitely sympathetic to the property owner. If, in fact, what we're really looking for today is for no more damage to the lake, I think releasing those lots actually gets you closer to that point much quicker. Because what we're going to do in a matter of approximately 90 days after the start of a home is we're actually going to sod each one of those lots, and the problem goes away. So, we, as Mr. Stoll stated in the report, you see that we have a few issues. I think Mr. Stoll would state that those are maintenance issues that we may come across from time to time, but we always address those very quickly. In fact, while we were sitting here tonight, I've already made a text to our subcontractors, and I've actually requested that that be completed by tomorrow afternoon. So, those kind of items are going to come up, unfortunately, throughout the construction of a house. I don't think you'll find any home builder at all that's always going to be 100 percent compliant on erosion control. I think we strive for that. I think, I would hope that John and Jeff would state that we're some of the better homebuilders here in town that do actually do our best to comply with those. But I would, if our real issue is erosion control with the lake, if you set everything else aside and if that's what the issue here is, I really and truly think that the best way to resolve that are to release these lots so that we can stabilize this ground, we have homeowners there, and it's never disturbed again. Because what's going to happen, if we hold this off, we're going to hold this off for another two months until everything gets completed, and I realize it has been a long time. We're not in charge of the items that have been requested to be done at the October meeting, however, there have been some winter months where nothing could really take place. Even if we wait the two or three months, whatever it may



take to get every item completely in compliance, we are then going to kinda take a step backwards. Because what we're going to do is, the first thing we're going to do on every one of our lots, we're going to come through and we're going to put up individual erosion controls on each lot, and then we're going to disturb what we just waited two months to have. So, I really and truly think that the best way to get to the end of this, as quickly as possible and resolve any further issues with the lake, would be for us to move forward with these 17 lots. Thank you for your consideration.

President Ungethiem: Thank you.

Marco DeLucio: I won't, I don't want to speak for Jeff, but it's my understanding, this process has been going on, and it has been going on for a long time. Jeff Stemaly has stepped in in the last couple of months and made giant strides to get things done. You know, the fact that he finished this in a couple of weeks, I think, is a plus, not a minus, that he's trying to get it right. Now, there's still going to be 25 lots out there that can be, you know, that would still be subject to this order, that would still, that you would still ask for the compliance with the drainage requirements that are out there. We have to deal with IDEM. IDEM has imposed a fine that's going to be a weekly fine going forward until the remediation plan is submitted. Jeff indicated to me, Jeff Stemaly indicated to me this morning or this afternoon that the, Becky Langford I think is her name, has made plans to be out there on the 19<sup>th</sup> of June? To get organized and to start that process. He's committed to do that. He has been focused on these on-site issues right now, trying to get the on-site issues resolved. As those start to fall aside, which they are, he's indicated that he's going to start to pursue these off-site issues and the problems with Ms. Bolin's lake. So, whether this is thinly capitalized or not, I think there's been discussions between, I haven't been party to those discussions, but I think there's been discussions between Mr. Fuchs and Mr. Stemaly about ways to address concerns that there will be funds at the end of this to do the remediation. I think they've talked in terms of some kind of an escrow of lot sale proceeds so that there would be a fund to build to address any remediation issues that were going to be needed. Those issues haven't been resolved yet, but they can be, and they can be resolved while you still have these 25 lots there. Jagoe is going to come back again and ask for the release of the lots that they intend to purchase, and that issue can be addressed at that time. We think it will be addressed at that time given Mr. Stemaly and his banker and Mr. Fuchs, Ms. Bolin trying to work out a resolution to make sure there's some financial viability in order to complete the remediation work. So, with that, we would request that, again you approve the release of these 17 lots so that some home construction can start and remediation of the drainage issues start to be resolved as these houses are built. Thank you.

President Ungethiem: Mr. DeLucio?

Marco DeLucio: Yes?

President Ungethiem: Let me ask you a question just for clarification. You're here representing Jagoe Homes?

Marco DeLucio: Yes, sir.

President Ungethiem: You are not here representing Eagle Enclave Development, LLC?

Marco DeLucio: I am not. No, sir.

President Ungethiem: Mr. Ball, obviously is from Jagoe. Mr. Stemaly, do you represent Eagle Enclave Development, LLC?

Jeff Stemaly: Yes.

President Ungethiem: You are a partner in that?

Jeff Stemaly: A member.

President Ungethiem: A member in that LLC, okay. My understanding here, if I listen to what's going on here, the issue that Mr. Fuchs has is with Eagle Enclave Development, LLC, and their failure to remediate the issues around his clients' property and his lake. What he is asking is a plan, which IDEM also asks for a plan, and I see nothing in any of these documents about a plan for remediation, and he's also asking for a commitment, with a time line, and some money to back it up to do that remediation. Mr. Stemaly, can you tell me when we will see that plan and that commitment of that time line and that money?

Jeff Stemaly: As I stated earlier, I took over this responsibility approximately six weeks ago. The first item I did, I had a meeting with Jeff Mueller and John Stoll, they addressed their concerns with me. The immediate concern was silt laden water leaving the site. Stop the source of the water leaving the site. So, I put all of my efforts on the on-site erosion control, the drop structure, all the entities within the subdivision so that we did not have silt laden water leaving the site. I think, by the testimony you've heard tonight, there's been tremendous progress. With that said, I'm at a point where I can start turning my attention towards the IDEM issues. As I stated earlier, I contracted IDEM approximately two weeks ago, I introduced myself and told them that I would be working with them to get these issues behind us. I met with Mr. Fuchs last week, we didn't resolve anything, we introduced ourselves, he didn't know me, I didn't know him. We simply, it was a starting point (Inaudible) some issues. So, to answer your question, I can't tell you exactly how this is all going to unfold. A lot depends on if we get lots released, how we can fund the stuff, I don't have those answers until I see how this all unfolds. As I previously stated, my main concern up to this point has been everything on-site, stopping the silt laden water from leaving the site, as Mr. Mueller and Mr. Stoll indicated we have to do that, stop it. So, now we're getting that under control, I can start looking at these other issues. I have spoken with Becky Langford in the last couple of days, we've exchanged information, I have to provide Mr. Fuchs with some names, insurance certificates and stuff before we enter the property, and get all that together. So, I am making progress, but I don't know that I can accurately answer that question at this time. I would be glad to come back in two weeks and give you a report of where we're at in two weeks, but I don't feel comfortable going out on a limb and promising you something that I'm not sure about.

Commissioner Kiefer: Jeff, I think I heard somebody, maybe it was Mr. DeLucio or maybe it was, you know, somebody else, but I thought I heard somebody said June 19<sup>th</sup> as a date for the remediation plan.

Jeff Stemaly: They are available on June 19<sup>th</sup> to go on-site. Yes, that is accurate, but prior to that date I have to give Mr. Fuchs names, certificates of insurance to show that these people are insured. He has a list of items he would like. All of it was reasonable, but I haven't given him those items. So, I need to get those items before we can go on the property.

Commissioner Kiefer: I understand. Okay, thanks.

President Ungethiem: I heard Mr. Fuchs indicate that he believes this development to be highly leveraged. You just made an indication that you needed the lots to be released to get the money to proceed. Give me an indication of how close you are to being over leveraged in this development.

Jeff Stemaly: Well, that's something the bank would probably have to answer. The bank gets a portion of the proceeds from every lot. They get the bulk of the money. We get a small portion to put in the account for odds and ends stuff. The bank gets the bulk of the money, but it's probably going to be, even at the end of this project, it's still going to be over leveraged. We'll have to depend on the selling of the properties that Jagoe is not interested in to pay off the final debt. So, selling Jagoe these portions will not pay off everything. When we sell the commercial portion of the property and the three other outlets to the south, we'll be able to pay off everything. I'm not sure if that answers your question.

President Ungethiem: What portion of these lots is Jagoe planning to purchase?

Jeff Stemaly: I believe—

President Ungethiem: Is it just the ones that we're talking about?

Commissioner Kiefer: The residential section?

Jeff Stemaly: I believe you have a....I believe on the sketch that they gave you—

Marco DeLucio: It's everything except, you see there's six lots—

Commissioner Kiefer: Commercial.

Marco DeLucio: -- to the north and south? I think Jagoe is committed to buy all of the lots that look like the residential lots. The ones on the south, south of Cliftwood, those are residential lots Jagoe is not committed to buy. I'm not saying they won't, not saying they will.

President Ungethiem: So, 38, 39, 40?

Marco DeLucio: Yes.

Commissioner Kiefer: All the big lots they're not buying?

Marco DeLucio: That's correct.

Commissioner Kiefer: The small lots they are?

Marco DeLucio: That's correct.

President Ungethiem: 57, 58, 59?

Marco DeLucio: Correct.

President Ungethiem: Are the commercials? The rest of them you're already committed to purchasing those lots? Commissioners, any questions?

Commissioner Kiefer: No, and I understand the funding part with the bank, I mean, that's typical that the bank is going to make a draw on every lot sold. You know, percentage based upon pro-rated based upon the total development. So, I understand that. I think the real question is, is there enough money, and I think this is Mr. Fuchs' concern, is there enough money to do the remediation plan. That's yet to be determined, because you don't even have the remediation plan accomplished yet.

Jeff Stemaly: That's correct. I've just gotten involved in that portion of the issues—

Commissioner Kiefer: Right.

Jeff Stemaly: – two weeks ago.

Commissioner Kiefer: Okay.

President Ungethiem: Do you have a guesstimate of when that remediation plan would be available?

Jeff Stemaly: Well, I won't be doing it. I'll be pushing people to get it done. So, if we could pull it together on the 19<sup>th</sup> and get Mr. Fuchs the information he's requested, I would say within two weeks after that they would have something. That's just speaking off the cuff.

President Ungethiem: Okay. Other questions?

Commissioner Kiefer: No, I think I understand what's going on, and I'm aware of, seemingly aware of the situation. So, I'm ready to move forward with something here.

Commissioner Melcher: The attorney wants to come up.

Commissioner Kiefer: Don, did you want to say another comment?

Don Fuchs: May I?

President Ungethiem: Yes?

Don Fuchs: I have an excellent working relationship with Mr. DeLucio, we've worked on a number of projects. He advised me, it seems like approximately two weeks ago. Marco, correct me if I'm wrong, we were meeting in his office and he indicated to me that Jagoe was going to become involved in this matter, to become more assertive to see if we can't make some progress. I told Marco that was very encouraging for me to hear. I also spoke to Marco about Jagoe's willingness to step up and to commit to certain things to make sure this development was successful and that a plan of remediation be put into effect to address Ms. Bolin's property, as well as to be able to possibly fund that. Those discussions never went any further than that. So, we have Jagoe coming here before you this evening, they want the benefit of being able to take these, have these lots, but I've never heard any commitment on their part to address what needs to be done to bring, first of all, to bring this subdivision in full compliance with the October 28<sup>th</sup> drainage plan. With respect to my discussions with Mr. Stemaly is, yes, we did have a good first discussion last Thursday, but I've talked to Mr. Stemaly today, and I told him this on Thursday is, what I was looking for is, so that I could step before you all and say, we've worked

out an arrangement that Ms. Bolin is comfortable with and we're supportive of the release of how many lots you want to release. I told him what I needed is this, I needed a commitment for a remediation plan, which they're already required by IDEM to do, but furthermore is, I wanted a commitment insofar as a dollar amount and who is going to stand behind it to effectuate the remediation plan to make sure that's put into effect. I don't have that. In his discussion about some money in escrow, I told Mr. Stemaly that I was rejecting that offer. That's not near enough money to get the job done, and the circumstances to wait until all of these lots are sold and incrementally money comes out of each lot to be put into a pot, that's not going to get it done.

Commissioner Kiefer: Don, I have a question. Does your client have an idea on what the damages are?

Don Fuchs: Joe, they don't, and here's why. That's an excellent question. Here's why, is until the damage is stopped, my point has been with Ms. Bolin and with IDEM is why put forth a plan of remediation when the damage is on-going. From our standpoint, Ms. Bolin's standpoint, the damage is continuing. Mr. Mueller indicated that. So, no, long answer to a short question is, no, we don't know.

Commissioner Kiefer: I mean, is it damage to like the banks of the lake? Is it damage to anything outside of the water? Is it damage just because of the coloration?

Don Fuchs: The sediment, we believe there's a significant amount of sediment that has been poured into her lake. That will eventually—

Commissioner Kiefer: So, that sediment needs to be removed?

Don Fuchs: And let me say this, Mr. Kiefer, she has received an estimate, it's been months since I've looked at that, she said that the cost was \$100,000. Now, I have no idea, I cannot recall who it was, whether they were competent to give that estimate, whether there's any credence, but what she indicates to me, she has an estimate of \$100,000 to remediate her problem. I would hope that it's less than that. So, what I'm asking for is this, until these issues can be resolved, why should there be a release of these lots? We have known about these issues for months, for numerous months, and we're here at the last minute and saying, oh, we think that we're close to it, we need this done. Well, my concern is you release 17 lots tonight, where does that put my client? In a situation that's been on-going, it's been a problem for two years. What message does that send to her and to other people insofar as the regulation that's on-going to protect people who have adjoining property insofar as damage to their property?

Marco DeLucio: Very quickly, Mr. Fuchs is entirely correct. What I want to point out is I said Jagoe would get involved, and Jagoe has gotten involved. Jagoe's gotten involved by pushing the developer and Mr. Stemaly to get this work done. We wouldn't be here tonight if it wasn't for Jagoe's efforts to try to push this across the finish line so that we could move forward. If these lots are not released, if the project is going to be held up, there's no, you know, Jagoe may have to start looking some place else, and then you're going to have a piece of ground out there with no buyer of these lots. So, we think that if you do this, it does create some funds for the developer to continue to do some of the things that the developer needs to do and should be doing and has been doing, and it also allows for him now to turn his focus to try to solve some of these problems that Mr. Fuchs is talking about. Thank you.

Commissioner Melcher: Before you sit down, what lots do you want?

Marco DeLucio: Our lots, the lots that we wanted are set forth—

Commissioner Kiefer: The dark green?

Marco DeLucio: – the dark green there, Steve. So, it would be lots—

Commissioner Melcher: Just, the tape can't pick up the dark green.

Marco DeLucio: Okay, it is lots one through five, 33 through 37, and 50 through 56, 17 lots.

President Ungethiem: Mr. DeLucio, would Jagoe be willing to be, how should I say this, a partner with Eagle Enclave Development in putting up a retaining, or a retainer of money to correct the situation that is, has happened across the street at Ms. Bolin's?

Marco DeLucio: To be honest, I think they are. They are going to be a partner with these folks, because they are going to be buying the lots that does create some funds for the developer to do this.

President Ungethiem: Well, I understand that it creates funds for the developer. My question is, would you be willing to put aside some of that money in an escrow, or in a separate fund that would be strictly for, instead of all of that money going to the developer, some of that money going to the remediation of the issue across the street?

Marco DeLucio: Jagoe has operated this project on a budget in order to get these homes sold for the price that they are going to have to take, that any of those funds, any of the additional funds cuts into any profit, or maybe eliminates any profit that Jagoe may have in the development. As I stand here today, unless Manuel comes up and tells me, I don't think, if you're asking will Jagoe throw additional dollars at this to solve a problem that really Jagoe didn't cause—

President Ungethiem: I understand.

Marco DeLucio: – I don't think so.

President Ungethiem: Okay.

Commissioner Melcher: Can you read off those, so I can write them down.

Marco DeLucio: The lots again?

Commissioner Melcher: Uh-huh.

Marco DeLucio: Lots one through five, lots 33-37 and lots 50 through 56.

Commissioner Kiefer: Okay, I would like to make a—

Commissioner Melcher: Before you get there, what about lot 52?

President Ungethiem: Jeff, would you speak to lots 50, 51, 52 and their relationship to that basin? You had some concerns about those.

Jeff Mueller: Yeah.

Commissioner Melcher: Especially 52. So, we just want to make sure.

Jeff Mueller: Yeah, on all three of those lots, when we had this discussion last week, you know, one of my concerns was if you guys did decide to move forward, that I thought that those three lots should be excluded, because of the ability to access the basin and make sure....what I don't want to see is a couple of houses built up there, then we have to get in there and clean the basin, and I know there's drainage easements and you should be allowed to do that, but when a homeowner buys a house and he's got his barbecue grill out back, and then you have to go in and clean the basin because something happened, then all of a sudden John and I are out there dealing with those complaints. So, my issue always was that if something was done out here, that those three lots be withheld for now. I think that's, and 52 is one of those three.

Commissioner Kiefer: Okay.

Commissioner Melcher: Because when we were talking I thought it was just 52, but it's all three?

Commissioner Kiefer: 50, 51 and 52?

Jeff Mueller: Yes, it was all three.

Commissioner Melcher: You still think that, since they've got that basin where they've got it now?

Jeff Mueller: I'm still concerned, you know, until we get everything green, that basin looks beautiful, but until everything else gets green, if it gets silted up, the ability to clean it out. That's my concern. I think the basin looks good. I think it really does, but, you know, we could have a toad strangler and end up with a bunch of mess in there. That's my concern. I would like to be able to, if we had to, to contain any issues on property.

Commissioner Melcher: Okay, Marco, what about those three lots? Do you need them today?

Marco DeLucio: Well, as you look at that drawing you'll see that 50 and 51 are not sold. So, I couldn't tell you that we need those today.

Commissioner Melcher: So 52 is sold?

Marco DeLucio: 52 is sold, you know, so, we would prefer to have 52 if that could work out, but 50 and 51 are not sold. I guess, I would want to know, you know, would those be conditioned upon completion of some of these items that we talked about tonight with the seeding and finishing up the drop structure, those kind of things? So, we would be back, whether it's two weeks or four weeks maybe and ask for those. I think what we talked about was, I think John had indicated maybe there might be some way you could release those, but provide that there wouldn't be addresses

given, which would prohibit building on those lots until you were otherwise satisfied that we've satisfied some of these other issues.

Commissioner Melcher: I wonder if we just gave you 52 that's sold and held the other two. To me that sounds reasonable.

Marco DeLucio: That's fine.

Commissioner Melcher: That way Jeff's concerns are covered. Is that alright, Jeff?

Jeff Mueller: Not completely, but—

Commissioner Melcher: Well, you can still get in there without damaging somebody else.

Jeff Mueller: No, I mean, at least on fifty, I believe the outlet's on 50 or 51, at least if we got some bad amount of silt coming through there, they could go in and throw something up at the pipe and stop it from leaving.

Commissioner Melcher: Okay.

Jeff Mueller: But, you would still be at issue with trying to clean it if that was a problem on 52. Do you understand where I'm trying to come from is being able to address an emergency situation.

Commissioner Melcher: I know, that's why I brought it up.

Jeff Mueller: No, and I appreciate that.

Commissioner Melcher: That's why I brought it up, and that's why I keep going back—

Jeff Mueller: You know, we could say you could go ahead and plat them, but you could say, but we'll write a letter saying the Area Plan will not issue any building permit on 50 and 51 until this Board sends a different letter.

Commissioner Melcher: No, let's just do it this way, the way we're doing it now.

Jeff Mueller: Okay.

Commissioner Melcher: Because that way we put it in their hands. I would rather do it this way.

Jeff Mueller: Okay.

Commissioner Melcher: So, we could, we can make the motion to accept the lots, except for 51 and 53, or whatever it is.

Joe Harrison, Jr.: 50.

President Ungethiem: 50 and 51.

Commissioner Melcher: 50 and 51, so that's a motion.



Commissioner Kiefer: I'll second that, and I want to do it with a couple of comments. This is a really difficult deal because you want to try to please everybody involved, you have sympathy and you totally understand complaints from the neighbor. Yet, on the other hand, you know, we've got a situation where there's people waiting to move into their new homes, you know, and they've got other houses that they're selling and people waiting to move into those homes. I do believe that we've got enough clout here with this, I mean, there's a lot of pink on this sheet, and I think we're going to have to use the remaining lots here to really hold that, the feet to the fire to the developer to solve these problems, get that remediation plan in, and finish up all of the troubles out here. So, with that in mind, as difficult as this whole situation is, I do think selling some of these lots to create the cash flow and get the yards done and everything that Jagoe's going to be able to do and keep the interested party of Jagoe involved, I'll second that motion.

Jeff Mueller: Mr. Kiefer, can I make one comment?

Commissioner Kiefer: Yes.

Jeff Mueller: I understand what you're saying. One concern that I do have is that we're not here two months from now and somebody's saying, well, we've got lots such and such and such and such and such and such that are in the striped—

Commissioner Kiefer: Right, so, I would suggest that—

Jeff Mueller: Yes.

Commissioner Kiefer: — hold off on these land sales after these lots are approved until we get these problems solved.

Jeff Mueller: Yes, I would really appreciate that, because, you know—

Commissioner Melcher: I think that's what was already sent to them, that it wasn't going to be all of them, and that we're holding the rest, as they're doing it, we might release a few more, but let's see a lot of movement like we have this last two weeks.

Jeff Mueller: Yeah, I just don't want to have these e-mails coming at us, well, I bought—

Commissioner Kiefer: No, I agree.

Jeff Mueller: — lot so and so, and, you know.

Commissioner Melcher: We get it. I got 400 the week I was gone on vacation last week, 400, and I've been working on them all weekend.

Jeff Mueller: So, anyway, that's my—

President Ungethiem: Commissioner Melcher, would you like to amend your motion to indicate that you would recommend lots one, two, three, four, five; lots 33, 34, 35, 36, 37 and lots 52, 53, 54, 55, 56 be released, and that no other lots be released until the remediation work is complete, per this agreement.

Commissioner Kiefer: Remediation work, or the—

Commissioner Melcher: Are you talking about IDEM's?

Commissioner Kiefer: IDEM's remediation?

President Ungethiem: Our agreement.

Commissioner Melcher: Okay, our agreement?

Joe Harrison, Jr.: Today's amended.

President Ungethiem: As amended, would that be satisfactory to you, Jeff? Or, does that—

Commissioner Kiefer: Well, not released, but also we're asking for them to hold off on these lot sales until, you know, we make progress, until we get it completed, because I understand they're almost complete. You know, this gives them a little carrot on the stick to get, you know, to keep things going—

President Ungethiem: Right.

Commissioner Kiefer: – but, also doesn't give away everything until it's done.

President Ungethiem: Right, we release those lots, but basically state that we will not release the other lots—

Commissioner Kiefer: Right.

President Ungethiem: – until—

Commissioner Melcher: Until some—

President Ungethiem: – this is done.

Commissioner Melcher: – I'm saying until that is done or close enough where Jeff okays it.

Commissioner Kiefer: Okay.

Commissioner Melcher: I don't want to get involved with IDEM's problems.

Commissioner Kiefer: I'll amend my second.

Commissioner Melcher: So, that's fine, I'll take the amendment. I'll move the amendment.

President Ungethiem: Okay.

Commissioner Melcher: But, I don't want to get involved in IDEM. We've been involved with IDEM a lot. Let IDEM take care of IDEM. You know, that's between them and IDEM, not us.

President Ungethiem: Okay, we have a motion and a second. Any other discussion?

Commissioner Kiefer: No.

President Ungethiem: Other comments from the public? Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: I vote yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: I'm going to vote yes, and, Mr. Stemaly, I would strongly suggest that you get with Mr. Fuchs and get the plan together for the remediation of that lake and get some sort of agreement between Eagle Enclave Development, LLC and Ms. Bolin and let's get that behind us.

**(Motion approved 3-0)**

<b>Other Business</b>
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President Ungethiem: Jeff?

Jeff Mueller: A couple more things on the agenda then we'll get out of here.

Commissioner Melcher: There is?

Jeff Mueller: Yes, real quick. Other business, just a quick note, I went out to the ballfield project on Heckel Road the other day, yesterday as a matter of fact. They installed the drainage along the south boundary of Mr. Effinger's property.

Commissioner Melcher: (Inaudible).

Jeff Mueller: I'm not getting in to that one.

Commissioner Melcher: What about the scoreboards?

Jeff Mueller: I'm not getting into that one either. The only scoreboard I was looking at was will water run downhill. They did the work out there that we had talked about. I sent an e-mail to Mr. Warren thanking him for addressing the problem. So, I think maybe we've got one put to bed.

President Ungethiem: Yeah, I saw that when I was out there and it looks very good.

Jeff Mueller: Yeah.

<b>Ditch Maintenance Claims</b>
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Jeff Mueller: The only other thing is ditch maintenance claims. You've got three claims for a total of \$2,636.24. I would recommend approval of those claims.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: All in favor say aye.

All Commissioners: Aye.

President Ungethiem: Opposed? The motion carries.

**(Motion approved 3-0)**

President Ungethiem: Anything else, Jeff?

Jeff Mueller: Thank you, gentlemen.

Commissioner Kiefer: Move to adjourn.

Commissioner Melcher: Second.

President Ungethiem: Ditch meeting is adjourned.

(The meeting was adjourned at 7:43 p.m.)

**Those in Attendance:**

Bruce Ungethiem

Jeff Mueller

Marco DeLucio

Manuel Ball

Members of Media

Stephen Melcher

Joe Harrison, Jr.

Jeff Stemaly

John Stoll

Joe Kiefer

Madelyn Grayson

Don Fuchs

Others Unidentified

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Bruce Ungethiem, President**

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**Stephen Melcher, Vice President**

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**Joe Kiefer, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
JUNE 23, 2015**

The Vanderburgh County Drainage Board met in session this 23<sup>rd</sup> day of June, 2015 at 5:47 p.m. in Room 301 of the Civic Center Complex with President Bruce Ungethiem presiding.

**CALL TO ORDER**

President Ungethiem: I would like to call to order the Drainage Board meeting for Vanderburgh County, June 23, 2015.

**PLEDGE OF ALLEGIANCE**

President Ungethiem: Steve, would you lead us in the Pledge of Allegiance?

Commissioner Melcher: Yes, sir.

(The Pledge of Allegiance was given.)

**APPROVAL OF THE JUNE 9, 2015 DRAINAGE BOARD MINUTES**

President Ungethiem: Okay, I would like to entertain a motion for approval of the previous board meeting minutes.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Ungethiem: All those in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Ungethiem: So approved.

**THE STABLES: PRELIMINARY DRAINAGE PLAN**

President Ungethiem: Jeff, The Stables preliminary.

Jeff Mueller: Alright, the plan is for a proposed 32 lot subdivision, just south of Pollack Avenue and east of Green River Road. The subdivision is just south of the present subdivision under construction called The Stables. So, this is The Stables right here, and this is the proposed subdivision down here. You have in your package the review document of the drainage plan that was submitted. The drainage plan was originally submitted on June 12, 2015, with revisions submitted on June 19, 2015. The plan that is requested to be approved consists of the complete revised document dated June 19, 2015, along with ten drawings that consist of a cover sheet, a proposed plat, index, basins, drawing RP-1, DE-STRM, SP-1, WE-1 and two EVV water and sewer detail drawings. The drawings are all dated June 18, 2015, except for the plat which is dated June 15, 2015 and the water and sewage detail drawings, which are dated May 26, 2010. Included with the request is a letter requesting a variance to except detention. The letter is copied in your package, along with a copy of the review comments for the drainage plan, which upon your approval will also be made part of the approved drainage plan. Mr. Chris Combs, the developer, is present to speak on the plan, and specifically on the request to waive detention requirements. I'm going to put you to the next slide here, that will help him tell you what he's requesting.

Chris Combs: Hi, I'm Chris Combs, I'm the developer for The Stables Subdivision. We currently have been developing The Stables, the original 17 acres there, and we ended up buying the 5.8 acres from the lady next door that was the additional horse farm that was there. I've got my engineers here to answer any questions, you know, from the standpoint of how the water is flowing. Basically, in a nutshell, when we started the project, our water that comes off our site gets to the pump station and the ditch, Aiken Ditch, it goes to it, which you can see right up here that ahead of all of the water on the east side of Evansville, and it gets to the pump station and is gone. When we started the project when Bill Jeffers was still here, we met with him and got the approval for The Stables, the original section to not have any retention, and discussed with him, when we were going to be buying the additional property and how the water would do the same and get on out of there. So, I'm here today asking just to have the same thing that I've got on the original section. That water comes again, and the engineers have got all of the stuff to Jeff, as far as all of the calculations that everything works, to where our water would get out of there well ahead of any water that comes from the east side of Evansville.

President Ungethiem: Jeff, we're adding, it looks like another 50 percent by area property to this. Any issues with that ditch or that pump station handling that additional amount? It does it now, right?

Jeff Mueller: Yeah, I mean, I know where Bill was coming from, and there is a provision in the code that states that if it's along Pigeon Creek or the Ohio River, and this is Aiken Ditch, but it's going right into the Ohio River. The idea on that section in the code is that, you know, it's great to detain water, but sometimes if you can get rid of some of it before all of the rest of the water hits ya, that's the thing to do. That was the thought process on this particular development when Bill agreed to it before, was, you know, the water it runs out that little light blue line, which is a pipe in the ditch, and then Aiken Ditch is right there, and then there's a pump station. So, it kicks it out before all that water north of Pollack from those subdivisions hits down there. So, that's the idea. So, what Chris is asking for is something that is just to extend on part of his subdivision that, you know, Bill originally agreed to. I don't have a problem with it in this particular instance.

President Ungethiem: But, it's doing that now?

Jeff Mueller: Yes.

President Ungethiem: He just saying that he doesn't want to retain that water?

Jeff Mueller: Yes, that's correct.

President Ungethiem: By retaining that water and trickling it out and waiting for the rest of the water to come to it, we may even put more load on that pump station than what is there now.

Jeff Mueller: At the wrong time. That's correct.

Chris Combs: That was actually the idea on that.

President Ungethiem: Understood. Are there any other public comments on this particular issue? Commissioners, any questions?

Commissioner Melcher: No, I move to approve it.

Commissioner Kiefer: Second.

President Ungethiem: There's a motion and a second to approve this. Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes, and Joe just mentioned that this is a preliminary drainage plan. So, we want to make sure that that is a preliminary. Yes, I approve.

**(Motion approved 3-0)**

Chris Combs: Thank you very much.

President Ungethiem: Thank you.

Commissioner Kiefer: Good luck.

<b>OTHER BUSINESS</b>
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President Ungethiem: Jeff, other business?

Jeff Mueller: Okay, upcoming drainage plans and cancellation of August 25, 2015 meeting. We have received what I believe is the final submittal on the drainage plan for the proposed Wal-Mart at Boonville-New Harmony and Highway 57. I will be reviewing this plan over the next several days, and should it meet our requirements would bring it before the Board either on July 21<sup>st</sup> or August 11<sup>th</sup>. The reason I mention this is that on this subject we've had a number of people and meetings at Area Plan and BZA that wanted to be notified when the drainage plan would be heard and other plans. I've also had some folks stop in the office at different times and want an update on the project. Also, because of this drainage plan, I'm assuming that their engineer who's in Chicago, or the attorney out of Indianapolis will be wanting to come down. So, what I'm saying is I know this is a little unusual, but when I do feel it's going to be ready to go, we'll probably schedule it and we would send an e-mail out to people that have requested this. So, unlike other drainage plans where they kind of come in, I put them on the agenda. We'll be scheduling this when the time comes, just so that the people that requested will have an opportunity to voice their issues on it. So, just a matter of interest on that one.

President Ungethiem: Does anybody have a problem with either of those dates? July 21<sup>st</sup> or August 7<sup>th</sup> that we should avoid?

Jeff Mueller: I don't even know, it depends on if we can get those. So, it could even be later than that. That's just kind of what I'm throwing out right now.

Madelyn Grayson: Bruce, that second day was August 11<sup>th</sup>, not the 7<sup>th</sup>.

President Ungethiem: Oh, the 11<sup>th</sup>, okay.

Jeff Mueller: I'll keep you in touch as we go forward.

President Ungethiem: Either one would be fine.

Jeff Mueller: Also just wanted to let you know the next meeting on July 7<sup>th</sup>, I won't be here, I'm going to be on vacation. So, if anything comes up Linda will be here that night. I also thought maybe we could cover Wal-Mart that night while I'm out of town.

Commissioner Melcher: That's not going to happen.

President Ungethiem: That's not going to happen. We can table that.

Jeff Mueller: Also, I would like to, we haven't done many of these, I think we've only cancelled a couple of drainage meetings, but I would like to, in advance, cancel the August 25<sup>th</sup> meeting. The reason for that is the following day I'm going to be in Indianapolis at the Farm Bureau drainage conference. So, I want to do that in advance so that we can notify our developers and our engineers that we won't be having a Drainage Board meeting that night. So, unless you've got any problems I would like to go ahead and have a motion to not have a meeting that night.

Commissioner Kiefer: This breaks my heart, but I'll make a motion.

Jeff Mueller: Do you need a handkerchief?

Commissioner Kiefer: No, I'll make a motion to approve.

Commissioner Melcher: I'll have to second that too.

President Ungethiem: Are you sure you don't want to just hang around?

Commissioner Melcher: No.

President Ungethiem: Okay. Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Well, it breaks my heart, but I'll have to say yes.

**(Motion approved 3-0)**

Jeff Mueller: This will only be the third one in three years.

Commissioner Melcher: You might have to e-mail us a day or so ahead to remind us that we're not having one.

<b>DITCH MAINTENANCE CLAIMS</b>
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Jeff Mueller: I do have ditch maintenance claims. Madelyn's got them. There's a total of four claims for \$1,811.66. I recommend they be approved.

Commissioner Melcher: That's these, right?

Jeff Mueller: Yes, that's the summary sheet.

President Ungethiem: Any questions?

Commissioner Melcher: Nope, I make a motion to approve them.

Commissioner Kiefer: Second.

President Ungethiem: Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

<b>PUBLIC COMMENT</b>
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Jeff Mueller: I know we've got some public comment.

President Ungethiem: Okay, we come to the fun part of the meeting.



Jeff Mueller: Well, I just also want to let you know I'll be frying chicken this Thursday, Friday and Saturday at Good Shepherd for the summer social. So, if you want to see a short, fat guy sweat, come on out. But, I do think we've got some public comment at this time.

Commissioner Melcher: Well, that looked like a pretty good announcement for them.

President Ungethiem: Okay, now we come to the public comment section. Does anybody here want to speak to the Drainage Board? Please state your name and address.

Ron Bacon: Address? Okay, Ron Bacon, State Representative, District 75. My address is 10300 Meadowlark Hills Road, Chandler, Indiana 47610. I represent district 75, it's the southern half of Pike County, almost all of Warrick County, except the town limits of Newburgh and west, and then half of Spencer County, from Grandview south, go all the way across. I'm here today to represent some of the farmers I have in my district, and also some in an adjoining district in Vanderburgh County to talk to you about drainage problems that we've had. I'm going to, if you would indulge me take a couple of minutes to give you a little bit of history of how I got involved in this and what we're working on. A few years ago I was approached by actually one of the Wagner boys, the farmers in Warrick County came and picked me up and said I want to take you to a logjam. Okay, I wasn't doing anything that afternoon, so he took me to a massive logjam that was in Pigeon Creek in Vanderburgh County. They had been talking to the Commissioners at that time, different Commissioners, this has been four years ago, and trying to get some funding to get rid of that because it was stopping their drainage, but it was massive. So, we worked with Mark Abell with the Soil and Water, there was a grant available that they got. I think it was like \$750,000 grant, and they actually got that approved. So, Soil and Water came down, got that all removed and taken care of and got the flow going again. This is how things got started and I got involved in this. My issue was why are we having this problem in Pigeon Creek that's causing some flooding, not just in Warrick County, but also in Vanderburgh County also. So, I got to looking into it and checking with Gibson County where things start, working with Warrick County where it flows through also and then back in to Vanderburgh County and Evansville and the Corps of Engineers to educate myself. So, I started trying to work on...what I found out, basically, that, and I may get a little bit of this wrong, so I've always (Inaudible) on standing correction if Jeff wants to do that for me. I realized and was told that the Pigeon Creek in Vanderburgh County is not considered a legal drain. So, I got to trying to figure out why, because I wasn't educated in those realms. So, I talked to the local surveyors and then the state surveyors and got the information that, you know, it's designated as a legal drain by the county, whether they want to or not. There are certain issues that you have to, which I won't go into, there's reasons if certain things apply that it has to be a legal drain, but if those don't apply. So, if it had been dredged out some time between the 1900's up to a certain date then it would be considered a legal drain, but that's what happened with Gibson County's. So, it's designated a legal drain. Not sure exactly why Warrick is or isn't, but that's what we found out. So, I worked with the surveyors and with Farm Bureau trying to get some legislation through that would fix the issues. I've been working on that the last two sessions. Have not been able to accomplish that, because everything we've come up with so far, we're trying to do this without causing harm. My main goal is to get this done and get things fixed so we can stop the flooding, get the drains designated the way they should be done, but without causing harm anywhere in the state also. So, we haven't been able to get that accomplished yet. So, we're still working on it. I'm still working with the surveyors and with Farm Bureau, and we'll continue to move in that direction. What I'm here for tonight is to tell you that we are still having issues. Mr. Abell met with myself and with Commissioner Kiefer and told us that even though we got rid of the massive logjam, there's at least ten logjams in Vanderburgh County that he could take us to right now that's going to cause a problem. That was a couple of months before the massive rains we've had recently. So, we know that there's still work to be done. We've got to get this problem taken care of. So, that's why I'm here to try and get things started and get things moving along to do what we can and see if we can get things accomplished. There are some farmers here also that want to show you what's happening. We have some massive flooding right not, not

because the river won't take the water, it's because the water can't get to the river. That's due to the blockages in the creeks. The river's down, and we have some aerial photos that have been taken that we're going to show you, and I'm going to let the farmers do that, because they have the expertise of what's happening right now. I know that we're going to lose thousands of acres of crops, and we're going to lose a lot of money. That's going to be a big issue that we need to work on, both in Warrick and Vanderburgh County. So, at that point I'm going to actually shut up, which is really hard for a State Representative to do, and let my farmer friends start talking.

President Ungethiem: Thank you, Ron.

Tim Mosbey: Hi, I'm a farmer, and my name is Tim Mosbey. I used to sit in one of those chairs over in Warrick County. So, I'm very appreciative of your efforts. I've got pictures here to give the three of you.

Madelyn Grayson: Tim, that's Mosbey with an "e", right?

Tim Mosbey: You remembered.

Commissioner Melcher: That's right, it's not the same.

Tim Mosbey: I'm an (Inaudible) Mosbey, I have an "e" in my name. These are, we have an employee of Daylight Farm Supply, Daylight Farm Supply provided us with a drone this afternoon. He hurried up and took pictures, flew it over. This is, without getting in to detail, it's basically everything east of Vanderburgh County, Telephone Road, Stevenson Station area, where the John Deere dealership, Lynch Road, on up to towards Chandler. If any of you have driven east of Evansville in the past five days, you've seen this. It's ridiculous. It's terrible. We have Rexing Farms, which is affected probably worse than anyone, Donald's here. We have the Stahl brothers from Vanderburgh County, they've got crops under water. Allen Mosbey, a cousin of mine, with an "e", he's affected. I called every neighbor that I could today, and short notice, I appreciate the ones that could show up. Ron called me about 3:00 and that's when all this got started. We just wanted to let you, show you just, you know, how problem...it's major. This is a major economic impact on the agriculture industry. I realize, I've worked, whenever I was a Commissioner in Warrick County, I worked with Marsha, and we were trying to get drainage stuff going, you know. We started our storm water department in Warrick County, it's been very successful, a good source of funding. Of course, you can only use that, Maury Dahl would be the expert, I'm not even going to try to get into the details of Drainage Board funds versus storm water funds, but I know Mark Abell has been, I think he's been in touch with Maury and with Ron, I think. So, you know, we're just begging you to realize we have a problem, and that we would appreciate your efforts in any way that we can get something started to get the creek in Vanderburgh County, all the way to the river, cleaned out. Because it's so frustrating when the river is at 27 feet and we have this type of flooding. Your County Surveyor made the statement a while ago when Mr. Combs was up here, you know, why hold it back, just let it go. That's what we need. We need to let it go. We need to get the water to the river. The water will not go to the river. We brought up Google Earth on a map this afternoon taken in the spring of '14, I'm not for sure where Keystone Subdivision is, it's in Vanderburgh County, somewhere between Green River and Lynch, and there's a massive blockage there. That's just one of the many. The logjam that Ron referred to, that was right in, just inside Vanderburgh County line, between Warrick and Vanderburgh, and we appreciated, we worked together and got that one taken out., but, you know, there's so many more between that point and the river. It will be a major project, but as far as I know, Vanderburgh County and there's a couple of farmers here a lot older than me, or not a lot older, but older than me, I don't remember my dad ever talking about Vanderburgh County ever doing anything to Pigeon Creek. Warrick County, Gibson County they cleaned there's out what 20-25 years ago? That's when it really started affecting us, because now it just runs down to Warrick. We cleaned our creek out, and now it stops and it just starts backing up. Unfortunately, we're all located in the area where it backs up. So, that's the photos. If there's any questions for me or Ron or anybody, you know, we'll try.

President Ungethiem: Tim, can you come up here and show me on the map what area we are talking about? This is Pigeon Creek going over to the county line.

Commissioner Kiefer: Commissioner Melcher, do you want to see this map?

Commissioner Melcher: Yes.

President Ungethiem: This is Pigeon Creek going over, crossing the county line at this point and headed towards—

Tim Mosbey: Okay, here's Highway 62.

President Ungethiem: Right, here's 164 here.

Tim Mosbey: Okay.

President Ungethiem: Or 69. Are we between here and Chandler, in this area?

Commissioner Kiefer: Where's the logjams at, I wonder?

Tim Mosbey: That's not the creek. Help?

President Ungethiem: Yeah, this is Pigeon Creek. It goes over, crosses I-69 right here.

Tim Mosbey: Okay, here's Chandler.

President Ungethiem: Okay, then it goes over, you're talking to one of the few Commissioners that's actually driven from Evansville to Chandler on Pigeon Creek. So, I've been there I know what you're talking about.

Madelyn Grayson: When you make comments will you stay your name so that we get you on the record.

President Ungethiem: I've been there. I know what you're talking about.

Tim Mosbey: Yeah, it's this whole area right here, wouldn't it be, Manfred? Between the 164 number and...this here's 62—

President Ungethiem: This is the county line.

Commissioner Kiefer: I wonder if it tucks in right at that 90 degree corner there?

President Ungethiem: This is where it goes under I-69 right there.

Tim Mosbey: See there's the snake, what we call the snake. That's where we had the logjam. Yeah, but the photos are basically this area right in through here.

President Ungethiem: So, we're talking about this area and maybe—

Tim Mosbey: And then right in through here.

President Ungethiem: Okay.

Tim Mosbey: There was some of these pictures taken on the south side of 62, and the Rexing farm is on the north side of 62.

Joe Harrison, Jr.: Well, you're saying the jam is right inside the county line?

Tim Mosbey: Well, no, there was one a few years ago, but we addressed that one.

Joe Harrison, Jr.: Right.

Tim Mosbey: Oh, the rest of them is on down the creek.

President Ungethiem: Okay.

Tim Mosbey: You might know where more jams are in Vanderburgh than I do.

Commissioner Melcher: Didn't we do that one together?

Tim Mosbey: Yes, we worked on that one together, right, right. I've talked to our Commissioners and our Surveyor, I mean, of course, we're all limited on funds, I realize that, you know, and I think they would be willing—

Commissioner Kiefer: To participate?

Tim Mosbey: -- to help if we can work something out jointly. I mean, we just want to get some process started.

Manfred Stahl: If we could get everyone to drive out like tomorrow and look at it.

Tim Mosbey: Yeah.

Manfred Stahl: In three or four days it's all going to down and probably be done.

Tim Mosbey: It's pretty bad.

Manfred Stahl: You tell people you've got water....I've got corn this high and water is to the top.

Tim Mosbey: Yeah, the corn is completely submerged.

Manfred Stahl: People say you can't have water like that.

Tim Mosbey: It's terrible.

Manfred Stahl: If we could just get everybody to drive out there and look at it now.

Commissioner Kiefer: Joe, what do we gotta do to, I mean, who has the authority to come in and do the work on that area of the creek?

President Ungethiem: Well, my understanding is from this point up to Highway 41, or there about is under the control of the Corps of Engineers, because it's a navigable waterway. According to what—

Joe Harrison, Jr.: It's either DNR or—

Jeff Mueller: Yeah, it was labeled as a navigable waterway for 5.9 miles from where the Ohio River, where it intersects the Ohio River up to—

Joe Harrison, Jr.: About Stringtown or somewhere.

Jeff Mueller: --somewhere between Stringtown and the area close to 41. So, those are navigable waterways. They are actually owned by the State of Indiana.

Tim Mosbey: Did you hear that, Representative Bacon?

Ron Bacon: I'm standing right here.

Tim Mosbey: We need your funding.

Jeff Mueller: Now, from that point forward, then the ownership of the creek is owned by the adjoining property owners, just like any small creek. You've got a property line, it goes out maybe in the center of the creek, or the whole thing may be yours depending on how—

Tim Mosbey: Correct me if I'm wrong, Jeff, that's what we discovered a few years ago when we were working on this. In Vanderburgh County you would have to get permission from every landowner to even enter to do any work—

Jeff Mueller: Well, it's not a regulated drain.

Tim Mosbey: -- because it's not a legal drain.

Joe Harrison, Jr.: Well, it's not a legal drain.

Jeff Mueller: It's not a legal drain. So, we don't have a right-of-entry that I know of.

Tim Mosbey: You don't have a right-of-entry. That's what's frustrating.

President Ungethiem: Yeah, so, but the real problem is from here to here where it's not a legal drain. The Corps doesn't recognize it as navigable waterway, and we don't have a jurisdiction to go in and fix a problem. So, I guess I'm looking for options.

Commissioner Kiefer: So, we'll have to get the homeowners approval to go through their property to clean out the ditch.

Joe Harrison, Jr.: Or maybe we can get some state legislation to assist us.

Jeff Mueller: Well, not only would you have to get the homeowners, but we're talking about a messy permit process here too, guys.

Joe Harrison, Jr.: Right, yeah, you can't touch anything.

Jeff Mueller: This is not going out and getting a skid loader and hooking up and going to it.

President Ungethiem: At the right level you can get there coming from the Ohio River and just drive upstream, but can you get the equipment in the position to do what you need to do going that direction, and I don't know that you can. I think one of the issues, and when I went up this way, I went all the way to here, what I saw was fairly good size trees falling down into the waterway because of just saturation of the sidewalls just eventually, just like the Ohio River will do that when it floods. There will be big trees that will fall into the river because they just can't contain the root ball anymore. So, that's what we've got here is a series of, it's not necessarily a lot of little stuff that you can go in there and just break up, you're going to have major size trees that have fallen into the creek, and you're going to have to be able to remove those.

Tim Mosbey: And this time it's so much worse because it's later. It's in the middle of June.

President Ungethiem: Well, you've already planted. If it happened in March, you would just wait till later and plant beans. I've got beans.

Joe Harrison, Jr.: Well, is there any way you can get your drone to go into Vanderburgh County a little bit and take some more photos so that we can show everybody some of the bad spots?

Jeff Mueller: I don't know if you're going to be able to see a lot of it because of the tree canopy over Pigeon Creek.

President Ungethiem: Yeah, I don't think you can get the drone in there with the tree canopy.

Jeff Mueller: The tree canopy over Pigeon Creek is going to be so bad.

Joe Harrison, Jr.: So, maybe in another couple of weeks?

Jeff Mueller: No, fall.

Tim Mosbey: You would have to wait for fall or winter after the leaves drop to get pictures of all of the logjams themselves.

Jeff Mueller: Yeah.

Tim Mosbey: Plus you would have to, he would be trespassing, he would have to get permission from somebody, because it's a remote control, you know, he has to stand there and operate this thing. I don't really know the distance on that.

Commissioner Kiefer: I mean, I can't imagine these farmers would be unagreeable to having you go out there to—

Tim Mosbey: Oh, no, where the logjams are is not farm ground. This is all in Vanderburgh, see there's very little farm ground once you get past Burkhardt Road there's probably no farm land at all.

Manfred Stahl: Not once you pass Green River.

Tim Mosbey: Or Green River, yeah. See, once you pass Green River, Durcholz's farm between Burkhardt and Green River—

Commissioner Kiefer: I mean, what is up here? I mean, on this side of 69 down through here—

President Ungethiem: That's farm ground, but back in here—

Commissioner Kiefer: Oh, I thought you were talking over here.

President Ungethiem: This is, it crosses over I-69, it meanders around a little bit, crosses North Green River Road here, and then turns south and crosses underneath Lynch and then wanders around and goes to 41.

Jeff Mueller: I've got some slides here if you want to see where Pigeon Creek is.

Tim Mosbey: What's frustrating to me, I took a drive and you get to where it goes under 41 and it's in its banks.

President Ungethiem: Jeff's got it up on the screen here.

Commissioner Kiefer: All I can say is, we're sympathetic, we've just got to figure out how to—

President Ungethiem: We would love to solve the problem, we're not sure we can. We don't know if we've got jurisdiction to do it.

Ron Bacon: Well, I've got a call in to state. I did that this afternoon also for that....how much is it, Jeff, five point—

Jeff Mueller: Yeah, just under six miles—

Ron Bacon: It's under six miles.

Jeff Mueller: -- and from what I can tell, Ron, it's right about where Evansville Country Club is.

Ron Bacon: You know, to find out, I'll get someone out there to say, is there anything in that six miles, basically, that's causing the problem that we can take care of. So, I've already made that call today.

Tim Mosbey: But, the Commissioners would need to do something—

President Ungethiem: And here would be my next question, Ron, I don't know where the 5.9 miles came from, but my next question—

Commissioner Kiefer: Gentlemen, can you give here your names for the record?

President Ungethiem: Would the state be willing, if they have jurisdiction of the 5.9 miles, would they be willing to extend their jurisdiction to the county line road, to the county?

Tim Mosbey: You're trying to (Inaudible).

President Ungethiem: I'm trying to solve your problem.

Ron Bacon: I'm not sure they can.

Tim Mosbey: Yeah, I'm not sure they can. See it's a federal navigable—

Ron Bacon: That takes jurisdiction.

Joe Harrison, Jr.: But, it is, canoes go up and down it.

Ron Bacon: Absolutely, yes.

Joe Harrison, Jr.: Didn't used to.

President Ungethiem: Yeah, there's a canoe launch on Green River Road.

Joe Harrison, Jr.: On Green River Road.

Ron Bacon: I know.

President Ungethiem: Right there.

Joe Harrison, Jr.: So, that helps the argument that it is navigable.

President Ungethiem: That it is navigable.

Ron Bacon: That it is navigable, yeah.

Joe Harrison, Jr.: You can go from the Ohio River up to Green River Road. I don't know how much farther you can go.

President Ungethiem: Oh, I've done it. I'll testify that I drove all the way to Chandler. It's navigable all the way to Chandler.

Ron Bacon: Yeah, because I've seen, back in my younger days—

Joe Harrison, Jr.: But, it's better now than it was.

Ron Bacon: Yeah.

Tim Mosbey: How long ago did you do this canoe all the way to Chandler?

President Ungethiem: No, I did a wave runner.

Tim Mosbey: A wave runner?

President Ungethiem: All the way to Chandler.

Tim Mosbey: And you didn't hit any logjams?

President Ungethiem: Yeah, we went over them.

Tim Mosbey: The water was up?

President Ungethiem: The water was up about 30-32 feet.

Tim Mosbey: Oh, well, okay.

President Ungethiem: The log was laying in the water, you just go up on it with a wave runner and goose it and you'll jump right over the top of it.

Tim Mosbey: Okay.

Jeff Mueller: I mean, the problem that I see is that the methodology to do this is through a regulated drain, and to do that is going to be one horrendous, you have to file a petition, it's got to represent so many, what certain percent people, it's got to go through all these different hearings, and then every person that's in the watershed has to receive a notification. So, I don't know how you would do that. I mean, to be honest with you, and then you're going to be talking about, you know, at that point, the people along there are going to be giving up a 75 foot right-of-way, and I don't know, you know, people that have already got stuff in that 75 feet may or may not be willing to give up that 75 feet. That's 75 feet from the top of the bank. So, now you're talking about, depending where it is, you could be asking people to give up 75 feet, well, you know, it's going to be on the golf courses and other places.

President Ungethiem: On North Green River Road it's going to be a percentage of their back yard.

Jeff Mueller: I mean, I think the regulated drain system, I mean, the law was written a long time ago, it works great for 20 farmers and they've got a ditch and they want to petition the Drainage Board to work, but I don't know if it's going to work in this particular system. I think we've got to try to think out of the box, and, you know, maybe talk to the Division of Water and see if there's some way that they know of, I mean, surely there's, you know, Pigeon Creek is 46 miles long. Surely there's other things in the state that are 40 or 50 miles long that aren't navigable that there's some funding mechanism for it to work, because, that's the other thing, I mean, I'm not speaking for the Commissioners, but we don't have, and I tell this every time we go out if somebody complains about drainage, we don't have some money sitting in a drainage fund. I mean, the only money we have is our regulated drain funds, and those are set for that particular regulated drain. The other issue is, if we were to try to create a regulated drain, which I don't think it would, we would be robbing from our other regulated funds, including East Side Urban, which I really don't want to touch that money, because we start fooling with that drain and not having enough money, and we talk a lot of really expensive property not being maintained. So, I really think it's got to go back to somehow we've got to figure out a way that the state can work with the three counties and come up with a system, because I just don't see it in the way the regulated drain system, the regs are written that we could do it. That's my two cents worth. I'm not unsympathetic, I know a lot of these guys. I mean, Tim and I graduated from high school 20 years ago. I'm not under oath.

Ron Bacon: I was going to say, that's the biggest lie you've told today.

Jeff Mueller: Donnie Rexing and I have been out a few places.

President Ungethiem: Do you want to try that again?

Jeff Mueller: Well, our 20<sup>th</sup> reunion is coming up actually, but anyway, I'm not unsympathetic, but it is an issue of you've got Pigeon Creek and who maintains it? It's, you know, it's out there and it's like, you know, if you had a house up against it and your property line went to the center and there was a logjam, it's like, well, it's your responsibility. I know what I would feel like if that was my house, you mean, what?

Joe Harrison, Jr.: Well, the one thing you all do have in your favor is that Pigeon Creek runs in to the Ohio River, and the Ohio River is right here. So, I just think, whatever we can do to work with you.

Ron Bacon: If we could find the, I like the way you're thinking, if it is navigable, I mean, what is the definition of what's navigable? Because we have, you know, you've run yours through, I've run canoes through, and we know it's wide enough to do that. So, I'll look into that and start that, but, I mean, the reason we're here is so that we can get started on it and try and get something, we can see what we can find. When they get back with me, I'm sure they will tomorrow, from the state and then we'll find out what—

Joe Harrison, Jr.: And if we need to get with the Governor's office or—

Commissioner Melcher: Us too, because we have a lot of flooding.

Ron Bacon: Yes, I know, it's not just—

Commissioner Melcher: It's not the same area. It's all because it's there.

Jeff Mueller: I mean, Ron, I think it would be nice if we could get a couple of folks from the Division of Water to come down, you know—

Joe Harrison, Jr.: And show them.

Jeff Mueller: --and our folks, you know, I would be willing to sit in a room, and, you know, whoever else and folks from Warrick County, but I really do think we've got to think out of the box. I don't think a regulated drain is going to be the way to work it.

Ron Bacon: Okay.



Jeff Mueller: That's my two cents on that.

Ron Bacon: I tend to agree with you. As I said, I've worked on this the last couple of years and every time we've come up with what we tried to come up with an answer, it's going to hurt somebody. Like you just said, you know, to try to make it a regulated drain, take the money out of there, then there's no funding for it. We're just going to do it that way, and we know that's going to hurt the counties. When we do a legislation it doesn't affect just Vanderburgh or Warrick County, it's going to affect the whole State of Indiana. So, I always think about what's going to harm, and we don't want to do anything that's going to harm. We've got to try and work on that too.

Jeff Mueller: We need one of those laws that say, you can't do this except for mile post 107.3 or something, because there's a lot of those in there and you always wonder where they are. You look on the map and go, oh, that's what that is.

Commissioner Kiefer: I will comment that we do appreciate our friends in Warrick County, and, you know, we are sympathetic, and we'll work together with you.

Tim Mosbey: Okay, thank you.

Ron Bacon: Does any of the rest of you want to say anything?

President Ungethiem: Anybody else that wants to comment?

Manfred Stahl: Manfred Stahl, I live just inside of Vanderburgh County, and I farm in Vanderburgh and Warrick. Just so you understand that we're not asking any dredging, we're just asking for the logjams to be removed from the creek so the creek works well. Regardless of whether it's for drainage or canoeing or whatever. Also, in the past there's been emergency situations where logjams have been cleared out in Evansville, because maybe 30 or so years ago there was a massive one there at First Avenue that was removed. So, it's not something new, it's something that just doesn't happen very often that something is done and taken care of. Thank you.

Commissioner Melcher: I think while we're doing this we need to get Gibson County involved too, because it should be Gibson and Warrick and us.

Ron Bacon: Right, they'll be happy to, because I've talked to them.

Commissioner Melcher: I think they would because it all starts with them, basically.

Ron Bacon: Right, correct.

Commissioner Melcher: But, I'm not trying to blame them, because it rains here too. There's been a lot of flooding, because I remember Marsha, she lived out there during that flooding days, even filling sandbags.

Ron Bacon: Yep, one of the things that I've tried to find information on, and I got this from the surveyor in Gibson County, I forget what his name is. Jeff?

Jeff Mueller: Mike Stevenson.

Ron Bacon: Yeah, Stevenson. If there is, if Pigeon Creek has ever been dredged, and that's the key word, which is has been, and they've got records of it in Gibson County, if it's ever been dredged, it's a legal drain. Whether you want to designate it as a legal drain or not, it is, by statute if it's ever been dredged. What we were trying to find out is if when they did 69 and Lynch Road if they ever dredged it, then we still think they did but we haven't found any records of it with the state. INDOT's been looking to see if they can find anything, but I don't know, locally, but by statute if it has ever been dredged, then it is actually a legal drain. That could help us if we could ever find that out as far as some of the, give us some of the leeway of what we can or can't do. So, just wanted to make sure that you knew that. But that's one of the things that we've been trying to find out. I found that out from Mr. Stevenson up in Gibson County. So, that's how they got theirs done.

President Ungethiem: From a timing standpoint, obviously we can't do anything today that's going to help you.

Ron Bacon: We know that, yeah.

President Ungethiem: I understand your concern. I've got 20 acres of beans in my yard right now. Fortunately, I'm on the hill and it didn't get affected too much by the rain last Friday night, but my basement did. So, when I leave here I'm going to go be pulling carpet and pad, if anybody wants to help. But, I guess, from a timing standpoint, the next event that would affect you is probably going to be next spring, would you guess?

Tim Mosbey: This past year the creek was out in December, and then again in March.

President Ungethiem: Right, but unless you've got winter wheat—

Tim Mosbey: (Inaudible) inches of rain, where we could get no rain (Inaudible) and the creek will be out.

President Ungethiem: Yeah, I'm just saying from a timing standpoint we should probably try to find a solution to this sooner rather than later, because we want to be in a position next planting season, next spring, to have this fully cleared out.

Ron Bacon: Yeah, because each, and I did get this from Purdue, each time this happens, I mean, the beans, I'm not sure about the corn, but I know the beans can stand four days max. That's maximum of basically having their feet wet, and then they're done, forget it. So, by us not being able to drain, even though, you know, the Ohio's down, so the water's standing there. So, that's really messing us up, messing all the farmers up that are there.

President Ungethiem: Do any of you know how much rain fell in that area last weekend?

Tim Mosbey: Between anywhere from six and half to seven inches.

President Ungethiem: Okay. I got about six at my house. So, I was just curious as to whether you got more.

Tim Mosbey: Gibson County had more than we did.

President Ungethiem: Yeah.

Ron Bacon: Right, so, we're getting theirs. Okay.

President Ungethiem: We understand the situation. Ron, let us know.

Ron Bacon: As soon as I hear from the state I'll report back to you and let you know about that, and see what direction we can move in that direction. I may just contact Mr. Harrison to get some guidance on that too, on a legal standpoint.

President Ungethiem: Okay.

Ron Bacon: I don't profess to be an attorney up there at all.

Commissioner Melcher: If you could copy our Surveyor too.

Ron Bacon: Yes, oh yeah.

Commissioner Melcher: Because even though you get Mr. Harrison, he's the attorney, Jeff's the one that's going to have to look at.

Ron Bacon: Right.

Commissioner Melcher: And he's probably going to have to contact the other two counties drainage so we can all be in the same loop.

Ron Bacon: Okay. Good, and I'll talk to Mr. Abell also. I was in contact with him and he's in Florida right now. So, he's aware, so, we'll work with Soil and Water too. Like I

said, if we can get water down here, we'll see what we can get on that with Jeff. Thank you very much.

President Ungethiem: Okay, thank you.

Tim Mosbey: Okay, thank you, gentlemen.

President Ungethiem: Anybody else have any comments? We good? Motion to adjourn?

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: All those in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Ungethiem: We're adjourned.

(The meeting was adjourned at 6:27 p.m.)

**Those in Attendance:**

Bruce Ungethiem  
Jeff Mueller  
Ron Bacon  
Manfred Stahl  
Members of Media

Stephen Melcher  
Madelyn Grayson  
Tim Mosbey  
Joe Harrison, Jr.

Joe Kiefer  
Chris Combs  
Allen Mosbey  
Others Unidentified

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Bruce Ungethiem, President**

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**Stephen Melcher, Vice President**

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**Joe Kiefer, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
JULY 7, 2015**

The Vanderburgh County Drainage Board met in session this 7<sup>th</sup> day of July, 2015 at 5:51 p.m. in Room 301 of the Civic Center Complex with President Bruce Ungethiem presiding.

**Call to Order**

President Ungethiem: I would like to call to order the July 7, 2015 Drainage Board meeting.

**Pledge of Allegiance**

President Ungethiem: Joe, do you want to lead us in the Pledge?

Joe Harrison, Jr.: Sure.

(The Pledge of Allegiance was given.)

**Approval of the June 23, 2015 Drainage Board Meeting Minutes**

President Ungethiem: Okay, I would entertain a motion to approve the previous minutes.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Ungethiem: All those in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

**Big Creek Construction in Floodway Project**

President Ungethiem: We are privileged to have, in Jeff's absence, Linda Freeman here to lead us through the agenda. So, Linda, it's all yours.

Linda Freeman: Not a whole lot to discuss. We've got ditch maintenance claims, but kind of under other business I just wanted to bring you up to date on the Pond Flat Main, also known as the Big Creek Construction in Floodway project. We did send in our paperwork and our \$200 check. The green cards that, we had to send one to the Commissioner's office, being within a quarter mile of the project of Pond Flat Main, between Woods Road and Bixler Road. I think we've got all of the green cards back. I'll be getting that together and trying to get that in the mail to the State to let them know that we've proceeded that much. I also got a call today from a gentleman from Vincennes with the Indiana Department of Transportation, because we did notify them as within a quarter mile of the project, the Interstate, so, rather than take a chance on not sending a notification, we sent a notification. They're fine with it. He was concerned with the opening waterway of Woods Road, that if we opened up the creek that we would impact the Interstate bridges, but, of course, Woods Road Bridge is a lot smaller than theirs. John Stoll was nice enough to send me a scanned copy of the Woods Road bridge plans, which I forwarded to them, and they said they were okay.

President Ungethiem: Okay.

Linda Freeman: So, we're just working on that.

<b>Ditch Maintenance Claims</b>
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Linda Freeman: Then we're at ditch maintenance claims. I've got some claims that Madelyn has. They're the 15 percent retainage claims. They've been inspected and signed off on. We've got Big Creek Drainage Association, a couple of additional maintenance claims, paying off their 15 percent retainage. Then we have some spring claims, we're paying the 15 percent. We've attached the certification of payment that they've paid their subcontractors and things, and by State statute, by them signing that, then 60 days after the completion date by State statute. So, that's where we're at paying those.

President Ungethiem: Are you requesting our approval?

Linda Freeman: Would love you to approve those claims so the vendors could get paid.

President Ungethiem: Okay, is there a motion?

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: All those in favor say aye.

All Commissioners: Aye.

President Ungethiem: So approved.

**(Motion approved 3-0)**

<b>Discussion of Country Mark Pipeline: Old Henderson Road</b>
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President Ungethiem: Anything else?

Linda Freeman: No, that's it. I did ask John Stoll about the Country Mark pipeline in Union Township to see if that would be impacting any of our regulated drains. He's going to check with them on that and let me know.

President Ungethiem: Okay.

Linda Freeman: As soon as I heard that, I went, whoa.

President Ungethiem: Well, that was one of my concerns is down at Old Henderson Road there's a lot of flooding and all.

Linda Freeman: We've had, like Marathon Oil Pipeline—

President Ungethiem: Yeah.

Linda Freeman: -- I think they were impacting like one of the Pond Flat ditches, and we had them submit some paperwork. Then they also were concerned, on that particular little deal, that if they had a blow out with their pipe testing, that they could go in and fix it and then repair our drain, the regulated drain.

President Ungethiem: So, you're following up on that?

Linda Freeman: Yeah.

President Ungethiem: Okay.

Linda Freeman: Keeping an eye on that.

<b>Other Business</b>
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President Ungethiem: Any other business?

Commissioner Kiefer: I was just going to note, and I failed to bring this up at the County Commissioners meeting as well, but I'm going to be gone on, I think we have a meeting on September 1<sup>st</sup>, and I'm not going to be here. So, I was going to see if either A we could just cancel that meeting, that particular meeting and just move business to the other dates.

Madelyn Grayson: That's a rezoning date.

Linda Freeman: Yeah.

Commissioner Melcher: We can't change the rezoning.

Madelyn Grayson: They advertise those at Area Plan. I don't know if there's anything we can do to change that.

Linda Freeman: In note, the Drainage Board meeting we're already cancelling on August the 25<sup>th</sup>—

Commissioner Kiefer: Okay.

Linda Freeman: -- which is the meeting prior to that one.

President Ungethiem: Yeah, that's the meeting prior.

Commissioner Kiefer: I just know I'm going to be out of the country on September 1<sup>st</sup>.

Linda Freeman: So, Mr. Melcher and Mr. Ungethiem?

Commissioner Melcher: We can handle it.

President Ungethiem: We'll take care of it for you.

Linda Freeman: They got 'ya.

Commissioner Melcher: We've done this before. It's not like we haven't.

Commissioner Kiefer: I understand.

Linda Freeman: The only concern that I, well, and then like she said rezoning, but then I was thinking August the 25<sup>th</sup> we're cancelling the Drainage Board meeting because Jeff is going to be out of town again, and we really, you know—

Commissioner Kiefer: Okay.

Linda Freeman: -- a lot of stuff going on at this point.

Commissioner Kiefer: I just wanted to bring that up, because I didn't want it to be a surprise at the last minute or something.

Linda Freeman: Okay.

Commissioner Kiefer: If we could move things around that would have been okay.

President Ungethiem: I just had two things here, one is that the August 25<sup>th</sup> meeting will be cancelled. We said that at the last meeting, we just wanted to make sure that everybody understood that. The other thing was to give a Pigeon Creek update. At the last meeting we had several concerned citizens from Warrick County come to the meeting and ask us to take a look at Pigeon Creek. Representative Bacon and I, along with Jeff Mueller and Mike Wathen from the—

Linda Freeman: County Engineer.

President Ungethiem: -- County Engineer's office and I'm drawing a blank of the farmer that went along with us, Tim Mueller?

Madelyn Grayson: Mosbey.

Linda Freeman: Mosbey, that's Warrick County.

President Ungethiem: Mosbey, yeah. We took a little trip up the river and we looked for problem areas. We saw several areas where there were snags, meaning there were trees and limbs and that kind of thing hooked to other trees, but we didn't find any total blockages whatsoever. We did go over certain areas that we figured were snags underneath us that you could see on the depth finder, but from the standpoint of is Pigeon Creek blocked, no, it is not. It's running full, and was running very quickly during that period of time, about seven or eight miles an hour, which made it difficult to navigate sometimes when you were—

Commissioner Kiefer: What were you in, a john boat?

President Ungethiem: We were in a 14 foot john boat.

Commissioner Melcher: With a motor?

President Ungethiem: Pardon?

Commissioner Melcher: Motor?

Commissioner Kiefer: No motor necessary?

President Ungethiem: Oh, yeah, we had a 100 horsepower motor.

Commissioner Melcher: Okay.

President Ungethiem: So, it was a heck of a lot easier to maneuver going upstream than downstream, because you couldn't control it going downstream. So, on several occasions we about got knocked out of the boat by low hanging limbs. The reality of it is, it was not blocked. It probably contributed a little bit to the issue that they have in Warrick County, but the real problem that they had with flooding in Warrick County had to do with six inches of rain coming in a 24 hour period of time, and Warrick County being flat enough that it just wouldn't run out of the field fast enough. We are going to continue, Representative Bacon is going to check with connections that he's got at the Statehouse, we're going to continue to work on the possibility of getting Pigeon Creek declared navigable through the entire Vanderburgh County area, and then they would take over that section and clean and snag and clean that, otherwise we don't have the authority to get in and clean the upper part of Pigeon Creek.

Commissioner Melcher: That's the best solution.

Joe Harrison, Jr.: We did find something recently, and I'm remiss for not bringing it up before now, but Madelyn, as a matter of fact, found it. I think in 2002 or '01 wasn't it?

Linda Freeman: 1991.

Commissioner Kiefer: 1991?

Commissioner Melcher: That's the first time I ever ran for office.

Linda Freeman: You're talking about where they said it was a navigable waterway?

Joe Harrison, Jr.: Yeah, the County Commissioners—

Linda Freeman: The Vanderburgh County Commissioners—

Joe Harrison, Jr.: Yes.

Linda Freeman: Yeah, it was 1991.

Joe Harrison, Jr.: Passed a resolution declaring all of Pigeon Creek in Vanderburgh County a navigable watercourse, waterway, and at the time there was a statute, obviously, in effect that said counties could do this.

Linda Freeman: Right, but it's been since repealed.

Joe Harrison, Jr.: But it was good law then. When it was acted upon then it was the law.

Linda Freeman: Yeah.

Joe Harrison, Jr.: So, it is a navigable waterway, and the State, I believe, was informed, I don't know, maybe they forgot to include the whole county, and the resolution passed two to one.

Commissioner Kiefer: Somebody voted against it?

Joe Harrison, Jr.: Yes. Commissioner, the late Rick Borries voted no, but Carol McClintock was a County Commissioner and so was Don Hunter at the time.

Linda Freeman: I'll be damned.

Joe Harrison, Jr.: But, anyway, so it is. It is what it is.

Linda Freeman: Yeah, I'm just curious, is that still a—

President Ungethiem: Do we take this information, give it to Ron Bacon, and have him run with this at the Statehouse?

Joe Harrison, Jr.: Yes, I think we should.

President Ungethiem: Okay.

Commissioner Melcher: I do too.

Commissioner Kiefer: I do too.

Linda Freeman: We, Jeff and I, we do have—

Commissioner Melcher: Do you want a motion on that?

Linda Freeman: -- a 1993 set of books in the office, and it's not in there. It was already repealed in 1993. So, we couldn't find—

Joe Harrison, Jr.: But the law was in effect—

Linda Freeman: True.

Joe Harrison, Jr.: -- when they did it.

Linda Freeman: Yes.

Joe Harrison, Jr.: It just, shortly thereafter it was repealed, probably when they got the notice from Vanderburgh County, maybe they thought we don't want any more counties doing this.

Linda Freeman: Yeah.

Joe Harrison, Jr.: So, anyway.

President Ungethiem: Madelyn, if you can give me an electronic copy of that, I will forward that to Ron Bacon and explain to him that we feel that it's already a navigable waterway because of this document.

Linda Freeman: We turned the tables on the State, because typically—

Joe Harrison, Jr.: So, if you might want to make a motion to just direct Commissioner Ungethiem to turn that in to everybody.



Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: All those in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Ungethiem: I will do that.

Linda Freeman: Like I said, turn the tables on the State, because typically they enact legislation that costs us money and then they don't fund it.

President Ungethiem: Yep.

Linda Freeman: Where this one we've got a little turn around.

President Ungethiem: Okay.

Commissioner Kiefer: I want to thank Madelyn then for the good work, appreciate it.

Madelyn Grayson: I was actually looking for documentation that Pigeon Creek had been dredged, because that's what Ron Bacon said was if you can ever prove that it had been dredged, and I just ran across this, and thought, hmmm, what's this?

Joe Harrison, Jr.: Found something better.

President Ungethiem: Found something even better than that.

Linda Freeman: I don't remember that at all.

Madelyn Grayson: I wasn't even here.

Linda Freeman: Oh, I was here, but I don't remember it.

President Ungethiem: You were too young then.

Linda Freeman: Oh, yes, yes, just a baby.

President Ungethiem: Okay, anything else, Linda?

<b>Public Comment</b>
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President Ungethiem: Any public comment?

Linda Freeman: We have no public to comment.

President Ungethiem: Seeing no public comment, I would entertain a motion to adjourn.

Commissioner Kiefer: Move to adjourn.

President Ungethiem: Alright, do I have a second?

Commissioner Melcher: Second.

President Ungethiem: All those in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Ungethiem: Meeting adjourned.

(The meeting was adjourned at 6:03 p.m.)

**Those in Attendance:**

Bruce Ungethiem

Linda Freeman

Others Unidentified

Stephen Melcher

Joe Harrison, Jr.

Members of Media

Joe Kiefer

Madelyn Grayson

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Bruce Ungethiem, President**

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**Stephen Melcher, Vice President**

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**Joe Kiefer, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
JULY 21, 2015**

The Vanderburgh County Drainage Board met in session this 21<sup>st</sup> day of July, 2015 at 6:46 p.m. in Room 301 of the Civic Center Complex with President Bruce Ungethiem presiding.

**Call to Order**

President Ungethiem: I would like to call the July 21, 2015 Drainage Board meeting to order.

**Pledge of Allegiance**

President Ungethiem: Do you want to give us the pleasure of leading us in the Pledge of Allegiance?

Commissioner Kiefer: Sure.

(The Pledge of Allegiance was given.)

**Approval of the July 7, 2015 Drainage Board Meeting Minutes**

President Ungethiem: Okay, I would entertain a motion to approve the previous minutes.

Commissioner Kiefer: So moved.

President Ungethiem: I'll second. Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 2-0)**

**Final Drainage Plan: The Stable South**

President Ungethiem: Next on the agenda is final drainage plan for The Stable South.

Jeff Mueller: Okay, this plan is for a proposed 32 lot subdivision just south of Pollack Avenue and east of Green River Road, the subdivision south of The Stables. You have in your packets the review documents of the drainage plan submittal. The preliminary drainage plan for this subdivision was originally approved by this Board on June 23, 2015. As you recall, part of the approval was to exempt the subdivision from the requirement to detain excess storm water runoff. The final drainage plan was submitted on July 14, 2015, with revisions submitted on July 20, 2015. The plan that is requested to be approved consists of the submitted document, dated July 14, 2015, along with eight drawings that consist of the following; a cover sheet, proposed plat, index, basins, RP-1, DE-STRM, SP-1 and WE-1. The drawings are all dated July 14, 2015, with the exception of the index sheet, which was revised and has a receipt date of July 20, 2015. I also include as part of the submittal a revised page four that was also received on July 20, 2015. I want to bring to your attention that the property on which the proposed subdivision is to be constructed has an agreement to utilize a private drainage easement. This agreement between Betty Carneal and Jeffrey Carneal at 2400 South

Green River Road, which is in the subdivision, also has a stipulation that 2400 South Green River Road, LLC is required to be responsible for 40 percent of the maintenance on the drainage system within the easement. At the suggestion of Mr. Harrison, the county is requiring Mr. Combs to record this document. Also, the revised page four of the document addresses the responsibility of the maintenance of this easement once Mr. Combs has completed the development, with the maintenance cost being assigned to the subdivision homeowners association. This requirement will be noted on the subdivision plat. Furthermore, it's my recommendation that it be stated in the case that the homeowners association dissolves, for any reason, or would refuse to be responsible for the maintenance, that the maintenance responsibility then is equally shared by each lot owner of the subdivision. The drainage plan was reviewed by the County Surveyor and found to be in compliance with the Vanderburgh County drainage code, and therefore is being submitted to the Drainage Board for approval under section 13.04.090. I provided you with a copy of the review of the submitted drainage plan, and request the review document to made part of the approved final drainage plan. Mr. Combs, the developer, is present to speak if you've got any questions.

President Ungethiem: Questions?

Commissioner Kiefer: I know this subdivision. I'm familiar with it out there. So, I mean, I guess, you're recommending then, Jeff, to approve this?

Jeff Mueller: Yes, it meets the code. We're fine with it.

Commissioner Kiefer: Okay. Well, I'm glad to see the development go in, because I think it's good for the neighborhood.

Chris Combs: We've done, I don't know if you happened to see what the project, what the property looked like when I took it over.

Commissioner Kiefer: Oh, yeah, it looks beautiful.

Chris Combs: When I took it over, with all that, with what it was, it was a nightmare. We cleaned up quite a mess.

Commissioner Kiefer: I'm okay with this.

President Ungethiem: Mr. Combs, anything to add?

Chris Combs: No, I just appreciate the recommendations.

President Ungethiem: Okay.

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

President Ungethiem: I'll second. Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 2-0)**

Jeff Mueller: On other business—

Chris Combs: Thank you very much.

Jeff Mueller: Okay.

Commissioner Kiefer: Thanks, Chris. Appreciate it.

### Other Business

Jeff Mueller: On other business, I've reviewed and will be bringing before the Drainage Board at the August 11, 2015 meeting, the final drainage plan for the proposed Wal-Mart complex at Highway 57 and Boonville-New Harmony Road. The consultant from the Chicago area that prepared the plans is planning on attending the meeting, so that they will be able to address any questions. Also, we have posted, under the Vanderburgh County Surveyor's website, the more pertinent drawings. So, if anyone would like to see the proposed layout of the site and the drainage drawings they can do so. The drawings can be reviewed by going to our site, which is <http://vanderburghsurveyor.com>, then click "County Drainage Plans", which will take you to a page titled, "Drainage Plans Starting June 2013". On that page click the statement, "Click Here to go to the Drainage Plan Directory", and you will then see a listing of drainage plans, which will have a listing, "Wal-Mart Hwy. 57-Boonville-New Harmony Road". You will also see, under this same listing for drainage plans, that we are posting drainage plans for major subs and large commercial projects on this site as it's approved. So, it's something we've kind of added. I just wanted to let everybody know. Also, we had people that wanted to know about that drainage, anything that happened out there. I've got some e-mails, so I'll be sending them an e-mail, letting them know that will be heard August 11<sup>th</sup>.

President Ungethiem: Jeff, is there anything we do to advertise this?

Jeff Mueller: We do not advertise, and we don't require the developers to do notifications. I will tell you that in a proposal that I have sitting over with SIBA right now, for some drainage plans, I do have a proposal that neighbors are notified of drainage plans in the future.

President Ungethiem: Okay.

Commissioner Kiefer: Well, we can make it a notice tonight by letting people know.

Jeff Mueller: Yeah.

President Ungethiem: Well, I mean, it's public notification now, and you're going to notify everybody that's asked.

Jeff Mueller: Yeah, and the word will get out.

President Ungethiem: The word will get out.

Jeff Mueller: Yeah, so, we're doing a lot more than we do for any other subdivision on this one.

President Ungethiem: So, we should plan for a larger meeting on the 11<sup>th</sup>?

Jeff Mueller: Well, I tried to take vacation that week, but you guys wouldn't let me.

### Ditch Maintenance Claims

Jeff Mueller: The only other thing I have is ditch maintenance claims. I've supplied you with a sheet summarizing the eight claims for \$4,124.50, and request that you approve those claims.

Commissioner Kiefer: So moved.

President Ungethiem: Second. Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 2-0)**

President Ungethiem: Anything else, Jeff?

Jeff Mueller: The fair is going on, we've got a rodeo, I understand, tonight, and we've got eight minutes before 7:00, I'm going to try to get out there, unless Eldon's got anything.

President Ungethiem: And it's not going to rain, hopefully.

Jeff Mueller: Try to save, before we go into the other thing.

President Ungethiem: One thing on other business, the 23<sup>rd</sup>, is it?

Jeff Mueller: Of August? The twenty, yeah, whatever that Tuesday is.

President Ungethiem: Yeah, we're not going to have a Drainage Board meeting.

Jeff Mueller: Right.

President Ungethiem: I think it's the 25<sup>th</sup>. Okay, so the 25<sup>th</sup> there will no Drainage Board meeting.

Jeff Mueller: Right.

<b>Public Comment</b>
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President Ungethiem: Any public comment? I would entertain a motion to adjourn.

Commissioner Kiefer: Motion to adjourn.

President Ungethiem: The Drainage Board meeting is adjourned.

(The meeting was adjourned at 6:54 p.m.)

**Those in Attendance:**

Bruce Ungethiem

Joe Kiefer

Jeff Mueller

Joe Harrison, Jr.

Madelyn Grayson

Chris Combs

Others Unidentified

Members of Media

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Bruce Ungethiem, President**

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**Joe Kiefer, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
AUGUST 11, 2015**

The Vanderburgh County Drainage Board met in session this 11<sup>th</sup> day of August, 2015 at 6:29 p.m. in Room 301 of the Civic Center Complex with President Bruce Ungethiem presiding.

**Call to Order**

President Ungethiem: I would like to call the August 11, 2015 Vanderburgh County Drainage Board meeting to order.

**Pledge of Allegiance**

President Ungethiem: Joe, could you help lead us in the Pledge?

(The Pledge of Allegiance was given.)

**Approval of the July 21, 2015 Drainage Board Meeting Minutes**

President Ungethiem: I would entertain a motion to approve the previous minutes.

Commissioner Kiefer: So moved.

Commissioner Melcher: I wasn't here.

Commissioner Kiefer: You'll have to second, he wasn't here.

President Ungethiem: Oh, I will second. All those in favor say aye.

All Commissioners: Aye.

President Ungethiem: So approved.

**(Motion approved 3-0)**

**Request to Allow Drain Pipe: Barkley Court**

President Ungethiem: Okay, Jeff, request to allow drain pipe, Barkley Court.

Jeff Mueller: Alright, sorry about the problems here. Request to allow drain pipe on Barkley Court. Barkley Court is located in Greenbrier Hills, Section Three. The request is a result of a drainage complaint inspection at 501 Barkley Court. To make a long story short, drainage from the end of Barkley Court drains into what was supposed to be an open swale through a homemade, but I might add, very well constructed down drain with a six inch pipe. The complaint was not about the pipe, but with some drainage modifications done within the easement. After a site visit, all three parties have agreed to essentially perform work that will re-establish the originally designed swale behind the houses. All three parties want the pipe to remain. It apparently has been in place for over ten years without any problem. All three parties involved with the pipe have signed the letter that you have before you. It should be in your packet. It's the letter from Jerry Scott, Jeff Alsip and Tim Ethridge. They've all signed the letter and you have it before you, and I believe the County Engineer will also concur that he has no problems allowing the pipe to remain. Allowing the pipe to remain will assist the three parties in amicably re-establishing the drainage in the back yards. The County Engineer may want to make a comment regarding the pipe, but barring any negative feedback from Mr. Stoll, I can support the request of the three neighbors. John, do you....oh, I know he had Valerie out there, but this situation is just kind of, everybody's getting along good now, but, it's like I side, once you called me out, you've got a pipe there that shouldn't

be, everybody wants the pipe to remain. So, it's been there and it hasn't caused any problems with the street. So, I recommend it, you know, everybody likes it. So, even though it's not to code, this is one of those where, why not?

President Ungethiem: Do we need to do anything?

Jeff Mueller: Yeah, you do, because it's a revision of the drainage plan and it is calling for a six inch instead of a 12 inch pipe. So, I would just make a, my suggestion....oh, John, do you have any issues with Barkley Court? The pipe there that Valerie looked at?

John Stoll: Back when Jeff and Valerie were looking at that, as long as it addressed the property owners concerns, I had no issues with it.

President Ungethiem: So, we just need to make a motion to—

Joe Harrison, Jr.: Approve the recommendation.

President Ungethiem: Approve your recommendation?

Jeff Mueller: Approve that, you know, they would be allowed to keep a six inch pipe there, where there was previously an open swale.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: Any discussion? Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

<b>The Hills Subdivision: Final Drainage Plan</b>
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President Ungethiem: Okay, drainage plans.

Jeff Mueller: Then we've got a bunch of drainage plans. Alright, first one, The Hills. This submittal is for approval of the final drainage plan for a proposed eight lot subdivision, just south of Mohr Road and west of Darmstadt Road. The subdivision is part of the originally constructed Spring Valley Subdivision and incorporates existing streets, drainage structures and a large retention pond that was originally constructed for Spring Lake Valley. The preliminary drainage plan for the overall subdivision was originally approved by this Board on April 7, 2015. The final drainage plan was submitted June 9, 2015, with revisions submitted on July 22, 2015 and August 3, 2015, and a corrected secondary plat submitted on July 28, 2015. The plan that is requested to be approved consists of the submitted document dated June 9, 2015, responses dated July 22, 2015 and August 3, 2015, along with the drawings that consist of the following; drawing C-101 and C-501, with a receive date of August 2015, and a revised secondary plat dated July 28, 2015. As this is a final drainage plan submittal for a residential subdivision, under section 13.04.460, the developer will be utilizing the plan B, the repair funds set up by the county, to maintain all pipes not within county right-of-ways. I've provided you a copy of the review of the submitted drainage plan, and request that the review document be made part of the approved drainage plan, approved final drainage plan. The drainage plan was reviewed by the County Surveyor and found to be in compliance with Vanderburgh County's drainage code, and therefore is being submitted to the



Board for approval under section 13.04.090. I know the engineer is here, and Mr. Sterchi is here too. Just going through all of my verbiage, but, essentially, you already have a subdivision developed here, you had some road constructed here, and Mr. Sterchi is just wanting to build along these eight lots right in here. I think he's got plans for doing the overall subdivision, but I think was an easy way to get some lots platted and get started out there. Would that be a good statement, Brad?

Brad Sterchi: That's correct.

Jeff Mueller: Okay.

President Ungethiem: Okay. Anybody from the audience want to speak on this? No? Any questions from the Commissioners?

Commissioner Melcher: Move for approval.

Commissioner Kiefer: Second.

President Ungethiem: I've got a motion to approve and a second. Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

<b>MaxMar Subdivision: Final Drainage Plan</b>
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Jeff Mueller: Okay, I may have a typo on your sheet, this is the MaxMar Subdivision. This submittal is for approval of a three lot, it's a final drainage plan for a proposed three lot subdivision located along Harmony Road, between Church and Koressel Roads. The final drainage plan was submitted on July 30, 2015, with a revised Appendix C, page one submitted on July, or, I'm sorry, on August 3, 2015, along with a copy of the public hearing notice and a list of the abutting property owners also included. This information constitutes the plan that is requested to be approved. The reason I requested the public notice and the list of abutting landowners is that the developers, Jeffrey W. and Tricia Henning, have requested exemption from the requirement to detain excess storm water runoff. Now, normally we don't require notification, but a lot of times it's done with the APC, and since, I just wanted to make sure that the folks next door knew what was going on. The developers have requested exemption from the requirement to excess, I'm sorry, an exemption from the requirement to detain the excess storm water runoff, and this is because it's a small three lot subdivision, there's no streets. The additional runoff that will occur from the development is very small. I believe tearing up more area for the required small detention basin would be fruitless. So, that's the reason for their exemption request. I agree with it. I've provided you with a copy of the review of the submitted drainage plan, and request that the review document be made part of the approved final drainage plan. The drainage plan was reviewed by the County Surveyor, and with the requested variance is found to be in compliance with Vanderburgh County's drainage code, and therefore is being submitted to the Drainage Board for approval under section 13.04.090. I know Mr. Farny is here with the Lochmueller Group if you've got any questions on this, but, to me, it's a pretty simple one.

President Ungethiem: Any comments from the public? No? Questions from the Commissioners?

Commissioner Kiefer: No, I don't have any.

President Ungethiem: You say this is a three lot?

Jeff Mueller: Yes.

President Ungethiem: I see two.

Jeff Mueller: Well, there's two parcels, but it will become a three lot subdivision.

President Ungethiem: Oh, okay.

Jeff Mueller: Those are the parcels as they exist right now.

President Ungethiem: Okay.

Jeff Mueller: Yes.

Commissioner Melcher: I'll move for approval.

Commissioner Kiefer: Second.

President Ungethiem: I have a motion to approve and a second. Any discussion?

Commissioner Kiefer: No.

President Ungethiem: Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

<b>Thrust Industries-Hedden Road: Final Drainage Plan</b>
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Jeff Mueller: Okay, next is Thrust Industries on Hedden Road. This plan is for a proposed expansion of an existing business located in replatted lot eight of the Airport Industrial Park Subdivision, which is north of Kansas and east of Highway 57. An expansion of the Thrust consists of a building addition of 24,250 square feet and a new drive. The final drainage plan for this was submitted on July 30, 2015, with revisions submitted on August 6, 2015. The plan that is requested to be approved consists of the revised submitted document with the receipt date of August 6, 2015, along with a revised drawing C-1 with the same receipt date. In the drainage plan the owner is requesting two variances, first is a request to place the dry detention basin within 50 feet of the proposed building, and the second is to not provide an easement for the detention basin, as the basin is located on the subject property and serves only this property. I don't have any issues with either one of these variance requests. The main concern that we have is not so much how close the building is, but if it's a 100 year storm that the floor elevation is above that. The calculations came back that their floor will be over two feet above the 100 year flood elevation. On the easement issue, we've been, pretty much on these single lots we've not required an easement, if it's only serving that lot, no other drainage. When we get into multiple lots then we want these in easements. So, both of these requests are pretty standard and the Board has granted them before. I've provided you with a copy of the review of the submitted drainage plan, and request that the review document be made part of the final approved drainage plan. The drainage plan was reviewed by the County Surveyor, and with the requested two variances, is found to be in compliance with Vanderburgh County's drainage code, and therefore is being submitted to the Drainage Board for approval under section 13.04.090. I believe Lyle Mehringer is here, he's the engineer, if you had any questions regarding this one, but it's pretty simple. Just, like I said, they're going to put a basin in to capture the additional impervious area.

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

Commissioner Melcher: Second.

President Ungethiem: Motion to approve and a second. Any comments from the public? No? Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

<b>Cambridge Village Phase II Subdivision: Preliminary Drainage Plan</b>
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Jeff Mueller: Okay, Cambridge Village, Phase II Subdivision, preliminary drainage plan. This submittal is for the approval of a preliminary drainage plan for a proposed 63 lot subdivision located within the Cambridge Golf Course complex, and located in the area around the intersection of Volkmann and Old State Roads. So, you can kind of see, I think this is the main entrance of Cambridge here, and the buildings are back here. So, what they'll be doing is extending some streets back into this area. There will be a street that's going to go out to Old State, and soon be constructing 63 new homes back in that area. Okay? The subdivision will utilize existing lakes that were constructed as part of the golf course, but were also envisioned to be utilized as part of the overall storm water drainage system. The overall preliminary drainage plan for the whole Cambridge area was originally approved by the Board on November 23, 1998, with a final drainage plan approved on June 28, 1999. The preliminary drainage plan for this phase of the subdivision was submitted on July 28, 2015, with revisions submitted on August 10, 2015. The plan that is requested to be approved consists of the submitted document dated July 28, 2015, revised discussion and table dated August 10, 2015, along with the following drawings; drawing C-501, with a received date of July 28, 2015, and revised drawing C-101 and C-102 submitted August 10, 2015. Most of the drainage from this area is going to the already constructed lakes that were part of the original design of the subdivision, and that would be what they call pond seven down here and the pond five and six system that are here. Okay? One issue that I want to address is that for the final drainage plan there is an area that they call sub-basin four that has about three acres up in this corner. Well, actually, it's more like in here, that will be leaving the area undetained, and in the final drainage plan we will be requesting that they make sure that there's adequate capacity within the existing road pipe under Old State Road to address the drainage from this area. I provided you a copy of the review of the submitted drainage plan, and request that the review document be made part of the approved final drainage plan. The drainage plan was reviewed by the County Surveyor and found to be in compliance with Vanderburgh County's drainage code, and therefore is being submitted to the Drainage Board for preliminary approval under section 13.04.090. I believe Mr. Morley is here if you've got any questions regarding this subdivision.

President Ungethiem: Any comments from the public on this one? Any questions from the Commissioners?

Commissioner Kiefer: I'm just excited to see more home growth out in that subdivision and seeing that they are building more out there. I don't have any questions.

Commissioner Melcher: Move for approval.

Commissioner Kiefer: Second.

President Ungethiem: I have a motion and a second. Any further discussion? Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: My only concern with this is that the lake might get bigger, which gives me a higher probability of putting a golf ball in it, but I'll approve it anyway.

Commissioner Melcher: It don't matter the size, I'll get it in there.

Jeff Mueller: Yeah.

**(Motion approved 3-0)**

Jeff Mueller: I don't have any problems, because there's no woods there. Mine are always in the woods.

Commissioner Melcher: If I hit a ball in the fairway, it's going to land on a green.

Jeff Mueller: Yeah, yeah. We all know we haven't been spending much time out golfing.

<b>Walmart: Final Drainage Plan</b>
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Jeff Mueller: Okay, next on the agenda, Walmart, final drainage plan. This is the final drainage plan for a proposed Walmart Supercenter and four out lots to be located in the northwest corner of Indiana State Highway 57 and Boonville-New Harmony Road. The drainage plan consists of the construction of a large detention pond located on the northern portion of the development. So, you can kind of see a real large dry basin that's going to be up here. Water will be conveyed to the pond through a storm sewer system in the parking lots, as well as a concrete open swale to be located on the western border of the property. So, there's going to be a concrete swale running all the way down through here and then going into here. The swale construction is adjacent to a proposed berm, that was agreed to by Walmart, with the BZA, as a condition for relief of certain other zoning requirements. The discharge from the onsite drainage consists of approximately 31 acres, plus an additional offsite area of 15 acres that will eventually discharge through an 18 inch pipe located in the northeast portion of the property into Schlensker Ditch. So, the parking lot drainage, there's a system of pipes underneath the parking lot, and there's a large concrete ditch right here. That concrete ditch, by the way, the drainage kind of flows in this general direction, so the drainage coming off this field is going to go in a concrete swale, and that and all of the other drainage is going to end up in this lake. It will be a dry basin. There's an 18 inch pipe on this corner that will discharge to the Schlensker Ditch. Okay? Taking out approximately, Mr. Tracy is here, about eight to 12 feet of material in that pond, is that about right?

Tracy Richard: At a minimum.

Jeff Mueller: Yes, okay. Alright, let's see here, I lost my place. The ten year storm for the existing site, in other words, that's what we use for our development, you know, our allowed rates, is 13.6 cfs. The projected 25 year storm release rate for the site, plus the offsite is 10 cfs. The release rate from the pond of 10 cfs equates to a release rate of .22 cfs per acre for the entire watershed of 45.68 acres, which includes the offsite area, of .33 cfs per acre for the 30.81 acre Walmart site. These release rates are much lower, on a per acre basis, than many of the residential subdivisions in the area. The side slopes of the dry basin are a lawn type mixture, with a bottom, and a wildlife mixture. This mixture, seed mixture in the bottom, is a better seed mixture than trying to, you know, plant Kentucky Bluegrass or something like that. It might, when in a storm, be inundated for a while. So, they're actually putting a better grass mixture, in my opinion,

in the bottom of the lake than what we have in our code. The proposal, like I said, it's going to meet that issue. As many required drainage easements, there are many required drainage easements for this project, and like any other commercial plaza, some of those are in the parking lot. Many functions associated with parking lots, including paved parking spaces, landscape islands, etcetera, is going to be located within the same area that will conveying the drainage within the lot in the surrounding areas. Therefore, there is attached with the drainage plan, a request to encroach within the easement, to allow for these normal parking lot functions. When we look at an encroachment of easements, we normally are discussing these in relation to residential areas, or sometimes a request to put signs in easements that serve commercial lots. So, I'm not sure if the variance is really needed, as it's obvious that the parking lot will be constructed over part of the drainage system, but I believe it's good just to call this out in advance, so that if anybody in the future, they would understand that there's going to be landscape islands over the top of the drainage system, and we require the landscape islands as part of any new commercial development. So, like I said, I think, I don't know that that was really called for in our code, but if you go by the letter of the code it might be. So, that's why I think it's better just to put it in a variance and that way we've covered it. Okay? The final drainage plan was submitted on November 24, 2014, with revisions submitted on December 17, 2014 and June 18, 2015, and two revised drawings submitted on July 9, 2015. So, in other words, we've been spending a lot of time going back and forth with e-mails on this one. The plan that's being submitted for approval consists of the revised submitted document, with an as received date of June 18, 2015, responses to comments with an as received date of June 18, 2015, a copy of the Section 401 water quality certification from IDEM, and drawings one through nine, 12 through 15, 17 through 23, and 29 through 37 that were received on June 18, 2015 and drawings 16 and 28 that were received with a date of July 9, 2015. Some of these drawings that you're seeing up here are what was showed. I do want to point out that on the west line, that what we've done is this berm and fence was required as part of the agreement with BZA. You've got property over here and farm fields, and what we wanted them to do was to leave an open ditch so that this water can come over and get in this ditch and get down to that basin. So, we're not having a situation, we want to take care of the neighboring drainage. We want to make sure that it gets there and it's not blocked. I specifically told Walmart early in this planning cycle that I did not want a storm sewer system over here, because you've got a corn field next to a storm sewer and we know what happens, we've got corn cobs in it and the next thing it's not working. So, we're going to have a nice, wide six foot bottom ditch to take the drainage that comes from the west. The parking lot drainage, as I told you, that we kind of talked before, there's a system of pipes that run along the points that I'm showing you, they discharge in the basin at these different locations. Like I said, there's going to be inlets to those pipes and you've got landscape islands. So, very typical of any parking lot that we would see in a development. Okay?

Commissioner Melcher: Before you go any further, could we go back to the slide before?

Jeff Mueller: Yeah, I'll probably have to click...well, I don't what's the matter, why this isn't doing that.

Commissioner Melcher: I hope I didn't ruin anything.

Jeff Mueller: It comes up in a different format up here than it does on my computer. That one, or the next one?

Commissioner Melcher: No, the one that's showing the berm.

Jeff Mueller: Oh, yeah, that one. Okay.

Commissioner Melcher: What kind of fence? They're going to put a fence on top of a berm?

Jeff Mueller: That was a requirement of the BZA.

President Ungethiem: It's a solid wood board fence.

Jeff Mueller: Yeah, does it say it on there?

Commissioner Kiefer: It says six foot solid wood fence.

President Ungethiem: Six foot solid wood board fence.

Commissioner Melcher: Did they say why?

Jeff Mueller: It was...why BZA wanted that?

Commissioner Melcher: Yes.

Jeff Mueller: The neighbors wanted it to cut out some of the back of the building.

Joe Harrison, Jr.: A shield.

Jeff Mueller: You know, shield it.

President Ungethiem: Light and sound.

Commissioner Melcher: I understand all that. We've already got one of them in town that the neighbors don't like at all. You know, they, and I just thought, I didn't think we'd ever do another one.

Jeff Mueller: No, this was in between BZA and, this all happened in the BZA meeting.

Commissioner Melcher: Well, they'll wish they didn't have it. Now, the other question, did you say something about a concrete?

Jeff Mueller: Yes, this swale here.

Commissioner Melcher: That swale is going to have concrete in it?

Jeff Mueller: This is going to be a concrete liner. I'm sorry?

Commissioner Melcher: That's going to be a concrete swale?

Jeff Mueller: Yes, and there's specifications they pulled out of INDOT for construction of it.

Commissioner Melcher: Because we've had trouble with, even along the new, well, it's not new anymore, that shows my age, along the parkway downtown about that, about Bee Slough and all that. That concrete made it worse on flooding, because it just flows. It doesn't saturate in to nothing. So, that's, I don't know if I agree with....I'm okay, I just don't think I would agree with the wall up there. They could have had either or, you know what I mean? Okay.

Jeff Mueller: I mean, like I said, I know the wall, I came into the BZA meetings and that was discussed between the neighbors and the Walmart folks.

Commissioner Melcher: BZA, I think, is run wrong. You know, it's just completely wrong. You don't really get a chance to talk, everything you want to say, they cut you off, and you don't get a chance to come back up and say something. So, I think it's all wrong, and you cannot talk to the people ahead of time. Like if you wanted, and Walmart wanted to go talk to them before they got there and show them, you can't do that. All because of Evansville, Indiana. They lobbied it years ago that they could be exempt. I've been trying to get that changed ever since I've been here. There should be able to be people that help, so, BZA doesn't sit well with me half the time.

Jeff Mueller: Okay, all I know, Mr. Melcher, is that the drawings were what they agreed to. I did take them over to Area Plan to make sure that our ditch conformed with—

Commissioner Melcher: No, I understand, sometimes they don't know what they're asking for.

Jeff Mueller: Yeah, okay.

President Ungethiem: All of this structure is on the Walmart property?

Jeff Mueller: That's correct.

President Ungethiem: And therefore it is the responsibility of Walmart to maintain down the road?

Jeff Mueller: Yes, just like, yeah, there's no ditches that have been put on the neighboring properties. As a matter of fact, they actually had the ditch a little too close, and I said no, and they scooted the building over a few feet to meet my requirements of getting that ditch off the property line.

President Ungethiem: I hate to ask you to do this, but can you go back one slide?

Jeff Mueller: Are you serious? I can. I can do that if you want—

President Ungethiem: Well, my question was, the outlots didn't appear to have any kind of underground drainage. Are they all surface drainage?

Jeff Mueller: They're all surface drainage as they're envisioned right now.

President Ungethiem: Surface drainage to the edge, and then they go underneath?

Jeff Mueller: Well, they would edge to the Walmart site, but each outlot would have to come in with a drainage plan, because they would have to show that they conformed to this general plan.

President Ungethiem: Okay.

Jeff Mueller: Just like any other commercial subdivision.

President Ungethiem: But if that outlot is going to go to that basin to the north—

Jeff Mueller: Their drainage would have to go to the north.

President Ungethiem: We would want to put that piping in ahead of time, right?

Jeff Mueller: Yeah, they've got the piping on the edge of the outlots.

President Ungethiem: Right, they would have to tie into that piping to get into that basin to the north?

Jeff Mueller: Yes, yes, but there will be piping right to their northern edge.

President Ungethiem: Right, okay, I just wanted to make sure, because I didn't see any drainage on those outlots at this point in time.

Jeff Mueller: Right, and I think part of that too is because, you know, they don't know exactly what they're going to have, or, you know, a couple outlots may be sold together and they might have a small strip center or something. So, like I said, they have to come in to us, through site review, just like any other development. Even though there's an approved drainage plan for this site, they have to get their site approved, which would mean running drainage calculations to, number one, show that their assumptions for their individual site ties into what Walmart assumed, and to also give the individual pipe sizes and stuff on their particular parking lots. That's a requirement that's for all commercial subdivisions.

President Ungethiem: Now those outlots, prior to them being developed, will just be soil and grass seeded in there?

Jeff Mueller: Mr. Tracy?

Tracy Richard: That is correct. There will be—

Jeff Mueller: You need to come up to the microphone so they can pick you up.

Commissioner Melcher: We record this, that's why.

Madelyn Grayson: Do you spell your last name with an "e"?

Tracy Richard: First name Tracy, last name Richard.

Madelyn Grayson: Is it T-r-a-c-y though?

Tracy Richard: T-r-a-c-y.

Madelyn Grayson: Okay.

Tracy Richard: The outlots will be vegetated. They will be grass until they're developed. Also too, in respect to your question of the storm sewer, each lot has a storm stub to it, and it's just a matter, as described, when they come in with a defined plan, they'll be required to hook to it, and meet your requirements for the individual lots, but all drainage will go to the north to the detention basin.

President Ungethiem: The field to the north of the retention basin, will it go into the retention basin, or will it go into the ditch? I know you said the one to the west goes into the ditch, or goes into the swale.

Jeff Mueller: Everything to the north of the basin would still just flow directly into Schlensker, like it is right now. Is that...as a matter of fact, they can't, their plan is not to disturb any of those trees, because I think that opens up a whole bugaboo of additional permitting, doesn't it?

Tracy Richard: It's also beyond our property.

President Ungethiem: I understand, I just wanted to make sure that none of the water coming off of that field goes into that retention pond, that it all goes into that ditch.

Tracy Richard: (Inaudible).

Jeff Mueller: No, anything that's draining northeast now, if it's coming across the property line, it's going to be intercepted by the ditch and put into the basin.

President Ungethiem: Okay.

Jeff Mueller: Before I probably go further, I don't know if there's, Dwight, did you want to make some comments?

Dwight Markwell: Yes.

Jeff Mueller: Yes. Be sure to state your name again for the record.

Dwight Markwell: Again, my name is Dwight Markwell. I live at 11712 Highway 57. I represent the homeowners. To touch base on a few things here, Mr. Melcher, the reason for the wood fence is, was because Walmart was reluctant to build the berm. Look at the details of height of some of those berms, they're only about may two or three foot. That's all the taller they are. The drawings are not quite just right on them.

Commissioner Melcher: Okay.

Dwight Markwell: And that's the reason. The homeowners had a lot of meetings over this, what we wanted and Walmart has worked with us on moving driveways. The existing driveway on Boonville-New Harmony Road was up against a house. That person would never have any privacy. So, Walmart moved it over between the, I guess, that would be the first and second, or the third and fourth, whichever way you want to look at it. But, I want you guys to know, I've been in engineering now for almost 38 years, okay, I've lived out there for 36, retention ponds are not new. Mother Nature built retention ponds before we even thought about it in engineering. You had a watershed report that only covered what was on the, that would be the north side of Boonville-New Harmony Road. There is another watershed that dumps into there, and that's our retention pond where they're building. That's Mother Nature's retention pond. That creek backs up when we have heavy rains, and it comes up into part of those grounds. You asked if that water would ever come up there and get in their detention pond, you can bet on it. Okay? Because INDOT's bridge is right there, but they're not the big killer, the big killer is a railroad bridge which holds back water. So, that field floods until it can catch up. Water comes down out of our watershed, it dumps into the same piece of property. So, you've got two watersheds dumping into it. So, water gets so deep, it goes over the top of Boonville-New Harmony Road, and into that field. That happens at least, probably, twice a year. It happened more than that before we got the county to come in and put a cross pipe, which I've talked to John about and Jeff. We have to have that on



that new, improved Boonville-New Harmony Road section. We've got to have that to get rid of that water. We were okay for a while until they built the new Bohannon Estates. You've got all of that water that comes down in the spring, there's three lakes up on top of the hill, all of that water runs down in the spring and there's nowhere to retention it up above. So, it all comes down, and it will flood that field. Our concern is, you know, we want to make sure, like Mr. Melcher was talking about, we don't have this water problem when Walmart is there. I don't know how you replace that retention pond for us, because they are going to be filling it up. When I built my home, I was denied a permit to build a basement below elevation 400. Look what they're building the elevation of this building on, below elevation 400. Has the rules changed? Possibly. Possibly, or did someone know something more than that earlier. But, I'm just telling you, that you only saw part of the picture. You only saw one watershed. There's another watershed with water coming down. It's a lot of water. It's got to be a lot of water to go over top Boonville-New Harmony Road. School busses will not go through there when the water is up over it. That's also a main route for our fire department and our rescue. You guys were talking about flagging through there, you've got to keep two lanes open. You can't be stopping these, our fire trucks and our ambulances from coming through. So, keep that in mind when you build Boonville-New Harmony Road. I understand that I haven't seen the plans for the new Boonville-New Harmony Road, but we did hear that Walmart pushed and pushed and pushed not to take any ground from their side, take it all from the homeowners. That's not totally right, but there's got to be a better way. You know, that should have been split 50-50 and gone from there, but we probably got beat on that one. The water problems may be, in the future, and the reason I'm here, we wanted to get this on record. I assume this record would be kept from now on.

Commissioner Melcher: It will be.

Dwight Markwell: Thank you. If things happen that I think may happen, I wanted this on record so we could pull this up later. As you know, our homeowners aren't sent information about this meeting. I wish that would change, anybody connected, close to these projects, that they should be notified, at least the ones touching, or close to touching. That's all I have, but bear in mind what I just told you, that water will back up, it will back up to their detention pond, and it will go in their retention pond back from the creek. Any questions?

President Ungethiem: Let me see if I understand, the area around where Bohannon Drive is, that area flows north?

Dwight Markwell: That's correct. It all, all that comes out of that subdivision, the new, that's what we call the new Bohannon Estates. The old Bohannon goes on 57.

President Ungethiem: Okay.

Dwight Markwell: The new Bohannon is back. When they designed that, all water come out of Bohannon, turns and heads back towards 57.

President Ungethiem: Then it goes down Boonville-New Harmony Road to 57 and then follows 57 up to the creek?

Dwight Markwell: That's correct. INDOT, as you know, we have done work there, I was there when this happened, I can't remember now for the heck of me, there may have been a box truss, a box underneath up there. Then, I think they might have put extended a pipe through it, but I'm pretty sure it's not big enough. That's the reason we're having to put that cross pipe in to relieve the pressure of all that water coming down, because when the water comes down, even out of new Bohannon Estates, it's to shoulder level already when it comes out. That's not even counting the water coming down from the hill up above on 57, and runs down behind all the houses, and it's got three lakes that dumps into that same one, when they're full in the spring. So, we've even, on our own, went and tried to improve that ditch behind our houses to get that drainage in. Any other questions? No? Okay.

Jeff Mueller: I do want to make one comment to Mr. Markwell, and it's a comment that I totally agree with. We do not require notification of people on drainage plans. What happens is if there is a subdivision, when they send out the notice, in that notice, a lot of times they will tell people about a drainage plan notification. I have been working on a

number of changes to the drainage code and been working with SIBA on those. John and I are meeting with SIBA, is that next Wednesday? That's still one of my proposed changes is that they will be required to notify the adjoining neighbors. Okay? So, I do want people to understand that we are trying to address that problem. Now, they could do it with the same notice, but I want a notice sent out so that people know a week before hand that the drainage plan is going to be covered. Okay? As far as tonight, I did get e-mails from different people that had been to meetings and sent them to people telling them about the drainage plan tonight. I'm assuming that's how you knew about this, Dwight, so, you know, I didn't want people not to know about tonight's meeting. So, I did send out to, I don't know, ten or 12 people. A few of them bounced back, but I know at least one other person got the e-mail because they called me. So, but notification, I entirely agree with, that we need to let people know when we're having drainage plans being covered in drainage meetings.

Commissioner Melcher: Well, I kind of agree, being a City Councilman for 17 years, we pushed this United Neighborhood thing, where everybody had to be notified, or at least the neighborhood association would have to be notified. They only get notified if the association signs up for it, and it goes to one person, and that person has to tell everybody. We need to be looking at that for the county too.

Jeff Mueller: Okay.

Commissioner Melcher: Any kind of zoning, road change, somebody ought to know. Like if they're in a subdivision, somebody has to be responsible to let the subdivision know.

Jeff Mueller: Yeah, and that's what I'm trying to address, at least to the drainage piece, is at least that's a requirement that I want to push, because I do believe that people, adjoining neighbors should know about drainage plans coming up.

Commissioner Melcher: That's true. There's about 65 neighborhood associations, and every time there's something in their area, they get notified. So, at least somebody in there gets notified.

Jeff Mueller: Yes.

Commissioner Melcher: Now, it's their responsibility to let everybody else know.

Jeff Mueller: Yes.

Commissioner Melcher: I know, like in Keystone, they would notify the homeowners association, because it's not a neighborhood, but it's still could happen.

Jeff Mueller: Yes, but I did want to let you know, like I said—

Commissioner Melcher: How do you answer his question about this second watershed and what all that's going to do?

Jeff Mueller: Well, I think it gets back to—

Commissioner Melcher: That's the thing that I'm worried about, this flooding.

Jeff Mueller: Well, that's the thing I think it gets back to is what John said in his, is that we need to look at the pipes coming underneath Boonville-New Harmony Road. This would be an ideal opportunity if we need to put a bigger pipe in there to do it, to get that water down.

Commissioner Melcher: Well, can we hold this then till you get to that point?

Joe Harrison, Jr.: That's a condition, isn't it?

Jeff Mueller: Well, it's a condition in his road plans, yeah.

Joe Harrison, Jr.: Yeah.

Jeff Mueller: We could, or we could condition the drainage plan approval of that, before I sign off on anything that we've looked at it, as far the pipes underneath the road.

President Ungethiem: We would almost have to look at it from that point all the way to across the Walmart parking, across the Walmart property, all the way to the ditch, right, to make sure that it flows adequately?

Jeff Mueller: I think, you know, from what, and maybe I misunderstood, because when I talked to Mr. Markwell earlier, what I understood was that once it gets across Boonville-New Harmony Road, it will get down to there. Is that correct, Dwight? Or, did I misunderstand you when we talked on the phone? One of your concerns was that Boonville-New Harmony Road was almost acting like a dam from the south.

Dwight Markwell: That's correct. The road itself is a dam. That's the reason the county came in and put that relief pipe in, to relieve that pressure, to try to get some of that water, because it wasn't just flooding over the top of Boonville-New Harmony Road once or twice, back then it was a lot more than that. It was a bigger area when it crossed. So, like I say, that was the reason for the pipe, but, like I say, it's been all along our retention pond. When we've had bad, bad weather, and they're going back on a ten year, if I was doing it with INDOT we would go a hundred years. Okay, but that's neither here nor there, that we look at a hundred year flood plain and see what it does. That gets very expensive for everybody. I'm not sure it was good for INDOT, but the federal government wanted us to do it that way. So, especially when we put in bridges and things like that, because those openings of a bridge could be a dam. If you don't get it wide enough, it's a dam. I don't know if you've ever looked at some bridges put in and there's no water underneath it, did you ever ask why? That's an overflow, because they expect water to come up and be high and it has to have a way out. So, there's bridges built just for overflows. Go down on 41 if you want to see one, after you cross the Eagle Creek Bridges, which are 15 span bridges, there's an overflow structure there. That overflow is just when the river gets up, it has a way to get out. The problem we have down there, I don't think it's INDOT's bridge, I think it's the railroad. The railroad is holding back water and dams it up. It can, only so much water can get out of there. That water, you know, it has to back up. How many houses have been built out there and dump into that creek now? Probably, I'm guessing, 300 to 400, you know, and that wasn't there before when the railroad did their stuff. Now, it's creating more.

Commissioner Kiefer: Do we have piping under the railroad, Jeff?

Jeff Mueller: Yeah, excuse me, there's a pipe underneath the railroad, but it may, it looks like it is constricting flows during high water.

Dwight Markwell: And that dams it up, it has to sit back on that side until it goes down.

Commissioner Melcher: Wow, that's an interesting question. Do we have to pay the railroad for having that pipe? The City of Evansville has the same problem on the east side, and they had to run a pipe under the railroad tracks to relieve the water, and every year they have to pay the railroad a fee for that water to go under their track. I've tried to stop that the whole time I was a Councilman, and I couldn't. So, I guess, they don't.

Jeff Mueller: I don't think so. I mean, that's just been a drain there forever, and the railroad's been there forever.

Commissioner Melcher: The railroad wins everything.

Jeff Mueller: Well, yeah, I agree with that.

Commissioner Melcher: You know, and I don't know why we're paying \$1,600-\$1,800 a year just so that water could go to the other side. Okay, I just want to make sure that we're not adding to the neighbors on water. Now, how we do that, fine, but I just don't want a year from now, two years from now them coming up here saying, we've got to get a canoe to get out of our house.

Jeff Mueller: I think that Mr. Markwell makes a good point, to me, if we got, if Boonville-New Harmony Road is acting as a dam, then we need to look at the numbers for the pipes coming underneath Boonville-New Harmony Road and get that water to the north where it gets away from them. Because if he's saying—

Commissioner Melcher: So, how do we answer that tonight?

Joe Harrison, Jr.: Well, that can be a condition.

Commissioner Melcher: Okay.

President Ungethiem: As I recall, there is a pipe underneath Boonville-New Harmony Road that's 24 inch, and it was not going to be increased with the road project?

John Stoll: Yes. There is a 24 inch that's between the proposed Walmart drive and 57, and then there's a 36 inch pipe right under Boonville-New Harmony at 57. I spoke to Mr. Richard, and we can go through the drainage numbers again, to make sure that there aren't issues associated with the capacities. If there are, then we can get those resolved. Right now, the existing pipe that's underneath Boonville-New Harmony is a 24 inch corrugated metal. The proposed plan shows a 24 inch plastic, so there would be some improvement hydraulically with the plastic with the smooth interior wall. Again, not a massive improvement, but it will be an improvement. That being said, we can take another look at the numbers and make sure that everything will work and we're not creating a new problem.

Commissioner Melcher: I would feel more comfortable tonight if we did that before we voted on this. Is it imperative we vote on this tonight? Will it slow something down? Because I don't want to slow progress down either. So, we kind of represent both sides. We want to help here, but we also want to save what we have over here.

Tracy Richard: Again, Tracy Richard, since my client is not in the room, I can say this. No, you won't slow them down by not taking a vote tonight. Now, if they heard me say that, I would probably be shot on the spot.

Commissioner Melcher: No, we understand. We understand, that happens all the time.

Jeff Mueller: I hope they're not watching t.v.

Tracy Richard: I'll say it this way, we are, through our plan, taking probably more water from the south side of Boonville-New Harmony to the north, unlike it had before, but, again, we can look at the sizes, because I won't tell you right standing here tonight is that taking the ten year storm, the 30, the 25, I have to look at that and see. I don't know the full drainage capacity of the 36, because, again, we didn't study it. It wasn't something that we were requested to study.

Commissioner Melcher: Well, I'm not trying to create problems. I just want to get it done right. I would like this one to be done right.

Tracy Richard: Understood. You don't want a phone call—

Commissioner Melcher: And, I'm just thinking, we might be saving ourselves a lot of trouble by just waiting another two weeks, or whenever our next meeting is.

Jeff Mueller: Steve, I think what, you know, with the ditch on the west side and some other things, I think we've got the capacity to get it through the system, but we've got to get it underneath the road. I think you've probably already had that problem, like you said, it's partially solved. So, the question is, is how do we make sure it's solved again, and don't make it worse. Especially since we're going to be having a wider "dam", because we're going to have a wider road.

Dwight Markwell: Yeah, we just didn't want that pipe taken out, and try to get all the water out up at the intersection. That's not going to work. That's too much water. You've got to have a relief to get it out of there.

Commissioner Melcher: I'm not even talking about that. I just want to make sure that nothing is going to happen. Something might happen, but at least that will be, you know, I don't know how to word it anymore.

Jeff Mueller: Well, I think the best thing is, I don't know how you want to do it mechanically, but we definitely need some numbers back from their firm on pipes coming underneath the road.

President Ungethiem: Can we have those, the next Drainage Board meeting is September 1<sup>st</sup>, can we have that information back by then so that we could make a decision at that point?

Tracy Richard: For the 24, I can have that done for you in two days, that's not a problem. The 36, to study that would take a little longer, because that is a very large watershed and documents and info I don't currently have.

President Ungethiem: Okay.

Commissioner Melcher: So—

President Ungethiem: So, what I'm hearing is you would prefer to table this until the next meeting?

Commissioner Melcher: If we don't, I'll probably have to vote against it tonight and Joe's going to abstain, so, we're just spinning our wheels, and I don't want to do that. I would rather make sure that, I would rather feel more comfortable with it.

President Ungethiem: Then I would entertain a motion to table.

Commissioner Melcher: Well, I was going to do that, but I want to make sure we all know what we're asking them to do before we do that.

Jeff Mueller: Well, and let's, maybe if you don't mind, if I kind of verbalize that. I think we're okay with the Walmart layout part, it's the water coming from the south, and making sure that that gets to the north. That's what we want to see is some numbers for the pipes underneath Boonville-New Harmony, the existing pipes, and whether we need larger pipes or maybe add a pipe in some location, but that's what we're...that's the problem we're, I'm trying to define the problem, I guess, is what I'm saying.

President Ungethiem: Well, Mr. Markwell's issue is that currently that water that goes underneath Boonville-New Harmony Road goes out into that field, where the building is going to sit. Once the building is there that water won't go out into that field, it won't go out into that parking lot, it's got to go somewhere.

Jeff Mueller: And, plus, you had problems there before that have been alleviated, and you want to make sure that that problem doesn't come back when they start widening the road out. Right?

Dwight Markwell: That's correct. We didn't want that pipe taken out. If anything, we wanted a bigger pipe put in and drain from the, whatever you want to say, from the south side of Boonville-New Harmony Road to the north, then it follows Boonville-New Harmony Road's ditch, then connects to the state's—

Commissioner Melcher: We're not getting that on the record. I hate to stop you.

Jeff Mueller: Yeah, I'm sorry, Dwight, yeah.

Dwight Markwell: The main thing is we wanted to make sure that that relief pipe, I'm going to call it a relief pipe, was put back in, because when you design a new road, it could take it out, and try to take the water all the way down to the intersection and try to get rid of it. Okay? It has been proven, by living there, that won't work. Okay? That we need that cross pipe. Once that water goes underneath Boonville-New Harmony Road, it turns right, follows the county ditch up to the state ditch, the state ditch carries it right on down to the creek, but when it, when there's a lot of water coming down there, it backs up in that field. What's it going to do now when they fill all that in? I have no clue what's going to happen. I don't know. That's our retention pond that they're filling back in.

President Ungethiem: Well, suffice it to say that Walmart's not going to want it to run out on their parking lot, so they'll keep it from happening, so that just means you're going to need, it's got to go somewhere.

Dwight Markwell: Well, they're going to add probably three foot or four foot of fill on their parking lot. So, they're not going to be flooded.

President Ungethiem: Yeah.

Dwight Markwell: Somebody else is.

President Ungethiem: Okay.

Commissioner Kiefer: Well, if it gets to their parking lot it should go down those drainage—

President Ungethiem: Yeah, but Walmart's not going to want all that mud on their parking lot, because it's going to be carrying mud with it, and they're not going to allow that.

Commissioner Kiefer: Yeah.

Commissioner Melcher: I just want it done right the first time.

Jeff Mueller: Okay, we've got to look at what's going on at the road.

President Ungethiem: They're not going to want that field mud coming in the parking lot.

Jeff Mueller: That's what we've got to do.

President Ungethiem: Okay.

Jeff Mueller: Like you said, they put a two foot pipe in, it solved your problems, you don't want to see the two foot pipe disappear, and if we got an extra six inches or 12 inches out of them, if we got a 30 or 36 inch pipe, even though, you'd be even more happier.

Commissioner Melcher: Who's paying for all this new pipe if we've got to have it?

Joe Harrison, Jr.: Walmart.

Commissioner Melcher: Okay.

Jeff Mueller: So, let's let them punch the numbers through and see what it comes.

Commissioner Melcher: Yeah, because I would hate to go to County Council for money.

Jeff Mueller: I wouldn't want to go there either.

Commissioner Melcher: This is budget time right now.

Jeff Mueller: We've all got to go there this week anyway, right?

Commissioner Melcher: Not me. I think it's you.

President Ungethiem: I think we've got an understanding. Do we have a motion to table?

Commissioner Melcher: So moved to table.

Commissioner Kiefer: Second.

President Ungethiem: A motion to table, and second. Final discussion?

Commissioner Melcher: So when will they come back then?

Joe Harrison, Jr.: September 1<sup>st</sup>?

President Ungethiem: The first of September is the next drainage meeting. There is no drainage meeting on the 25<sup>th</sup>.

Jeff Mueller: 24<sup>th</sup>, 25<sup>th</sup> whatever, yeah.

President Ungethiem: Yeah.

Commissioner Melcher: You'll be able to have the project, your end done on the 1<sup>st</sup>?

Tracy Richard: Yes.

Commissioner Melcher: Okay. I misunderstood you. I thought you weren't and I was trying to get you a date. Okay.

Jeff Mueller: If he can't get it done by the 1<sup>st</sup>, then he'll let us know and we'll tell you and it will be the 15<sup>th</sup> or whatever. I mean, it's going to be—

Commissioner Melcher: I just want to be fair with everybody.

Jeff Mueller: Right.

President Ungethiem: Yeah.

Jeff Mueller: We'll try to hear it on the first, assuming they get the data back to us, and John and I are comfortable with it.

President Ungethiem: Alright, we have a motion and a second. Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: First, I want to thank everybody, and I want to thank you for coming and that. I'm glad, as long as we keep working together, that's what moves us. So, let's just continue to work together. So, with that, I vote yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

President Ungethiem: Alright, this will be revisited on September 1<sup>st</sup>. If we have any information ahead of that, if you can get that to us so we could review it, that would be great.

Jeff Mueller: Will you get in touch with me sometime, Dwight? Okay, you're retired so we could meet during the day some time? Okay.

<b>Other Business</b>
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President Ungethiem: Okay, Jeff, other business?

Jeff Mueller: You already mentioned no meeting on August 25<sup>th</sup>.

<b>Ditch Maintenance Claims</b>
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Jeff Mueller: Ditch maintenance claims. I've supplied you with a sheet finally. I'm sorry I didn't get the handouts to you.

Commissioner Melcher: I kept saying we didn't have any sheets.

Jeff Mueller: I kept horsing around with this stupid computer. I'm going to say it on record.

Commissioner Melcher: I looked through here three times.

Jeff Mueller: I have been fed up with this computer in this room. Okay?

Commissioner Melcher: She said, well, you've got it.

Jeff Mueller: So, I've put it on record. I'm ready for this computer to go down to C & I Electronics, and that's not to have a new hard whatever drive put in it. Alright.

Commissioner Melcher: Let's get this terminal fixed over here too.

Jeff Mueller: And that t.v. Okay, ditch maintenance claims. I have supplied you with a sheet summarizing the 13 claims for \$21,301.23, and I request that those be paid.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: We have a motion and a second. Any discussion? Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 3-0)**

<b>Public Comment</b>
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Jeff Mueller: One other thing while I've got the microphone, just so you know, the first bridge survey in this county was done in 1973 under the federal law. I was a summer student and I worked on that crew that did that survey.

Commissioner Kiefer: The first what survey?

Jeff Mueller: The first bridge survey that was required under the federal law. That was the result of a federal law because of a bridge structure failure in West Virginia that killed a number of people. So, they started the two year inspections, and, like I said, I was a summer student in college when we did that first inspection. I think they've come a long way since then.

President Ungethiem: Okay, any public comment? Everybody left us.

Jeff Mueller: High ratings.

<b>Adjournment</b>
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President Ungethiem: I think we're done. I would entertain a motion to adjourn.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Ungethiem: Alright, all those in favor say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Ungethiem: Meeting adjourned.

(The meeting was adjourned at 7:29 p.m.)



**Those in Attendance:**

Bruce Ungethiem  
Jeff Mueller  
Tracy Richard  
Brad Sterchi

Stephen Melcher  
Joe Harrison, Jr.  
John Stoll  
Others Unidentified

Joe Kiefer  
Madelyn Grayson  
Dwight Markwell  
Members of Media

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Bruce Ungethiem, President**

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**Stephen Melcher, Vice President**

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**Joe Kiefer, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
SEPTEMBER 1, 2015**

The Vanderburgh County Drainage Board met in session this 1<sup>st</sup> day of September, 2015 at 5:36 p.m. in Room 301 of the Civic Center Complex with President Bruce Ungethiem presiding.

**Call to Order**

President Ungethiem: I would like to call to order the September 1, 2015 Drainage Board meeting.

**Pledge of Allegiance**

President Ungethiem: I'll lead us in the Pledge.

(The Pledge of Allegiance was given.)

**Approval of the August 11, 2015 Drainage Board Meeting Minutes**

President Ungethiem: Alright, I would like to entertain a motion to have the previous minutes approved.

Commissioner Melcher: So moved.

President Ungethiem: And second. All those in favor say aye.

Commissioner Melcher: Aye.

President Ungethiem: Aye.

**(Motion approved 2-0)**

**Construction in Floodway Permit-Big Creek/Pond Flat Main**

President Ungethiem: Okay, Jeff, construction in floodway, Big Creek.

Jeff Mueller: Alright, you do have in your packet, and I did pass the packets out this time, instead of waiting until the end of the meeting, a permit for Big Creek/Pond Flat Main. As you're aware, this is similar to copies of the permits that the Drainage Board receives regarding any IDNR construction in a floodway permit in Vanderburgh County. However, in this case this permit was submitted officially by the Drainage Board, through the County Surveyor's Office, for work to be done this fall on the Pond Flat Main or Big Creek, as the stream is known on ZSGS maps. So, we do have approval from IDNR. The work was bid this spring and is to start, pending the harvest, this fall. So, we're ready to go there. Do you want me to keep rolling?

President Ungethiem: Do you need an approval for this?

Jeff Mueller: No, it's just given to you so you know we got her.

President Ungethiem: Just a submittal that we've got that in place?

Jeff Mueller: Uh-huh.

President Ungethiem: Okay.

Jeff Mueller: Okay?

**Spring Park, Section C: Revision to Drainage Plan: Lots 26-28**

President Ungethiem: Spring Park, Jeff, Section C?

Jeff Mueller: Okay, revision to the drainage plan on lots 26 through 28. The original drainage plan for this subdivision was approved by the Drainage Board on April 28, 1998. This subdivision is located off of Booker Road between Red Bank and Koring, south of New Harmony Road. This submittal is for a revised drainage plan for a drainage ditch on lots 26, 27 and 28. The original plan called for a drainage swale to be located as shown on drawing one of two in your packet. I'll get that up here too. There's lots 26, 27 and 28. The revised plan is to move the drainage to the location shown in drawing two of two, which puts the drainage along the base of the hillside and allows for better placement of the homes on the lots. So, to kind of give you a feel for this, this is all hillside draining in this direction, and, so, what they're doing is they want to put the ditch down along the base of the hillside, capturing the water off of the hill and taking the water away from the lots, versus the way it was supposed to come was kind of through here that way. The developer, because of the contours of this area and the shallow depth of the rock, it's not possible to construct a standard swale with vegetated 3:1 side slopes. The developer is requesting to construct steeper side sloped ditches with rip rap armoring, or natural rock where it exists. At this time, a rough ditch has been dug in the proposed location, but rip rap has not yet been placed. The developer is requesting that the revised drainage plan, as submitted on drawing C-10 and C-1.1 be approved. If approved, the developer will then go through the necessary filings to dedicate a revised easement and vacate the existing easement so that the approval of this revision would be conditioned on the dedication and vacation of the easements discussed. I've reviewed the submittal and made a site visit and agree that when one takes in to account the typography and geology of the area, that this proposed ditch might work better than the original proposed swale, which was to go through the front yard of one of the homes and crosses a shallow open swale that would be constructed in that home's driveway. Therefore, the revised plan is being submitted to the Drainage Board for approval. I know Justin Shofstall is here, the engineer, representing the developer if you would have any questions on it. One thing I will say, is this is one of those, I wish I had taken a picture of the actual area standing there, because one picture would show you that what they've got out there, what they're proposing is a better way to do it. So, Justin, do you got any comments?

Justin Shofstall: Nothing really to add, unless they have a question for me.

Commissioner Melcher: I don't.

President Ungethiem: Do you have any questions?

Commissioner Melcher: Uh-uh.

President Ungethiem: Jeff and I reviewed this earlier today, and I have a pretty good understanding of what they're doing. It looks like a logical approach to drainage out there. So, I don't have any questions.

Commissioner Melcher: I move for approval.

President Ungethiem: I will second. Roll call.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 2-0)**

Justin Shofstall: Thank you.

**Cayman Ridge-Section4- Phase II: Final Drainage Plan**

Jeff Mueller: Next is Cayman, Section 4, Phase II, final drainage plan. This submittal is for approval of the final drainage plan for a proposed 108 lot subdivision just north of Kansas Road and west of Highway 57. The preliminary drainage plan for this subdivision was originally approved by this Board on February 3, 2015. The subdivision utilizes an existing retention pond that was originally constructed for the earlier phases of this subdivision, though that pond must be expanded. In order to construct the subdivision, a jurisdictional stream is being relocated. This relocation is under the authority of the United States Corps of Engineer and the Indiana Department of Environmental Management, which probably have a little bit different design parameters than our drainage code. Also, the relocation will require the developer to put in place a conservation easement, which will be much more stringent than a normal drainage easement. Unlike a drainage easement which this Board can give encroachments or allow for vacations, the language of the conservation easement will most likely not allow any encroachments or vacations to be granted by the County Drainage Board. The final drainage plan, I think I've got a drawing here to just kind of show you. This is the area that's being proposed, this is the current ditch, the new ditch will go up and around. This kind of shows the stream relocation plan. As you can see, where the old ditch is now they're digging a ditch up, and you can see it's got all of these little twists and turns. The way the Corps and IDEM have you design ditches is they have a shallow area to carry normal flow, and then the idea is for that to kick out and flood, like every year or every two years, in a larger floodplain and the riparian wildlife areas. So, this is a ditch I'm pretty standard with, and then this would be the conservation easement. So, in other words, instead of someone just having a drainage easement in the backyard, you're going to have a conservation easement. The developer will be required to plant certain species and certain trees, and essentially the folks that have those lots, other than just walking back there and looking, they won't be allowed to do anything. They won't be allowed to put a shed, normally, you know, on a conservation easement, if a tree falls, you've got to let the dead tree lay in your yard. So, they're pretty stringent on those. The final drainage plan for this was submitted on March 31, 2015, with revisions submitted on August 17, 2015 and August 25, 2015. The plan that is requested to be approved consists of the submitted document dated March 31, 2015, responses dated August 17, 2015 and an e-mail response dated August 25, 2015, along with the following drawings; drawings one, C-100, C-102, C-104, C-106, C-107, C-108, C-111 and C-112 submitted March 31, 2015 and drawings two, C-101, C-105 and C-112 submitted August 17, 2015. As this is a final drainage plan submittal for a residential subdivision, under section 13.04.460 the developer will be utilizing the Plan B, the repair fund set up by the county to maintain all pipes not within the county road right-of-ways. The developer is also requesting that they be allowed to construct homes up to the limits of the lake maintenance and storm drainage easement for detention basin one. You've got a copy of that in your file. This is especially crucial on lots 350 and 351, where the houses are required to be 50 feet from the easement, as in our code. The lots, in their configuration, may not allow the construction of a house. I would like to add, the elevation should be set on the plat for these two homes to be two foot above the 100 year elevation of the pond. I've provided you with a copy of the review of the submitted drainage plan, and request that the review document be made part of the approved final drainage plan. The drainage plan was reviewed by the County Surveyor, and with the requested variance, found to be in compliance with Vanderburgh County's drainage code, and therefore is being submitted to the Drainage Board for approval under section 13.040.090. I know we have the engineer here, and we also have someone from the developer, if you've got any questions regarding this drainage plan.

President Ungethiem: The relocated stream, will that eventually go back into the pond?

Jeff Mueller: Yes.

President Ungethiem: Okay.

Jeff Mueller: This is actually, it doesn't show up very well, Bruce, but the existing pond is down here.

President Ungethiem: Right.

Jeff Mueller: That pond gets expanded all under this area here.

President Ungethiem: They're going to extend the pond? Okay.

Jeff Mueller: The two lots I was talking about are the two lots right here that would be on this edge.

President Ungethiem: Okay.

Jeff Mueller: Okay? Like I said, to me, it's more important that the house is a higher elevation than whether it's 50 feet or 25 feet away from the pond. I would rather see it two feet above the pond.

President Ungethiem: Okay. By this relocation, this will be in the people's backyards?

Jeff Mueller: Yes.

President Ungethiem: And they will be advised, when they buy the property, of the restrictions of what they can do with that stream?

Jeff Mueller: I'm going to let the developer answer that question for you. Someone representing the developer.

President Ungethiem: My understanding is they can't mow it either.

Jeff Mueller: That's my understanding too. My understanding is you can essentially walk back there and look at it.

President Ungethiem: Because I've got one of these in my backyard and they won't let me mow it.

Manuel Ball: Manuel Ball with Jagoe Homes. That's correct, Commissioner Ungethiem. We have, there's actually restrictions that are recorded that will actually document and give restrictions as to what they can and cannot do in that area, but, then, actually the Corps of Engineers and IDEM actually asked for a step further. I believe there are actually restrictions associated only with the stream itself that have to be recorded as well. At this point in time I don't believe there is any mowing of that area. I know, in certain scenarios we've had in the Louisville market in the past, they have allowed some selective mowing from time to time, but that will be something way on down the road. For the time being, we will have, we will basically hold five years of maintenance and will actually monitor the stream and the success criteria of the stream and the trees and the grasses for five years, once it is actually put in place. We will make sure that those homeowners are aware. Part of the permit with the Corps of Engineers and IDEM is also signage that actually details where that area is, and makes them aware that it is actually an easement for that only.

Jeff Mueller: It will be like driving up I-69.

Manuel Ball: Correct.

President Ungethiem: Steve, any questions?

Commissioner Melcher: No questions. Are you ready for the motion?

President Ungethiem: Yeah.

Commissioner Melcher: I'll move for approval.

President Ungethiem: And, I'll second it. Roll call.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**Azteca: Final Drainage Plan**

Jeff Mueller: Okay, Azteca, final drainage plan. This plan addresses a proposed upgrade to Azteca's treatment facility, and consists of the addition of a lagoon and concrete pre-treatment facility. As the original treatment facility ended up with tarp lagoons, these lagoons now have an impervious cover, and along with the proposed facilities, require a drainage plan. Therefore, a drainage plan was submitted for not only the additions, but also the existing facilities. The final drainage plan consists of the construction of a dry detention basin. As the Azteca plant is located in an impacted drainage area, which I think I've got a map of that, just kind of for future, this is one of our two impacted drainage areas, which is essentially the Pond Flat impacted drainage area. The pond is designed to withhold the excess water from a hundred year storm, instead of a 25 year storm. So, anything within that blue area that's required. The final drainage plan was submitted on August 17, 2015, with a completely revised document on August 28, 2015, and one additional drawing submitted by e-mail on August 31, 2015. The revised document addressed not only some questions that the County Engineer and I had on the original submittal, but also showed moving a proposed stockpile to the north, so as not to be a potential block to the drainage coming from the adjoining farm field. The plan that is requested to be approved consists of the revised submittal document with a receipt date of August 28, 2015, along with the revised drawing A-2, with a received date of August 31, 2015. In the drainage plan the owner is requesting a variance to not provide an easement for the detention basin, as the basin is located on the subject property and serves only this property. I have no issues with that variance request, and you have a copy of that in your file. I've provided you a copy of the review of the submitted drainage plan and request that the review document be made part of the approved final drainage plan. The drainage plan was reviewed by the County Surveyor, and with the requested variance, is found to be in compliance with Vanderburgh County's drainage code, and therefore is being submitted to the Drainage Board for approval under section 13.04.090. I do recommend to the Board that the plan be approved, with the understanding that the construction of the stockpile be done so as not to obstruct natural surface watercourses coming from the adjoining property. The plans show that this will not occur, but I just wanted it noted so that if there's any obstruction issues, that Azteca understands they need to address these issues if an obstruction is found, without going through all of the processes that we have to. So, what we've got here is, this is the new pond, and this, and originally they were going to put the stockpile here, and now they've moved it over here. This is a hill right here, so everything should drain fine around there, but I just want to make sure when their contractor is out there that we drop a dozer blade and get a cut so we don't have like we had in our last situation.

President Ungethiem: You don't want a lake on the upside of that?

Jeff Mueller: Right, and I don't think Mr. Rexing would either. So, but other than that I'm fine with the plan. Mr. Jim Farny is here from the Lochmueller Group if you've got any questions. You can't give me a chemistry question, Bruce.

President Ungethiem: Hmm?

Jeff Mueller: You can't give me a chemistry question on this.

President Ungethiem: What's the Ph...no. Is this guaranteed not to smell?

Jim Farny: There are no guarantees.

Madelyn Grayson: What was that, Jim?

President Ungethiem: He said there are no guarantees. Since, I live fairly close to this, if we guarantee it not to smell. I understand, Jeff and I have talked about it. I'm okay with it. Steve, any questions?

Commissioner Melcher: No questions. I move for approval.

President Ungethiem: I'll second it. Roll call.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 2-0)**

<b>Walmart: Final Drainage Plan (Continued from 8/11/2015)</b>
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Jeff Mueller: Next on the agenda is the Walmart final drainage plan, continued from August 11, 2015. As of yesterday, John Stoll and I had questions regarding the review of some of their calculations. It's John and I's intention to make a list of our concerns and comments and address them with the consulting engineer, by phone, within the next couple of days. Therefore it's our recommendation that this be continued until the September 15<sup>th</sup> meeting. We've been in communication with Walmart. They were headed this way yesterday, and we said, we're not ready, we're still looking at this. Also, I talked to Mr. Markwell, if you remember he was the gentleman in here last time with the concerns, and I told, gave Dwight an update of where we were and that it wasn't going to be heard tonight. So, he appreciated that we called him so he didn't have to make a trip down here. So, I guess, the easiest way to say it is John and I are still looking at things, and when we feel a little more comfortable with it, then we'll schedule it to come back before the Board, but we're shooting for September 15<sup>th</sup>.

Commissioner Melcher: Okay.

Jeff Mueller: John, did I put any words in your mouth? Are you good with that?

Commissioner Melcher: So, you need a motion to move it to the 15<sup>th</sup>? Is that right?

Joe Harrison, Jr.: I think he's probably just telling us that it's not going to be tonight, and he'll bring it back when he's ready.

President Ungethiem: Yeah.

Jeff Mueller: We probably, I do know, I think there's something in the code about if something doesn't get continued—

Joe Harrison, Jr.: Okay, well, that's fine.

Jeff Mueller: -- I do believe that there's some deadlines.

Joe Harrison, Jr.: Well, we can go ahead and they can make a motion.

Jeff Mueller: Probably just make it that way.

Commissioner Melcher: That's what I was trying to do.

Joe Harrison, Jr.: Okay.

Jeff Mueller: That's what I thought you were, Steve.

Commissioner Melcher: I move that we move it to the 15<sup>th</sup>.

President Ungethiem: I'll second. Roll call.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

President Ungethiem: Jeff, thanks for you and John staying up on this. I think it's good that we get this done right the first time, so that we don't have to fight this later on.

Jeff Mueller: Well, we all know that the folks out there aren't real happy with it, but at least we want to try to make sure that we don't have lakes in their front yard.

President Ungethiem: Yeah, they would be a whole lot less happy.

Jeff Mueller: We can't do anything about having lights in the windows and Christmas carols playing at night, but we can address the drainage.

### **Enclave-Status and Completion Schedule Update**

Jeff Mueller: The Enclave status and completion schedule update. As you are aware, an inspection was made of this subdivision on June 8, prior to the June 9<sup>th</sup> Drainage Board meeting. I believe that the Board felt that there was sufficient progress at the subdivision, at that time, and that the way I understood the discussion that work would continue toward completion of the drainage. Based upon those actions, the Board granted the platting of additional lots in this subdivision. On August 5<sup>th</sup>, while making my rounds to several sites in the county, I went to The Enclave and found that it appeared that little or no additional work had been done at this subdivision since the inspection that occurred on June 8<sup>th</sup>, and that additionally the required maintenance that was to be performed had not been done. As a result of that site visit, I e-mailed everyone, and President Ungethiem requested that I contact both the developer and the home builder and request their presence at this meeting, and that they provide us with a schedule for completion of activities on this site. I made an additional site visit on August 28<sup>th</sup> to obtain some pictures for the Board, and I have those in this presentation. So, I can run through those real fast. This is kind of what we said, we had, you know, we had the update, made two site visits on the 5<sup>th</sup> and the 28<sup>th</sup>. My general comments are that there had been no additional work on the swales, or very little, or any other grading or remediation work. The basins hadn't been mowed by the developer, as required. I was concerned about establishment of permanent vegetation, and the basins have not been certified by a registered engineer. This is Basin #1, the one along Felstead Road. This was as it looked June 2015, and it did look very nice. This is what it looked like on August 5<sup>th</sup>. We had some problems with lot 50, we did notify the builder because this dirt here runs into Basin #1. The builder did put a, get rid of this dirt, and he has put a silt fence down, lower down to capture this material. This was Basin #2 on June 2015. This is Basin #2 today, or August 28<sup>th</sup>. This is some areas in June where we had a lot of exposure, with no permanent vegetation. We still have that same area, and it's got quite a bit of exposed areas. We've got erosion along the west side, with no permanent vegetation. The drainage ditch along the west property line still needs to be addressed. These are swales behind the house, these haven't been completed. There has been a little work started up here on this swale, this was on the 28<sup>th</sup>, but this swale hasn't been completed. So, I guess, from my viewpoint, I know there's some people here that probably want to speak to this, but, you know, it seems like we need to have that plan reviewed by the developer or their consultants, and figure out what they need to do, but we need to finish the swales and get the grading done, the basins need to be maintained, and the biggest concern, and Commissioner Ungethiem and I have talked about this, is that we're running out of time for permanent vegetation to go down. We're getting in to that window where we're not going to get any permanent vegetation pretty soon and we're going to have a lot of exposed areas if something doesn't happen pretty soon. Again, we need a certification statement on the basins. So, that's my comments, and I think there's some other people that may be here to speak.

President Ungethiem: Thank you, Jeff. I probably forced this issue because my concern here was that I was hearing comments from Jeff and comments from the County Engineer's office that we really haven't had a whole lot of progress made since the June meeting where we released the additional lots to be developed. That was not what I had envisioned when we did that in June. We are in a position right now where if something doesn't happen in the next month, we'll miss a perfectly good opportunity for vegetation to be seeded and planted. September is the best time to do that, and we're already in



September. So, I asked Jeff to contact both the developer and the home builder and I want to understand what the schedule is for the next 60 days. If we don't do something in the next 60 days we're going to miss an opportunity, and I don't want to be sitting here in December listening to comments that say, well, we can't get grass to grow in December. No, you can't, but you can get it growing in September, and today is September. Please state your name.

Dan Buck: My name is Dan Buck. I'm a partner in the development. As far as mowing and the basins, Jeff Stemaly wanted to get a certain type bale mower to do it, so he could do it from the sides so it wouldn't rut up the basins and create more of a problem with it. In the meantime, he's been a little incapacitated. We have mowed 90 percent of the rest of the property. The basins have been as built, and they're at Morley's. There's two swales that need to be adjusted, and we wanted to bring them all after they were adjusted, bring them all down at one time, so we weren't piece mealing it. We had planned on having the storm sewer and the sanitary sewer on the last phase completed by now, but the Sewer Department stopped us, and said that we had to come back for the last phase and get it all re-approved again. In my 37 years, this is the first time this has ever happened that after a sanitary system has been approved, you've got to go back and get it re-approved again, which held us up. It got approved today. So, we plan on starting ASAP with sanitary. The storm will follow that. We hope to be done by, I would say, about five weeks, have streets in, everything trimmed up, seeded, strawed, finished up.

President Ungethiem: Can you provide me a schedule of activities for the next six weeks?

Dan Buck: Sure.

President Ungethiem: That shows what we're going to be doing every week, so that we can get to that completion with everything seeded and everything.

Dan Buck: Sure, we've got, like I said, today we finally got approval, so, Mr. Ball was there at that meeting also. It was just a surprise to us that we had to go back and get it all approved again. So, it held us up three weeks. So, some of the bare areas that you see there were where we had our excavator there, we took off our manholes, all of our pipe and everything, we were putting them out to where they were going to be put in, and then we had to stop.

President Ungethiem: Who's going to do the seeding?

Dan Buck: Superior Ag has done it in the past.

President Ungethiem: Do you have a contract with them to get that going here in September?

Dan Buck: I don't have a contract, but all I do is go over there and pay them and they do it the next day.

President Ungethiem: There's a lot of people that are going to be seeding in September. I want to make sure we get our name in the hat.

Dan Buck: I've already got a commitment from them.

President Ungethiem: What I would like to see is a document of that commitment that they're going to be seeding that area in September.

Dan Buck: Okay.

President Ungethiem: Because I want to make sure that they don't, that you don't call them and they say, oh, by the way, we can't get to you until November.

Dan Buck: Yeah, we know they're throwing in wheat, but wheat comes in a little bit later than that.

President Ungethiem: I just, what I would like to have is a schedule of your activities for the next six weeks, and a letter from Superior Ag stating that they will be there on x,y,z date to seed that land.

Dan Buck: Okay.

President Ungethiem: Mr. Ball, do you have anything to say?

Manuel Ball: Yes. If I can approach you all, I have some, I guess I have some new plans showing kind of where we stand in our process. I believe currently we have purchased 11 of the 15 lots that were just recently platted. We're on a takedown schedule with Dan. We plan to continue purchasing those lots. There was a picture a minute ago of a swale with an excavator, that particular area is actually behind one of our homes that is currently under construction, I believe it is home number 22 there. So, that should be sodded in the very near future. Currently, I believe we're waiting on a home owner to put in a retaining wall. In that particular case, we don't always do it, but from time to time we do allow, I guess, sweat equity in the home. In this particular case we have a customer who is wanting to put in their own retaining wall. So, we're waiting on them before we sod the back yard. Then, I believe, lot number 18 we're in a similar scenario, we have a home owner who is putting in a pool. It's my understanding that the pool will be in next week. So, once that's completed, that yard will be sodded. As you see, with the red hatched areas, those are all lots that are currently under construction. Typically what that means for us is a 90 day build. All of those have, I believe all of them except for maybe one of those is at least at the framing stage, therefore, we are probably, we're probably much less than 90 days at this point in time before those lots get sodded. I currently looked at the lots yesterday, and I believe we have good erosion control on all of our lots at this point in time. We're keeping our sediment on each individual piece of property at this point in time. I would agree with Dan in the fact that, Dan will probably tell you, I don't know that Dan's always been real happy with me, we've pushed pretty hard to get the next block of lots ready. In fact, the five lots along Cliftwood Drive there as you come in to the community, do not have sewer placed to those yet, so, we've pushed pretty hard to get that accomplished. Dan was ready, I guess, three weeks ago now, and actually had equipment on site and material on site, and he was held up by Evansville Water and Sewer. It's not something that we have seen in the past either in our years of development, of actually having to go through and resubmit an application. So, our goal is to continue to move forward with these lots, and hopefully we can get those established as quickly as possible.

President Ungethiem: Can you tell me, or show me where that sewer, that sanitary sewer line is going to run that extends to these?

Manuel Ball: Dan can probably do a better job than I can. It actually runs along the frontage of those five lots.

Dan Buck: Jeff, can you put the plot back up there?

President Ungethiem: To the west.

Jeff Mueller: I don't know if I can or not, Dan, to be honest with you. Does he want that, will that help?

Manuel Ball: He may be able to show them right there.

President Ungethiem: So, you'll be disturbing that area in the next week or so?

Dan Buck: Right.

President Ungethiem: We'll have to get sod and put back on that, or get...is that planned on being re-sod, or are you going to seed that? How are you going—

Dan Buck: Seed and straw.

President Ungethiem: Okay, you're going to seed and straw that.

Dan Buck: It's all, there's no homes finished there in the area.

President Ungethiem: But, my concern is, that hill is going this way. If we get a good rain after you've disturbed that soil, that basin is here, right?

Dan Buck: Right, we'll have to put up soil erosion during construction.

President Ungethiem: Yeah, okay, because right now that's got growth on it, but we're going to interrupt that growth with the sewer construction.

Manuel Ball: Sure, I think we're all in the same position. I don't disagree with you, Bruce, I think we want to move forward as quickly as possible so that we get grass and we're not in a similar situation of what we were last year. Because, once again, once these lots are ready to plat, we will want to purchase those very quickly, seeing as if we already have, of those 15 lots, I believe all of them are actually sold except for one. So, once again, we're running through our inventory, and we will not want to be in the same position in December, having similar conversations to what we had last year. So, I think we're all on the same page that we want to move forward on that.

President Ungethiem: Okay. Can you have that information, the schedule and that letter from Superior Ag to me the first part of next week?

Dan Buck: Today's just Tuesday, right?

President Ungethiem: Today is Tuesday.

Dan Buck: Oh, yeah.

President Ungethiem: Okay, by Monday of next week? Okay, thank you. Jeff or John, any other questions, comments about the current status of this? Is there anything that these guys need to be concentrating on during the next six weeks?

Jeff Mueller: No, I think pretty much what's been discussed. I think we all want to see the same thing. We want to see ditches done and things green out there, and, you know, move on to other things.

President Ungethiem: Okay.

Jeff Mueller: So, you know, I wanted to make sure everybody knew what was going on, and make sure that, you know, you guys weren't caught by surprise of what was or was not going on out there. That's why I brought it forward to the Board.

President Ungethiem: When do we plan to, and maybe this is a question for John or you, when do we plan to have the next inspection of the lot?

Jeff Mueller: I mean, that's up to you guys, on when you want. I don't have a regular inspection schedule. It was like, you know, that particular day when I went out there, I hadn't been out there for a long time, and I was hitting all of the subdivisions and other areas that were there, and it was just kind of a random inspection.

President Ungethiem: I would like to have an update the first meeting in October.

Jeff Mueller: Okay.

President Ungethiem: If we can set something like that up.

Jeff Mueller: We can do that. John and I will go out.

President Ungethiem: We'll give them four weeks to make progress and then get an update report the first week—

Commissioner Melcher: Well, if he's giving you a report, then you should copy him so he knows.

President Ungethiem: Yeah.

Jeff Mueller: And, we want that due next Tuesday, next Monday is Labor Day.

President Ungethiem: That's correct. So, it would be next Tuesday.

Commissioner Melcher: You've got an extra day.

Jeff Mueller: Yeah.

Joe Harrison, Jr.: What about the certification of the basins?

President Ungethiem: Oh, Joe was asking about the certification of the basins, when do we expect that to be complete?

Jeff Mueller: I guess, the question is, when do they think, if they think they're done, then they need to be certified and submitted to us. You know, a basin certification, which is what I used to call an as built, or what some people call a record drawing, which is, you know, saying that this is what's been built out there, and by the way, it was supposed to hold "x" amount of cubic feet of water and it will do that. You know, something to that effect.

President Ungethiem: Is that in Morley's court to, since they did the design?

Jeff Mueller: You know, it's in the developer's court to get that to us.

President Ungethiem: Right.

Jeff Mueller: From whatever engineer.

President Ungethiem: When can we expect that?

Dan Buck: I'll go ahead and have Morley send that over, but not for acceptance, but just for their review, because, again, we want to get everything accepted at one time and not piece meal it.

President Ungethiem: Okay.

Dan Buck: So, I'll have them send that over to you.

Commissioner Melcher: So, does that work?

Dan Buck: According to Morley everything is okay on the basins, we just had to touch up two swales, that was it.

Commissioner Melcher: Does that work for you, Jeff?

Jeff Mueller: That's fine. I mean, I'm just—

Commissioner Melcher: Okay.

Jeff Mueller: -- making sure that, like I said, that we were staying on a schedule. That's my goal.

Commissioner Melcher: Okay.

Jeff Mueller: I am concerned about the fall, as you are.

President Ungethiem: I don't want to be talking about this at Christmas time.

Jeff Mueller: I don't either.

President Ungethiem: Okay. Steve, any questions? I know we've probably got one person that might to say a few words from the audience. If you would like to come forward, state your name.

Don Fuchs: Don Fuchs, F-u-c-h-s. I serve as legal counsel for Barbara Bolin, who is the owner of the real estate that is across the road from this subdivision. I want to report to this Board that since the last meeting, what, approximately two months ago, it was my understanding at that meeting that, I don't see Mr. Stemaly here, Jeff Stemaly, on behalf of the developer, but I want to report that my client, neither my client nor I have received any communication whatsoever from this developer with respect to the remediation of the problems with her lake. Which I understood was represented at this last meeting that they were going to be diligently looking, working with us towards the remediation of her problem. Correct myself, there was one communication, that was to, shortly after the meeting, there was a request by Mr. Stemaly to have a subcontractor to have permission to go out on Mrs. Bolin's property, including her lake, to take certain samples. We gave that permission, under the condition that following that completion of that, we would receive a copy of the report. Other than the phone call that I received and the e-mail communications that I had with Mr. Stemaly providing him such

authorization, I've received nothing. Absolutely, unequivocally nothing with respect to remediation of Mrs. Bolin's property, and the damage that has been caused to her subdivision. So, we're now here and we've got Jagoe and their legal counsel and they're talking about they want to expedite this process, they want to move forward with being ready to plat other lots in this subdivision, and still Mrs. Bolin's property has not been remediated. I don't even have a proposal on how to do that.

President Ungethiem: Mr. Buck, would you like to respond to that?

Dan Buck: Sure. Mr. Stemaly was taking care of that, so, I'm a little bit out of the loop, but we hired a Becky Langford to do the study. She did the study, which I'm sorry you haven't received, but it was sent up to Ann Marie Cooper up at IDEM, and she wanted more information from Becky Langford on how she came to the conclusion that she did. So, we've been waiting for that information from Becky to forward on to Ann Marie so the decision could be made on how it was going to be handled.

President Ungethiem: Can you provide that information to Mr. Fuchs and Mrs. Bolin, that correspondence? I would also request that any future correspondence between—

Dan Buck: I assumed that it had been. So, I shouldn't assume, but the report was done. It was sent up to IDEM, and they had reviewed it, and they just wanted more information and we're waiting for that information. So, but we will get that correspondence to Mr. Fuchs.

President Ungethiem: Okay. I would suspect that Jeff and/or John would be interested in that information as well. So, if you can send them a copy of that correspondence as well, that would be good.

Dan Buck: Okay. No problem.

Don Fuchs: Let me go on the record to state I've made it very clear to Mr. Buck that he was to get me a copy of all reports. He agreed to provide me a copy of all reports. No reports have been provided to me. The last meeting had Mr. Stemaly here saying, well, I apologize, I'm coming in at the last minute on behalf of Mr. Buck to assist in this matter. Now we have Mr. Buck here this evening saying, Mr. Stemaly is not here, so I'm taking care of this matter. So, one hand doesn't know what the other hand is doing, and it's further excuses and delays as to why my clients' property is not getting remediated. I have a client that calls me monthly and wants to know is what is this Board, what is this Commission, what are the public officials doing to correct my situation to assist me?

President Ungethiem: I understand your frustration. You know, we're not getting any information either. So, for me to tell you that this is happening or this is happening, I would have to refer that to Mr. Buck as to what has actually happened at this point in time. I have not seen that study. I don't know what that study states. I don't know what the remediation plan is at this point in time.

Don Fuchs: Mr. Ungethiem, and I appreciate your concerns and I've noted for the record that prior to you becoming a Commissioner here, that you were critical of how this matter was being handled by our former Commissioners in this matter. So, I appreciate your concern in this.

Commissioner Melcher: Well, I guess I would take that as an insult, because I guess I'm one of them former Commissioners. So, I don't think it does any good for you to get up and bash a Commissioner, and another one that's not even here tonight. I just think that's was wrong on your part.

Don Fuchs: Pardon me?

Commissioner Melcher: I think that's very wrong on your part.

Don Fuchs: Well, I apologize. I didn't mean to insult you. When I've been here though on numerous times and no progress is made, Mr. Melcher.

Commissioner Melcher: I don't know what to tell you. We're doing everything we can. You've been here, you've seen what we're doing.

Don Fuchs: Well, what I asked for the last time is before any further lots be platted in a subdivision, make it a condition that this developer prepare a plan of remediation, post the necessary funds to make sure that that plan is effectuated. That's what, Mr. Melcher, I asked that could be done.

Commissioner Melcher: Okay, you've asked. Thank you.

Don Fuchs: Do you have any questions of me?

President Ungethiem: No. The only question I would have would be to Jeff and John. The remediation of Mrs. Bolin's property, is that something that is under the control of the county? Or is that under the control of IDEM?

Jeff Mueller: IDEM.

President Ungethiem: So, Mr. Fuchs, from that standpoint the remediation of that lake was not something that we stipulated had to be done. It was something that IDEM stipulated had to be done. So, from the standpoint of enforcement of that particular portion of this, I would suggest that a couple of letters and a phone call to IDEM might be beneficial as well.

Don Fuchs: Yes, sir.

Dan Buck: To respond to that, I'm sorry for the give and go that he thinks he's getting, but I've had some health concerns, or health conditions that Mr. Melcher knows about, and Mr. Stemaly has had some of his own. So, that's the reason why we're juggling back and forth here. We're not at a young age as what we used to be. It is IDEM's call on what gets done over there. It's not anybody here in this room's. We've made Mrs. Bolin an offer to compensate her for the little bit of amount of silt that got into her lake. It wasn't acceptable to her. I don't understand their concept of using you guys to be the bad guy on me, versus him just going ahead and filing a lawsuit. If he wants to file a lawsuit, file a lawsuit. We'll work it out, but he shouldn't be putting you guys in the position that he's putting you in. I apologize for me not being here for a couple months, and now Mr. Stemaly not being here tonight, but we couldn't help it. Thank you.

Marco DeLucio: Just for the record, I spoke with Mrs. Stemaly today. She called me and told me that Jeff was having surgery today, which is why he's not here. So, you know, that leads to a little bit of the confusion. The report we've talked about. I didn't know that it hadn't been delivered to Mr. Buck. I haven't seen it myself yet either, but we've committed tonight to provide that report and the communication back and forth between the developer and IDEM, and we'll do that.

President Ungethiem: Just to make sure, that report, can that report be provided by the end of this week? It should be available?

Marco DeLucio: I think it's available now.

President Ungethiem: Okay.

Marco DeLucio: It's been submitted to IDEM. So, yes, sir.

Dan Buck: It's been sent to IDEM.

President Ungethiem: Okay.

Dan Buck: It should be on e-mail right now.

President Ungethiem: Very good.

Don Fuchs: Let me just go on the record to indicate that the offer that Mr. Buck has indicated that has been made to Mrs. Bolin was for a lot in that subdivision. There's no monetary award, nothing that would assist her in getting her lake done. It was to convey a title to a lot that is of no value to her.

President Ungethiem: Understood. Jeff, did you have anything?

Jeff Mueller: No.

President Ungethiem: Okay.

Jeff Mueller: I'm just on the sidelines.

Dan Buck: Can I just respond to that? Just to give you guys what we did offer. We offered her, I'm sorry, Dan Buck again. We offered her almost a ¾ acre lot that abuts her property, that abuts her lake, that would give her privacy on the lake. If we turn this lot into a park or a picnic area or a camping area for the neighborhood and the neighborhood kids, or we give it to USI for them to use in anyway or manner. I think I would rather have that piece of property. It abuts right up to her lake that's so precious to her that she's trying to put her thumb down on us.

President Ungethiem: Okay. Are we having any other comments? Alright. Let's move forward. Jeff?

### **Other Business**

Jeff Mueller: I don't have anything else on The Enclave, are we ready to move forward from The Enclave?

President Ungethiem: Yes.

Jeff Mueller: Okay. The last thing on the list is, actually two last things. First of all, I don't know if you know it or not, but if you got through this exciting reading in the Federal Register on the EPA's new proposed Waters of the U.S. that was supposed to simplify the definition. It was supposed to take effect on August the 28<sup>th</sup>, and a Federal judge put an injunction against it. So, we still don't know what's Waters of the U.S. I don't know when we will.'

Commissioner Melcher: Is that the one that supposedly is controlling all of ditches and everything?

Jeff Mueller: That's the one, that, yes, supposedly a county road ditch could be Waters of the U.S.

Commissioner Melcher: A county road ditch has now got to....see, to me, that's asinine, why anybody would even want to do that.

Jeff Mueller: I totally agree with you on that, Mr. Melcher.

Commissioner Melcher: So, maybe that's the reason why it's up in the air.

Jeff Mueller: Well, I've never seen a law that was supposed to clarify and added more confusion than what this one has.

Commissioner Melcher: Well, that's the federal government.

Jeff Mueller: Yeah, and I did like the one statement that was made—

President Ungethiem: And their overreach.

Jeff Mueller: -- that on the Preamble I think it states that the object of this is to clarify what are Waters of the U.S. and also reduce those, and then EPA came out with a statement saying, I think it was actually the Administrator of the EPA made the statement that, well, it will only increase the waters by three percent. So, we've got one side saying it's only going to increase it by three percent, and another one says it's going to clarify and decrease them. So, there's all kind of confusion out there. Anyway, right now, the Federal judge filed an, or approved an injunction, so right now we're still kind of in limbo.

### **Ditch Maintenance Claims**

Jeff Mueller: Getting back to the Drainage Board, the last issue I have is, let me make sure it's the last issue, yes. The last is the ditch maintenance claims. There's been

submitted six claims for a total of \$6,655.54. I do want to note that one claim for Kolb Ditch in the amount of \$559.13 is for payment of 85 percent of an additional 220 feet of linear feet of work that was done on the project. Kolb is on the east side, it runs through a subdivision. We went in and cleaned a lot of it out, and actually a couple of neighbors upstream asked if we could do it. In looking at it, it needed it. It's one of those where, you know, you get on the job and there's always a little bit more than what was possible. So, but, that's a very flat ditch. It had a lot of muck and stuff in there and we actually got in there and cleaned it out, hauled the material away. So, I'm hoping that the neighbors out there are more happy with the ditch than they were before. That's all I have.

Commissioner Melcher: Okay, do you want a motion for that?

President Ungethiem: Yeah, to approve.

Commissioner Melcher: I move that we accept the claims of \$6,655.54.

President Ungethiem: I'll second. Roll call.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

**(Motion approved 2-0)**

<b>Public Comment</b>
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President Ungethiem: Anything else, Jeff?

Jeff Mueller: No.

President Ungethiem: Any public comment? Seeing none.

<b>Adjournment</b>
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President Ungethiem: I would entertain a motion to adjourn.

Commissioner Melcher: Move to adjourn.

President Ungethiem: I second it. The Drainage Board meeting of September 1 is adjourned.

(The meeting was adjourned at 6:25 p.m.)

**Those in Attendance:**

Bruce Ungethiem  
Joe Harrison, Jr.  
Manuel Ball  
Marco DeLucio

Stephen Melcher  
Madelyn Grayson  
Dan Buck  
Others Unidentified

Jeff Mueller  
Justin Shofstall  
Don Fuchs  
Members of Media



**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Bruce Ungethiem, President**

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**Stephen Melcher, Vice President**

(Recorded and transcribed by Madelyn Grayson.)