

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
OCTOBER 13, 2020**

The Vanderburgh County Drainage Board met in session this 13<sup>th</sup> day of October, 2020 at 3:29 p.m. in Exhibit Hall A of the Old National Events Plaza, with President Cheryl Musgrave presiding.

**Call to Order**

President Musgrave: I would call to order the October 13, 2020 Drainage Board.

**Pledge of Allegiance**

President Musgrave: If you will all please stand for the Pledge.

(The Pledge of Allegiance was given.)

**Approval of the September 22, 2020 Drainage Board Meeting Minutes**

President Musgrave: We start with needing a motion for the approval of the minutes of the previous meeting. Is there a motion?

Commissioner Hatfield: So moved.

Commissioner Shoulders: I will second.

President Musgrave: We have a motion and a second. Please call the roll.

Kathy Glaser: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Kathy Glaser: Commissioner Hatfield?

Commissioner Hatfield: Yes.

Kathy Glaser: President Musgrave?

President Musgrave: Yes.

**(Motion approved 3-0)**

**IDNR Construction in Floodway**

President Musgrave: We move now to the IDNR Construction in Floodway.

Jeff Mueller: As you're aware, all the IDNR Construction in Floodway Permits, the Drainage Board is copied. This one is for a pipe in a floodway. That's all it is. It's for DSM Plastics for part of a project that they're doing out there. I've reviewed the application, and I have no issues with it. So, it's just there for your—

President Musgrave: No motion is required?

Jeff Mueller: I don't think so. No, we never have.

**JC Wildlife: 13644 Hwy. 57: Final Drainage Plan Revision**

President Musgrave: We move now then to JC Wildlife.

Jeff Mueller: Okay, I'm sorry. This is a revision of the final drainage plan that was first approved on February 5, 2019, and then revised again on June 25, 2019. The revision, this particular revision consists of additional piping and a few other modifications. The piping handles internal drainage, and therefore a variance has been requested, which is in your package. I have no issue with the variance, as submitted. I have submitted a

summary of the plan, and rather than read this information, I request that this information be included into the minutes, as if read into the record.

**The following was submitted by the County Surveyor:**

“JC Wildlife-13644 Hwy. 57: Revised Final Drainage Plan. The final drainage plan was submitted on January 21, 2019, with revisions submitted on January 28, 2019 and January 31, 2019. The plan that is requested to be approved consists of the submitted document with a receipt date listed above, along with the following drawings. Drawings submitted January 31, 2019: Drawing 1 Undeveloped Basins, Drawing 2 Developed Basins. A revised Final Drainage Plan was submitted on September 19, 2020, with revisions submitted on October 12, 2020. The revised plan that is requested to be approved, along with the pertaining original plan previously approved, consists of the documents submitted on those dates, as well as the following drawings. Drawings submitted October 12, 2020: C-101, C-501 and C-501A.”

Jeff Mueller: The submittal contains a request for one variance dealing with the use of alternative piping materials. Both John Stoll and I have reviewed the variance and have no issues with the variance being approved, as the materials are being used on piping that's only going to carry water inside the project itself. I've also included with your package a review of the submitted drainage plan, and request that that review document be made part of the approved final drainage plan. The drainage plan was reviewed by the County Surveyor and also the County Engineer, and found to be in compliance with Vanderburgh County drainage code for those sections reviewed by the County Surveyor and County Engineer, for a final drainage plan, with that one exception, and therefore is being submitted to the Drainage Board for approval under Section 13.04.090. That exception, as noted, is that variance request that I previously discussed. Therefore, I'm asking that you approve the drainage plan, with the approval of the one variance.

President Musgrave: Is there a motion?

Commissioner Hatfield: I'll make a motion.

Commissioner Shoulders: I will second the motion.

President Musgrave: We have a motion and a second. Please call the roll.

Kathy Glaser: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Kathy Glaser: Commissioner Hatfield?

Commissioner Hatfield: Yes.

Kathy Glaser: President Musgrave?

President Musgrave: Yes.

**(Motion approved 3-0)**

<b>Notice of Intent: Construction of Lakes</b>
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President Musgrave: We move now to notice of intent to construct lakes.

Jeff Mueller: In past discussions, I know we've talked about lakes in Vanderburgh County. What I've done is, I've provided in your package a copy of a form that I created that could potentially be used by the public in the future. The form will do a number of things for both the county and the public. First, we get, and I say we, both the County Surveyor's Office and the County Engineer's Office, gets a number of calls wanting to know if there are any requirements in Vanderburgh County for the construction of lake, as there are in other counties. As I tell people, not necessarily, but there may be requirements to other agencies. By going through this form and answering the questions, it will give people notice that a potential requirement, such as what we saw on Koressel Road, may be required. It will also assist persons in keeping them out of trouble with State and Federal agencies. I'll give you an example. There was a lake that was started under construction

in Darmstadt, and apparently some of the neighbors weren't very happy with it. My understanding was that that construction was going to require the damming of a stream, which is not allowed under State and Federal requirements. The neighbor contacted, I believe, IDEM, and the construction was halted. This person luckily did not get in trouble, because they had not yet, to my understanding, affected the stream. But, by the same token, had spent money on the dirt work that was already begun. So, if we'd already had this form in place, there's some questions that could have been answered, that might have assisted that person and kept them from spending money. Also, in the Unified Development revisions, there are potential, there is a potential proposal for an Airport Overlay Zone.

President Musgrave: For a what kind of Overlay Zone?

Jeff Mueller: An Airport Overlay Zone. In the UDO.

President Musgrave: Yeah, say that name again, one more time. Say the name more slowly, because there's a bit of an echo. What kind of Overlay are you--

Jeff Mueller: I'm having a hard time hearing you.

President Musgrave: What kind of Overlay?

Jeff Mueller: An Airport Overlay Zone.

President Musgrave: Oh, okay.

Jeff Mueller: When Doug Joest, the previous Airport Manager, was in that position, he had stated on a couple of projects north of the main runway, that while they weren't opposed to the project, they did not want to see a wet retention pond, but a dry basin. The reason for that, and it's a nationwide safety issue, is if you saw the movie "Sully", and remember the crash of the airplane into the Hudson River, there is a big concern with the wildlife situation close to airports. So, on that form, we would also, you know, one of the questions would be, are you within the Airport Overlay Zone? I just had a call from someone the other day on Oak Hill Road that says, I would like to put a lake in. I said, again, no county requirements, but you might want to reach out to the airport. So, what I'm just throwing your way is just for discussion, but there is a form in your package, and it says Notice to Construct Lake or Pond. And, you can see that, I believe it's pretty simple, name, address, what are you building a pond for, and then where it will be located, in the county or in the city. But, if you look on the back page of that, if you answer yes to any one of those questions, you are potentially going to have an issue with a State or Federal agency. So, this would help someone to say, oh, you know, if I do this, we're not going to police it, we're just saying, if you answer yes to any of those questions, you may need to reach out to a qualified individual. So, that's all I'm asking about in this form. I'm not asking for a vote on it. I'm just saying it's something that I think we should discuss. I mean, if you all want to take some time to look over it, and punch holes in it, redline it, say yes or no later on to me, fine. I'm just making this proposal right now.

President Musgrave: I like the idea. If I were filling out this form though, and I checked a yes box, I would then have a heightened state of anxiety, wondering where do I go for more information about my next steps. And, so, there might be a supplemental sheet of—

Jeff Mueller: We could even put the agencies in parentheses that might be affected.

President Musgrave: Yeah, that (Inaudible).

Jeff Mueller: Yeah, yeah.

Commissioner Hatfield: You know, why don't, instead of that, listing of agencies and phone numbers, are you wanting to be the first line of communication between this applicant?

Jeff Mueller: Yes, I'm wanting to help the applicants.

Commissioner Hatfield: I think right underneath that, or above it, or something in bold, you should put the Surveyor's Office and the phone number and an email address to contact to discuss the form.

Jeff Mueller: Yeah, and that would be fine.

Commissioner Hatfield: Yeah.

Jeff Mueller: Yeah.

President Musgrave: I would also though like, well, like would the construction of a proposed lake entail damming a stream or ditch, I like the idea of putting, for example, EPA or—

Jeff Mueller: I'm sorry, Commissioner, I'm having a hard time hearing you.

President Musgrave: Any of them. I like the idea of putting the agency name that may become involved.

Jeff Mueller: Okay.

President Musgrave: If you don't put their phone number down there, I think that that would be of interest.

Jeff Mueller: Okay.

Commissioner Hatfield: You know what, I don't mean to be disagreeable, but I actually think putting contact information relative to a question, if you want them to call you on all the questions, fine. But, if, let's say that one of those questions did relate to calling EPA or DNR, whatever, you're going to tell them that, right?

Jeff Mueller: Yes.

Commissioner Hatfield: And, you're going to give them the contact information on the phone, right?

Jeff Mueller: Yes.

Commissioner Hatfield: Okay. I just think that it's, in the common public, people don't know who to call for anything. And, I get it, because most people don't have a lot of contact, except paying taxes and so on and so forth. So, a lot of times people just don't know who to call, and the only, you know, thing that I would want to add on to what you said was, adding a phone number, I think would be helpful.

President Musgrave: Do you mean adding their phone number and the EPA's phone number?

Commissioner Hatfield: I would simply give them the Surveyor's phone number.

President Musgrave: Oh, I'm thinking of the poor person doing this on nights, weekends and holidays, and wanting to research on their own, before they bumble into the Surveyor's Office with their idea. I just think that they ought to know that the Surveyor isn't requiring these agencies, these are agencies that exist with or without the Surveyor.

Jeff Mueller: Why don't we, we wouldn't put the contact, but for example, the first question, the 20 foot of height, that's a DNR question. That would be contact DNR. So, we would put some kind of note there, you would contact, or DNR may have, you know, have some jurisdiction, but on all these, contact the County Engineer or County Surveyor's Office to ask questions. Therefore we do both. You would come to us as a first contact, but the people would know what agency they might be wrestling with. Because, if they see EPA on there, they may be like, oh God.

President Musgrave: Yeah, they might want to say (Inaudible. Talking over each other.)

Jeff Mueller: (Inaudible. Talking over each other.) DNR, then they might say, well, okay, I'm, you know what I'm saying. Does that kind of meet what both of you are saying? Would that be a fair compromise?

President Musgrave: Why don't you try it and we'll look at it?

Jeff Mueller: Let me play with it and send it back. But, I mean, it's just for discussion, and I think it's just for, you know, issues....and again, you know, we're not talking about, you

know, approvals, fees, fines anything. It's more of it would help us to keep track of the lakes, and it would help the public. Okay?

**Hidden Lake: Easement Variance for Swale S-6**

President Musgrave: We move now to Hidden Lake, easement variance for Swale S-6.

Jeff Mueller: Okay, Hidden Lake is another subdivision that has a long history, as I know that we've been trying to resolve an issue since I took office in January 2013. The subdivision is located on the west side of Jobe's Lane, and was originally going to be a stand alone and duplex style condos. After the construction of four units, the developer ceased the development, and the Bank of Carmi inherited the project, and turned the project into a single-family subdivision. Because I think there was no market for additional condos. Because this was originally to be a condo project, there were a lot of obstacles to overcome, and Matt Calvert is here back in the room with Morley, and I think he could tell you the long list of issues they tried to work on to try to get this finished up, and get the subdivision done and get the Bank of Carmi out of their letter of credit. So, everybody's been working good on this. I can tell you that the Bank of Carmi has been great to work with, in trying to solve this. So, on this particular issue, there is a swale that was constructed, and if you look on the pictures of the handout I gave you, you can see that that swale is pretty steep, the side slopes of it are. And, what happened is, one of the neighbors does not want to grant any more easements. So, in other words, the swale would be right at the toe of their property, but all of the drainage easement would be on the other property. The situation is, I think there were four original owners that kind of, I think they kind of felt burnt, and I think one of them maybe is just not, is tired of it. That's my guess. But, anyway, normally I wouldn't suggest a variance such as this type, but in this particular issue we can make it work, and it does help clean up this situation out there. That's what we're trying to do is get this subdivision cleaned up, get the necessary paperwork done. Craig, I know you've been looking back and forth at paperwork that Linda's been sending you, we've got easements to be filed. Like I said, Morley's been working hard on this. So, in this particular situation, I would ask for approval of this swale and this variance.

President Musgrave: So, in essence, you're asking that the swale be granted a variance, so that the swale can remain as it is today?

Jeff Mueller: That's correct.

President Musgrave: Okay, is there a motion?

Commissioner Hatfield: So moved.

Commissioner Shoulders: I will second that motion.

President Musgrave: We have a motion and a second. Please call the roll.

Kathy Glaser: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Kathy Glaser: Commissioner Hatfield?

Commissioner Hatfield: Yes.

Kathy Glaser: President Musgrave?

President Musgrave: Yes.

**(Motion approved 3-0)**

**Windemere Sections 4 & 5**

President Musgrave: So, we move now to Windemere Section 4 & 5.

Jeff Mueller: I don't have much of an update, other than I know that the group is still seeking quotes from some other contractors. It does appear that they're trying to work to resolve the problem, and that's what we're all after. So, I'll keep you in tune, but what

we're waiting for right now is a document from them, signed saying that they all agree to the changes. So, as soon as we get that document, I'll submit it, but I see no reason to push them right now, they are trying to get this resolved, and I'll just leave it at that.

<b>Maintenance of Ditches-EVSC</b>
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President Musgrave: Okay, maintenance of ditches for the EVSC.

Jeff Mueller: We did receive a letter, or actually an email from Darryl Angermeier of EVSC, on October 7<sup>th</sup>, stating that the blockage of the ditch for which we wrote a letter to EVSC had been addressed.

President Musgrave: Oh, excellent. Good.

<b>Koressel Road Drainage Issue/Parcelization Drainage Plans</b>
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President Musgrave: We move to Koressel Road drainage issue/parcelization drainage plans.

Jeff Mueller: If you remember, we had two parcels out there with real large homes, lakes and they probably should have given us a drainage plan. We sent out the first letter to Mr. Curt Begle. Mr. Begle was very nice and really wants to address the issue so that he's not having problems with a neighbor. The second letter we are sending out today. We had to, it kind of got, it took a little bit longer to get it reviewed, but it's ready to go out, so.

President Musgrave: You don't need a motion or a vote on this?

Jeff Mueller: No, uh-huh. Just an update.

Commissioner Shoulders: And, Jeff, it's actually pronounced Begle, just to be clear. Begle, is actually how you pronounce it.

Jeff Mueller: I'm still having trouble hearing you.

Commissioner Shoulders: It's Begle, is how you pronounce his last name.

Jeff Mueller: Begle, he's been, we've gotten, he's called me—

Commissioner Shoulders: Yeah.

Jeff Mueller: --he's hired an engineer.

Commissioner Shoulders: Gotcha.

Jeff Mueller: He and I have been in contact. Things are moving really good with him.

Commissioner Shoulders: Good.

<b>Hunter Chase</b>
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President Musgrave: We move now to Hunter Chase.

Jeff Mueller: Okay, I previously delivered to you, electronically, the inspection report that was done by the County Engineer and myself on October 2, 2020. The report contains nine items that need to be addressed, and includes seven field items and two paperwork items. Since the filing of the report, one of the outstanding paperwork items has been provided, that being the inspection of the drainage piping. As to the field work, the items have actually been initially addressed, but some of them require rework or seeding or there's erosion or things like that. So, there's been an attempt to address everything out there, but like anything, there's a punch list, and on top of it because we haven't had any rain forever, John and I when we went out on the inspection, there was, you know, like some things that, well, is that ditch going to carry water or not? My eyes are pretty good, but if there's a low spot in it, sometimes you can't tell. So, I guess what I'm telling you is that we've got seven field items and one paperwork item that are still due. And, I know there's someone here representing the homeowners, and I don't know if there's someone here representing the developer or not. I can step away from the mic if you've got anything that you want to--

President Musgrave: You're not done with the report, because you are waiting for rain? Or are some of these things—

Jeff Mueller: There's some remedial work that could be done right now.

President Musgrave: Okay.

Jeff Mueller: It's on the erosion. There're a couple swales that, obviously, are not flowing correctly. You know, with rain, more or less issues may come about, and some rain may also help get some of this seeding, there's areas that are bare, that they may have been seeded, and after some rain we may get some growing, or we may get more erosion. It's hard to say.

President Musgrave: Have items on your list from our last meeting been completed?

Jeff Mueller: Everything, there's been an attempt to complete everything.

President Musgrave: Okay.

Jeff Mueller: Okay? This is a punch list of where we think they've completed them, but they're not, but there's additional work that has to be done. But, yes, there's been effort made on everything.

President Musgrave: As you know, we fined the developer.

Jeff Mueller: Yes.

President Musgrave: Are you asking us to leave that fine in place until these items are addressed?

Jeff Mueller: I'm sorry, again, I had trouble—

President Musgrave: Are you asking us to leave that fine in place until these items are addressed?

Jeff Mueller: Personally, I'm gonna, I guess I would like to hear from the two attorneys—

President Musgrave: I would like to hear from them as well, but you don't want to answer my question until after?

Jeff Mueller: I guess, to answer your question, my own personal opinion has been, that we sent out the list to the developer the same day we sent it out to you, which was over a week ago. In my own practice, I would have been out there the next day trying to address those issues. I don't know if they have or not, because I haven't gotten anything back saying, hey, Jeff, thanks we got this, this and this.

President Musgrave: Okay.

Jeff Mueller: So, I kind of feel like the ball is still in their court.

President Musgrave: Alright. May I hear then from the attorney or the developer, representatives of the developer? And, make sure you identify yourself, and your address.

Megan Brien: Thank you, Commissioners. Let me remove my mask. I am Megan Brien, I am counsel for Hunter Chase HOA Board, and I can provide you my business address, 1 Main Street, Suite 600, Evansville, Indiana.

President Musgrave: Are you the attorney for the developer?

Megan Brien: No, I'm the (Inaudible. Talking over each other.)

President Musgrave: That's, I would like to hear from the attorney for the developer first.

Megan Brien: Oh, I'm sorry.

President Musgrave: Or representative of the developer. So, there is no representative here from the developer? Okay, alright Ms. Brien, if you would please continue.

Megan Brien: Yes, thank you. We do understand that Mr. Mueller has inspected the property, and we're very appreciative of the time that he has taken to go out there and take a look at the numerous punch list items. When we were here last, the list was very, very long. It has been whittled down, and we have submitted that list to Mr. Emig and Mr. Mueller today. I'm happy to provide a copy of that, but that list is what we would consider still outstanding, and would agree with the list that Mr. Mueller has. We haven't seen his list, but, of course, we wouldn't take anything away from his list that he says needs to be completed. Additionally, we are not aware, and we have a homeowner here who's a retired gentleman, so he's often at the property. We're not aware of anyone coming out in the last week, and performing anything, as Mr. Mueller said. We're also not aware of any seeding that's been done, which is really crucial to the overall project, and in order to provide that erosion control, that's really the goal here. We wanted to add, in addition to that, you heard last time from Craig Kendall, who is the adjacent landowner, and his concerns about the southeast swale, there's something that's being constructed. We've sent pictures of what's being constructed there, that's supposed to keep a pretty significant amount of water, I've seen it when I went to visit the property in September, that's eroding his property. My understanding is that's been filled now with concrete, but there's real concern by the HOA, they didn't know anything about it until those boards went up. They didn't provide any approval of it. They're very concerned about the workmanship that they can see, and whether it's even going to provide the resolution that Mr. Kendall seeks, which is going to ultimately come back on the HOA in some form, is what they're really concerned of. It's kind of par for the course in what we've been seeing in this. So, of course, we would ask, for all of these reasons, we've been here for over a year, we've gone out of communication almost with the developer and/or his counsel. I'm not sure that she's even still engaged. And, we would just ask that the fines still be in place, that's the only way we've even gotten anything done in the last month. And, as Mr. Mueller said, and I believe there was some testimony at the last hearing, we don't have to keep reminding them to do their homework, and this wouldn't be what his practice would be if he were in this position.

President Musgrave: Okay, thank you. Mr. Mueller? Do either of you have any questions for the attorney?

Commissioner Shoulders: I do not.

President Musgrave: Okay, so you had questions, and there are no answers, and do you have anything further to say?

Jeff Mueller: No, I mean, I think that they need to get the work done. They've got this list.

President Musgrave: Okay, so, we'll see you back on the next agenda.

Jeff Mueller: I'm sorry, Commissioner Musgrave?

President Musgrave: We'll have them back on the next agenda.

Jeff Mueller: Okay, we'll put them on the next meeting agenda?

President Musgrave: Yes.

Jeff Mueller: Okay.

<b>Review of Approved Ditch Maintenance Claims</b>
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President Musgrave: Review of the approved claims. Is Commissioner Hatfield still available? He had a conflict with Hunter Chase, and so he stepped out of the room, but if you want to make a...oh, here he comes. Commissioner Hatfield, you can return now. Do you want to talk about the claims?

Jeff Mueller: Yeah, ready?

President Musgrave: Yeah.

Jeff Mueller: Okay, you have in your package a summary of claims. There are a total of 16 claims for a total of \$10,479.33. Most of that claim was for a single claim of work on Maidlow. All of these claims, with the exception of one, for \$200, have been for work



previously approved by this Board. The one \$200 claim was for removal of a tree on Crawford-Brandeis North, which was done by a homeowner at our approval.

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

Commissioner Hatfield: So moved.

Commissioner Shoulders: I will second the motion.

President Musgrave: We have a motion and a second. Please call the roll.

Kathy Glaser: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Kathy Glaser: Commissioner Hatfield?

Commissioner Hatfield: Yes.

Kathy Glaser: President Musgrave?

President Musgrave: Yes.

**(Motion approved 3-0)**

<b>Other Business</b>
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President Musgrave: We have other business?

Jeff Mueller: Yes, we have one thing. I'm sorry it didn't get in on the agenda, and that was for a notice of hearing on the Noll-Morgan Avenue Church of Christ petition. That's an obstruction petition that was filed. It's been brought up in a previous meeting. That hearing would be held on Tuesday, November 10<sup>th</sup> of 2020. That's following the Commissioners meeting.

President Musgrave: So, you want us to approve the sending of the notice of hearing for this obstruction petition, is that what I understand you to be saying?

Jeff Mueller: Yes.

President Musgrave: Okay, is there a motion?

Commissioner Hatfield: So moved.

Commissioner Shoulders: I will second.

President Musgrave: We have a motion and a second. Please call the roll.

Kathy Glaser: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Kathy Glaser: Commissioner Hatfield?

Commissioner Hatfield: Yes.

Kathy Glaser: President Musgrave?

President Musgrave: Yes.

**(Motion approved 3-0)**

<b>Public Comment</b>
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President Musgrave: We move now to public comment. Outside the issue of the Elpers-Feagley-Furlow obstruction petition hearing, is there anyone here to make a comment to this Board? And, I see none.

**Elpers-Feagley-Furlow Obstruction Petition Hearing**

President Musgrave: So, we move now then to the obstruction petition hearing.

Jeff Mueller: Okay, I'm going to recuse myself, as I have during this whole process. I have no idea what's, I mean, I shouldn't say no idea, I have completely kept myself out of this process, because I have a conflict. Linda will be taking this over. I will be leaving the room. So, unless you've got anything else, I'll see you at the next meeting.

Commissioner Shoulders: Alright, Jeff, thanks.

Commissioner Hatfield: Thanks, Jeff.

President Musgrave: Deputy Surveyor, Linda Freeman, will you come forth?

Commissioner Hatfield: You know, in all good faith, Jeff just kind of reminded me, and I just actually found this out yesterday, but I actually do business with one of the homeowners on this list.

President Musgrave: Oh.

Commissioner Hatfield: So, I too am going to recuse myself, and with your permission go ahead and leave.

President Musgrave: Absolutely.

Commissioner Hatfield: Okay.

Craig Emig: While he leaves, I'm going to jump in to sort of just give an outline of the procedure that we're going to use here today. The petitioners, Elpers and Feagley, have petitioned against Mr. Furlow, or the Furlow property, alleging that there has been an obstruction of a drain or a natural surface watercourse. The Drainage Board has the statutory authority to hear those issues specifically. How we will do that is first we will have Elpers & Feagley jointly, since this is a joint motion, present their case. We would ask that they keep the evidence relevant to whether an obstruction exists, and whether this concerns a drain or a natural surface watercourse. Next, we will allow Mr. Furlow to present any rebuttal evidence, and present his case. Then, the Board will ask any witnesses, ie: the Surveyor's Office, to report on their inspection. The Commissioners can then follow up with any questions with either the petitioners or the respondent, and then there would be a discussion and a finding of facts issued at that time, and any remedial measures issued. So, if anybody is here to present testimony on this matter, if you would please stand up and raise your right hand.

President Musgrave: Anyone who's going to give any testimony at all today on this matter, please raise your righthand.

Craig Emig: Is there someone from the Surveyor's Office as well? Do you swear, under oath, do you swear and affirm to tell the truth, the whole truth and nothing but the truth?

Unidentified: I do.

Craig Emig: Okay, thank you.

President Musgrave: Let the record show that they each said, I do.

Craig Emig: Alright, so we'll start with the petitioners in this matter, Elpers-Feagley.

President Musgrave: Please say your name and your address.

Brad Elpers: Yes, I am Brad Elpers at 4101 Cromwell Drive. Mr. Feagley is not able to join us today. So, I think just really simply put, this started, we moved into the neighborhood in 2008, and after heavy rains we would have puddling in the yard, and it didn't really flow through, and with kids we were looking for an option here. So, we helped the water move through the neighborhood with a trench, and subsequently, Mr. Furlow poured concrete and dirt to block that water flow. The water flows in the entire street neighborhood, from east to west. And, so, again, we were just trying to help that water move along. Not being able to reach any type of agreement with Mr. Furlow, this seemed

to be the next step, as Eric Feagley and I kind of deal with this blockage. And, so, that's resulted in the petition here.

President Musgrave: Okay. Do you have anything further to say?

Brad Elpers: I do not.

President Musgrave: Okay. Mr. Furlow?

Jerome Furlow: Hello. My name is Jerome Furlow. I live at, me and my wife live at 4035 Cromwell Drive. In 1993 we moved into that residence. Our home is at the end, and the bottom of a hill. So, the water kind of like runs downhill, and it stops, some of it rolls off, continues on, but we also have a lot of standing water after a heavy rainfall. And, before the water would come onto our property and spread out over about a six-foot path, and just slowly go across grass, land onto our property, and after a good rain we could look out and we'll see a big puddle of water, like a little lake. Three, four hours later, it all dissolves into the ground. So, it's not a big deal. It's to be expected. At the end of, at the bottom of a hill, you're going to collect water. No problem whatsoever. About five, six years ago, Mr. Elpers built a trench, and when he built that trench, the water that would spread out over a six-foot area, running across grass to slow it down, was now funneled into a two to three-foot-wide trench. And, the trench, of course, did not have any grass to slow it down, so when that happened, it would come onto my property and just wash away the top soil. So, now after a good, heavy rain, instead of the water dissolving after three or four hours, three, four, five, six days later, I look out and it's still standing water in that area, because the top soil is washed away, and, I guess it's just like clay or hard dirt that wouldn't absorb the water. So, with the threat of mosquitos and the fact that I'm now seeing frogs hopping around my backyard, I've got to fill in that land. So, I go to Menard's, made multiple trips back and forth to Menard's, fill it up with dirt, put grass over it. The first time it rains, washed away. I did that three times. Three times I did that. It wasn't working. So, I said now I'll just put in a little concrete. Now, mind you, mind you the concrete may be about three inches of concrete, my intention was by no means to block the flow of Mr. Elpers' water. It's simply, I've got to make it tall enough, level it out with the rest of the yard, so I don't have a sunken area that collects water. So, after doing it three times with dirt, I then decide to use concrete. I used a little gravel, you know, that has the little pebbles in it, it's not very strong concrete, so after about four times of good, heavy rain, that started to wash away. By then, Mr. Elpers come to my house and tell me, well, you can't do that. You can't be blocking my yard and everything. And, then I asked him, well, why did you build the trench anyway? And, he tells me he built it so they can the water off of his yard and put it onto my yard. Which I didn't think was very neighborly. And, then he tells me he wants me to build a trench all the way across my backyard to keep it flowing. Which I thought was ridiculous. But, anyway, at that point I asked him to leave. I then, that, again didn't hold up, it held up better than dirt, but after a period of rain it started to wash it away too. So, now I took cinder blocks, embedded them into the ground, I've got pictures if you need them, that show that the cinder blocks are embedded in the ground, level with the bottom of his trench. And, then I put concrete over that, so the water doesn't get underneath the top of the cinder block. So, that's the way it was for the past four or five years, until about five, six weeks ago, I'm looking down my window, and I see Mr. Elpers come in from work. And, he looked like he had a pretty hard day. So, I go down and I tell my wife, you know, with the COVID and everything going on, his wife, Beth, is a teacher, and I said, I'll just lighten the load on Brad's plate a little bit, and just take up the doggone concrete. I mean, it's not that big of a deal. So, that's what I did. I took up the concrete. Now, to keep the pond from forming again, I did leave the cinder blocks in its place, embedded in the ground. Also, to the side of the trench I left some more concrete right directly behind, he's got a flower bed, more or less, with a tree, it's a hill, and right behind that, I left the concrete there so the pond doesn't form again, and that's not obstructing the trench at all. So, by doing that I feel that will resolve any issue he had, short of me building a trench across my property, which is not going to happen. I'm also under the impression that whenever there's a higher ground property, and a lower ground property, it's my understanding that if the flow of the water on the higher ground is altered or changed in anyway so that it does damage to the lower lying property, then the lower lying property can basically sue for any property damage done or caused by the alteration of the water, the overflow. Now, I'm not here, and don't even want to sue Mr. Elpers. My whole thing is, just leave me alone. That's all I want. I mean, when I try to grow

grass and I do, I like a nice lawn. My lawn is nice. I pay my lawncare people \$80 a month. I tell them just make my lawn look nice, get rid of the weeds and just have that, and that's what they do. But, in the area where the water washes away the top soil, I've got roots now showing that used to be underground. Also next to the trench, I've got a tree that leans over on his property, and because I'm afraid of the water washing away the roots, that the tree is going to fall over. So, I called the tree people, asking people to come and trim the top, nobody wanted to be bothered with one tree. So, I got lucky one day, there was a crew out in the neighborhood, I asked them to come trim the tree, which is what they did. It cost me \$600. Never said, never, ever once have I ever initiated a conversation with Mr. Elpers about this whole situation. I need to fix the trench to get away from the mosquitos and so forth. I do it, I handle it, I never say, hey, go half on the tree with me? No, I'll pay for that. I never say, look, look at my yard out there. I used to look out my patio window, see a nice, green lawn, now I see a bunch of crappy dirt and concrete and stuff. Do I say anything to him? No. I just handle my business, ask them to leave me alone, but instead of leaving me alone, he has me here as if I'm the culprit in this. All I'm doing is protecting my property. That's all I do, and that's why we're here, and thanks for listening.

President Musgrave: Thank you. Does the Surveyor, Deputy Surveyor? Make sure you raise it up as well.

Linda Freeman: Yahoo, there we go. Linda Freeman, Vanderburgh County Surveyor's Office, Chief Deputy. And, just an FYI, it is hard to hear at this particular location. I could hear fine over there, but when I stepped up here to hand Jeff a paper or something, it was like, wow. As you heard from the gentlemen, there was a petition filed, and that's why we're here. The general location is northwest of Millersburg Road, as we're seeing up here on the screen. The little purplish areas are the three lots in question. The three properties are located northwest of the intersection of Green River and Millersburg Roads within Green River Estates Section "D-1". This subdivision was recorded in December of 1990. Storm drainage plans were approved in March of 1989, but this does pre-date the Vanderburgh County Drainage Ordinance that was enacted in 1994. So, we don't have a lot of good records on this puppy. All three lots are affected by the 100-year flood zone and do not have basements. All the affected lots have downspouts that discharge on the surface in the backyards. The stormwater flows from the east to the west in the backyard of the three lots. There is not a recorded drainage easement on any of the affected lots. However, there is a 20-foot public utility easement on the south side of all three lots. This is the only easement of record on the three lots. No side easements, nothing like that. The Feagley property, oh, here we go, sorry. Yeah, there we are, as you can see here, the Feagley property is the most eastern property. It is the highest property in elevation. Elpers is next door, Furlow is on the end to the farthest west. The yellow circle notes the alleged obstruction location. Here's the subdivision, the overall subdivision plat. As you can see, there's not a lot of verbiage on these, being that it's from 1990, we don't have all the extra stuff on those about drainage easements and things like that. The two purple stars are Feagley and Elpers. The pinkish star is Furlow, and as you can see on that, north is to your left, or, yeah, to my left. Okie doke. I did do some research and I found the covenants and restrictions for this particular subdivision. Some of the conditions and reservations I've got noted here in the pink boxes, basically that each lot owner shall be responsible for the maintaining of the turf, and, hang on, I can't quite read, my mom says old age is not for sissies, and I am getting over there. Number six, each lot owner shall be responsible for maintaining an attractive turf and landscape appearance in drainage swales that are unobstructed and adequate to handle surface water runoff. All lot elevations shall be similar to that of surrounding lots, in order to avoid accumulation of surface water runoff. Down in number nine, the portion that's pertinent here is, no structures or other improvements, planting or other materials shall be erected, placed or permitted to remain within the easements, and there again, there is not a drainage easement here, but this kind of covers some of the items that's, dare I say, common sense, for easements or drainage swales and waterways. It says that they shouldn't have any improvements or plantings that would damage or interfere with the installation and maintenance of utilities, or any way obstruct proper surface water drainage. Now, in this case we do have some items that are in the utility easements, and I'll get to that further in the report. The other pertinent part is the easement areas of each lot shall be maintained by the lot owner in a properly mode, in a clean and attractive condition and so as to not interfere with or change the intended direction of the surface water drainage, as set forth in the site plan filed with the Evansville, and there again, we don't have a

drainage easement here, but this has been an area of water flowing from east to west for some time, as you'll see further in my report. This is just a close up of the three lots in question. As the squiggly line with the extra little furry lines on it, is the 100-year flood zone. Feagley's property is barely within the 100-year flood zone. Elpers and Furlow, by that, are considered to be in the 100-year flood zone, and they would have had first floor elevations to protect them from floods at that point. Here's your contours, and I put a storm water flow, showing the contours. During our site visit, well, the Feagley property, like I said, is the eastern most and highest elevation of the three, and according to the Vanderburgh County Assessor's property record cards, all three homes were built in 1992. The description of the alleged obstruction is that Elpers and Feagley cite that the obstruction consists of dirt and concrete next to the common fence between Elpers and Furlow and a few feet to the west. Upon our site, we made a site visit, Jacob Timmons, the Engineering and Information Technician and I, who is here as well, we stopped out and talked to Mr. Elpers and Mr. Feagley on July the 8<sup>th</sup>. I took some pictures that you'll see, some of the pictures are dated back from July. Most of the pictures are dated just last week. Elpers and Feagley had sent a letter to Mr. Furlow dated April 9<sup>th</sup>, requesting the removal of an alleged obstruction of concrete and dirt. We, Jacob and I, discussed the procedures of an obstruction petition, and I took several pictures. After the notice was accepted and we had a hearing date set, Kevin Myers, the Vanderburgh County Senior Engineering Technician and Jacob and I all went out to visit. At this time, on October the 7<sup>th</sup>, we had not been able to get a Certified Mail Receipt from Mr. Furlow, but we were able to hand deliver him a copy of the notice during this visit. We arrived at the area, and we decided to start at the easternmost property, the Feagley residence. We accessed Mr. Feagley's backyard, and as you see here, we're looking at Mr. Feagley's fence, facing east. He has a, well, he doesn't, his neighbor, which I think is the Wests', which is going to be confusing, Kraig and Laura West own the property next door, and they have a 12-inch plastic pipe that is discharging at the fence line, which I'm going to have to assume is the property line. Mr. Feagley has a concrete splash block and some rip rap and things that you can see there. I tried to protect that, but you can also see that there is a wide swale type of situation going on there, which is evident by the fence and by the ground there. This, I took the picture and was able to just hold my phone over the fence, because we could not go on the neighboring property, by statute, and it looks like a 12-inch pipe has either floated out of the ground, or maybe they brought it up to there to bring the flow line, as you saw in the previous slide, to what was existing on Mr. Feagley's property. And, then, as you see in the aerial view, the neighbor to the east of Feagley has a swimming pool. That is possibly why they wanted to do that piping. But, they've concentrated their flow to Mr. Feagley's line. Another picture of the back yard of Mr. Feagley, looking at the east fence, and you can see by the fence and the ground, there is a defined swale. Looking to the west, which is Elpers' east fence, there, you can see with the fences and stuff that there is a defined swale. One of the items that we did stumble across while we were looking, there is an active sewage line, sewage collector line and a sewage manhole, that if you noticed in the previous slide here, the yellow circle, Mr. Feagley's yard barn ramp goes directly over that manhole, which is that 20-foot public utility easement off those south lines. Feagley's west fence, Elper's east fence, you can see, again, there's a defined swale, and by the ground and the fence he's put some rip rap there to help protect his discharge, and then I've got a picture of the fence looking south. So, then we went to Mr. Elpers' backyard, and you can see Mr. Elpers' trench and then a close up of the same area, which is the Feagley-Elpers fence. Mr. Elpers has some larger rock and things on his side of the fence, than Mr. Feagley does on his. Mr. Feagley has more of a rip rap sized rock on his side. I put my clipboard there, which is nine inches wide, just to kind of give you a size comparison of what the depth of that trench is at that particular location. This is just looking west towards Furlow's yard, a little further out and then closer up, and then that is the planting area that Mr. Furlow referenced in his statements. Now in Elpers' backyard, while we were looking around there, there is a, his backyard faces a house that is on Surrey Way, 4100 Surrey Way. There's an in-ground pool that was built there in 2014. If you look at that yellow circle, I'll get you closer here, on the right you can see it's a 4-inch pipe that's discharging right at Mr. Elpers' fence. Now, I'm not sure if that's the downspouts off the house, but there are three downspouts that are piped on the back of that house at 4100 Surrey Way, and if you look at the left photo, the more oval yellow, that's where that pipe is, and it is also kind of floated out of the ground. Now that particular pipe there is a 10-foot public utility easement on that

particular lot. So, we have another encroachment of a utility easement by property owners.

President Musgrave: And, in this case, what is the encroachment? Go back a slide.

Linda Freeman: I'm sorry?

President Musgrave: Is it the pool that's encroaching?

Linda Freeman: The pipe.

President Musgrave: Okay, thank you.

Linda Freeman: Yes. They've put that pipe in that utility easement. And here is a closer up, I managed to take these pictures over the fence, because, there again, we're not allowed to be on other folks' property. But, one of the downspouts, I could tell, was piped down. Now I'm not sure if the three downspouts on the back of that house all pipe into that 4-inch discharge, or if there's, if perchance the pool has some kind of backwash for it, but when I was taking pictures over the fence, you'll look under the yard barn there, there's a fair amount of erosion that potentially that downspout may be, maybe they've got downspouts on that side of the house, running over the ground. I'm not sure. That was just something I noted, and I thought was kind of, of importance. And, here's some more pictures of the Elpers' backyard. And, if you look in front of that, the leg that you see there, kind of a reddish brown that is a, I think an elevated playhouse. Yes, okay, it's an elevated playhouse, and then he has the yard barn, and if you notice the erosion from the drip lines on both of those, it's just, some points that, things that I noticed while I was out there. His yard barn and that playhouse would potentially, I'm going to say they're in the 20-foot public utility easement that's on the south line of those properties. This picture on the left, I took the day that we went out and met Mr. Elpers and Mr. Feagley, and I, there again, stuck my camera over the fence to get the picture, and that was what I saw in the picture, and you can see the concrete and the very dark, bagged dirt that probably was purchased at a home improvement store. So, we've got a multitude of different issues that are going on here that are pertinent. You've got the properties on Surrey Way, which is to the south of these folks, I think their lots and things, based on the contours are draining across these lawns. So, you've got that additional water, plus then you've got the point discharge of the 4-inch pipe and the 12-inch pipe adding more water at a higher velocity and intensity than if the water was flowing across the yards. So, I mean, there's a lot of things happening here. Looking at the east fence of the Elpers-Furlow fence, looking from the east, this is on, the photo on the left is from Mr. Furlow's yard. The photo on the right is from Elpers yard, and that was that berm that he was talking about, and if you notice he does have his cinder block a little further to the left of that circle. But, the circle, basically, if you can see through the fence, you'll see that that's where the planting berm is, that Mr. Furlow referenced. Then if you look at Mr., now I'm in Mr. Furlow's yard, and you can see where he's tried to put the dirt and stuff down. It's kind of bare, but you can still see with the fence line and the grade line there, the ground that there was a swale, and a wide, very, it's a shallow swale, but it's a wide shallow swale. And then just further back, you can see a little better, a little more defined how that ground lays. I was looking to the east and then to the west, and there again, I'm sticking my camera, or my phone over the fence, and I noticed when I got these pictures up on a big screen that there was this yard barn, it's the same yard barn, it's the neighbor to the south, there's water damage, you can see where, you know, it's kind of, obviously, soaked up water, and there's been standing water there, which I'm going to say Mr. Furlow had standing water in his yard as well. Then, this is Mr. Furlow's southwest corner of his property. And, you can kind of see the water, the dirty parts on the fence, he's got a lot of debris, little bits of leaves and sticks and twigs and things that have kind of built up there. And, then kind of concluding here, basically your wide grass swale versus a narrow bare dirt channel, your grass swale is going to promote more, promote the conveyance of the water in a slower more controlled rate. The narrow channel is going to deliver your water at a higher velocity, and as we all know, anytime the water can be spread out, it slows down and will percolate naturally into the soil. This is the drainage plan that we had in the office, there again, these were showing that the drainage plan was set to go from the south to the north, from the south to Cromwell. That didn't happen. And, obviously, that's kind of what the plan was, because they didn't put any drainage easements on that back line. They were initially going to have those yards go to the front, go to Cromwell. So, we've

got, you know, that makes it a little tougher. We don't have the drainage easement to really fall back on. But, when I was out there, when we were out there, Jacob and Kevin and I, looking at the fences and the ground clearance and the ground as it was between, like Feagley and Furlow, you could see that it was, something/someone had decided that that was going to be a swale. The water was coming down from the east and flowing through. I don't feel that Mr. Furlow intentionally blocked the watercourse, but he was trying to repair an area that eroded, and he was putting, trying to get it back to its original grade. Also of note that when we were there in July, versus when we were in there in October, he did remove some of the concrete, and I think you can kind of tell, I know I had that picture, yeah, you can, yeah, looking at these two pictures, the picture on the left is from July, the picture on the right is from October, and you can see some of the concrete has, was removed, as Mr. Furlow stated. And, then in summation. Basically, you know, I think that, all the parties have fences in the 20-foot public utility easement. Feagley and Elpers have other items within that public utility easement. So, they've kind of, they've not followed county rules, regulations, ordinances of keeping items out of the public utility easement. Mr. Furlow has tried to protect his lot. And, then, like I said, when we were out there, Feagley's yard swale has been modified slightly. Elpers was channeled into a 3-4-foot-wide trench, approximately a foot deep. Furlow's yard has the least modification, which for him is mainly trying to staunch the erosion caused by the channeling.

President Musgrave: Can I ask you one question about that?

Linda Freeman: Yes, Ma'am.

President Musgrave: You have a picture of the tree that Mr. Furlow had trimmed, I believe, there in the corner where the fence meets. Could that tree also be causing retention of water?

Linda Freeman: The tree is right on the edge of the swale. If you look in that left picture. I mean, that could, as the tree's gotten bigger and maybe have larger roots and things, that could—

President Musgrave: Trees hold water, that's what they do.

Linda Freeman: Yeah, but I don't know that that's really causing an issue.

President Musgrave: Okay. So, your conclusion is?

Linda Freeman: Basically, that, although Mr. Furlow did place some concrete and dirt in the area, I don't think he raised the grade beyond what it was prior to his erosion. Because if you look at the fences and what's, you can tell that the fences were built basically to the ground, and that they, like I said, if you look at that left picture, you can see that what he has still left there in October, basically meets the fence grade, or the bottom of the fence, which is, as you look through those yards, that's what everyone down through there had. The fences are at the swale flow line.

President Musgrave: Are you also suggesting that additional water has been put into this swale?

Linda Freeman: You do have additional water coming into this swale.

President Musgrave: More so than was—

Linda Freeman: Than just the yards that are involved here. You've got the 4100 Surrey Way—

President Musgrave: Downspouts—

Linda Freeman: --with that point discharge right there. I don't, like I said, without further, without being able to be on their yard or ask, go talk to them, and they may or may not know, depending on if it was done before they bought the home, whether or not those three downspouts are piped together, coming into that 4-inch pipe. Or if perchance they have their backwash from their pool, or their, you know, maybe drainage, when they drain their pool. I don't know.

President Musgrave: So, your recommendation—

Linda Freeman: But, that is additional waters that –

President Musgrave: Your recommendation today is to deny the petition, and to note these other issues, but recommend no action on those other issues?

Linda Freeman: Well, since we don't have a drainage swale, now in the newer subdivisions, as you guys are aware, we're more well aware of that we have more options, but there was not a drainage easement put in here. There was, it's what has been there. They had that wide drainage swale, it was grassed, and I'm sure that they probably did have some water, but there again, I think they all need to work together. The folks on Surrey Way, the folks upstream of Mr. Feagley, they need to maybe back that pipe up and do a flared end section to spread that water out, to slow it down. The folks at 4100 Surrey Way, they need to pull that pipe back, but we don't, there's, we don't have any legal recourse, I don't think, for—

Craig Emig: None.

Linda Freeman: I mean, they're—

Craig Emig: Stepping—

Linda Freeman: --encroaching in public utility easements, and then, you know—

Craig Emig: Stepping back a little bit. Is this a drain? Is this a drain that carries this water? That's an obvious question. Is this a drain?

Linda Freeman: Yes.

Craig Emig: This is a drain, or is this a natural surface watercourse?

Linda Freeman: Oh, I would consider it a, it probably was man-made back in 1990, but it has probably been in effect since at least these homes were built in '92-'93. So, it's a watercourse that's carried water.

President Musgrave: But, it's not a drain?

Craig Emig: But, it is not a drain. It's not a legal drain?

Linda Freeman: Oh, I'm sorry. Yes, it is not a legal drain, yes.

Craig Emig: Okay. And, it is a surface of area where water flows in a definable direction occasionally?

Linda Freeman: Yes.

Craig Emig: Okay. Alright, and do you find, in your inspection, did you find that Mr. Furlow caused or allowed, or that there were any objects placed that severely impeded the flow, that prevented or significantly impeded the flow of the water over that natural course?

Linda Freeman: No. He, like I said, if you look at the fence and the grade of his yard, and you look at, like I said, the bottom of the fence, and then just the natural lay of his land, the natural lay of the other folks, and actually even Elpers property, you can see that the trench is—

President Musgrave: Okay, no is good enough.

Linda Freeman: Yeah.

Craig Emig: Are there any further questions from the Board?

President Musgrave: No. So, without any other questions—

Craig Emig: Then that will conclude the hearing.

President Musgrave: Do we need to make a ruling of any kind?

Craig Emig: Yes.



President Musgrave: So, we're asking for a motion, you're asking for a motion to deny the petition? Is that correct?

Craig Emig: Yes, the motion would be to deny the petition, upon the finding that you are unable to make a determination that an obstruction exists.

President Musgrave: Is there a motion to that effect?

Commissioner Shoulders: I will make the motion.

President Musgrave: And, I will second. We have a motion and a second. Would you please call the roll?

Kathy Glaser: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Kathy Glaser: Commissioner Hatfield?

Commissioner Hatfield: (Recused himself from the vote)

Kathy Glaser: President Musgrave?

President Musgrave: Yes.

**(Motion approved 2-0. Commissioner Hatfield recused himself.)**

President Musgrave: I do hope that the parties, all of the parties to this petition, and the parties that the Deputy Surveyor has identified, come together to work through the summation points. Those summation points, I think, will give clues as to why the water has changed over the past few years. And, perhaps, in working together to resolve those, perhaps everyone will see some relief. Alright, is there anything further to come before the Board?

Craig Emig: Yeah, with that finding, the authority and the jurisdiction of this Board ends in regards to the petition.

President Musgrave: Thank you for that clarification. Is there any further business to come before this Board?

Brad Elpers: May I ask a question?

President Musgrave: Is it an official question, or just a---Okay. Is it a long question? Because if it is, we have to take a break.

Brad Elpers: No, it's not.

President Musgrave: Okay, come on up.

Brad Elpers: My question is, and I appreciate everyone's time. So, from the Surveyor's Office, or the Drainage Board, my question is, what would your recommendation be to most effectively move that water through? Do you have, based on the evidence you've seen?

President Musgrave: I referred to the summation list, and you have a copy of the printout, do you?

Brad Elpers: I just got that, yes.

President Musgrave: Okay, go through that summation list. She has listed very carefully the issues that could be resolved in order to move forward. And, since people have suggested lawsuits at various points in the testimony, I'm going to conclude my remarks on this, and ask you to meet with the Surveyor.

Brad Elpers: Okay, so that's my best next step? Super. Thank you.

President Musgrave: Okay.

**Adjournment**

President Musgrave: Is there a motion to adjourn?

Commissioner Shoulders: So moved.

Jerome Furlow: Can I ask a question?

President Musgrave: We are adjourned.

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

**Those in Attendance:**

Cheryl Musgrave	Ben Shoulders	Jeff Hatfield
Jeff Mueller	Craig Emig	Kathy Glaser
Linda Freeman	Megan Brien	Brad Elpers
Jerome Furlow	Others Unidentified	Members of Media

**VANDEBURGH COUNTY  
DRAINAGE BOARD**

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**Cheryl Musgrave, President**

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**Ben Shoulders, Vice President**

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**Jeff Hatfield, Member**

(Recorded and transcribed by Madelyn Grayson.)