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" " (\$63.75) "

" " (\$727.94) "

" " (\$1,530.00) "

" " (\$1,249.16) "

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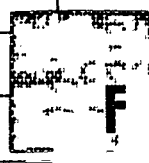
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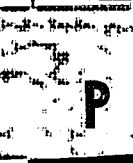
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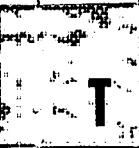
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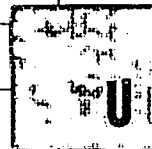


UAE / Phase II Student Housing - Drainage Approval

1

Urban Drains (Montag-Steven, Keil, Kolb & Aiken Ditches
declared Legal Drains) Jan. 22, 1990

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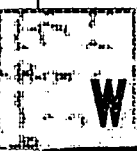
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MINUTES
DRAINAGE BOARD MEETING
JANUARY 22, 1990

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USI/Phase II Student Housing/Drainage Plan Approved.....	1
Maidlow Ditch Extension..... (B. Jeffers to get list of property owners who own over three acres and ask Soil Conservation Service to contact them to see if they would be amenable to some kind of device to store water and report back to the Board at February meeting and make a recommendation at that time.)	1
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Meeting Recessed at 5:10 p.m.	

2.

MINUTES
DRAINAGE BOARD MEETING
JANUARY 22, 1990

The Vanderburgh County Drainage Board met in session at 4:10 p.m. on Tuesday, January 22, 1990 in the Commissioners Hearing Room, with Vice President Robert Willner presiding. (Commissioner Borries was absent.)

RE: USI/PHASE II STUDENT HOUSING DRAINAGE PLAN

Mr. Jeffers said Mr. Kenny Ubelhor is present with regard to drainage plan for Phase II of the USI/Southern Indiana Student Housing. He said he hasn't had time to look at the drainage plan in detail.

Ms. McClintock asked if Mr. Jeffers would have a recommendation within a week?

Mr. Jeffers said, "If the calculations and the plan are complete and Mr. Ubelhor turns it in today."

Mr. Ubelhor said, "What I want to do is turn it in today, let them take a look at the plan, if they want a set of calculations, I will get the calculations together." It doesn't necessarily have to be approved today, but he doesn't want it to be the end of February. That would put him in a bind. If something happens at the end of February, then he is over his limit.

Commissioner Willner suggested the plan be approved, subject to the recommendation of Mr. Jeffers.

Mr. Jeffers said there was no serious problems with Phase I, but the Board will remember we were in the process of extending Mahrenholz, etc., and we assured the residents we'd take a look at the plan prior to the development of the second phase. He didn't find any problems with the first phase and he doesn't anticipate any with the second phase.

Commissioner Willner said he wants it made part of the motion that Mr. Ubelhor is saying that there will be no mud run-off into the street.

Mr. Ubelhor said that is correct and if anyone notices any mud run-off, they will be glad to take care of it.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the drainage plan for Phase II of the Student Housing at USI was approved, pending Mr. Jeffers' approval and with assurances from the developer that mud will not be allowed to run off from the construction site into the drainage ditches. So ordered.

Mr. Cletus Muensterman queried Mr. Ubelhor about the other road.

Mr. Ubelhor said he is glad to advise the Commissioners that per the agreement that Mr. Joe O'Daniel had that when they got to Phase II they would try to find an alternate way to get into the construction site or build a construction road, they will have a construction road coming in off of Clark Lane to take care of this project. They are also in the process of putting some kind of road around that woods back there. But there will be very limited traffic going down Mahrenholz.

Mr. Muensterman cautioned they do not want any heavy machinery on Mahrenholz.

Mr. Willner said perhaps Mr. Muensterman should have the Traffic Department make a sign.

RE: MAIDLOW DITCH EXTENSION

Mr. Jeffers said that we advertised for a Public Hearing with regard to the extension of Maidlow Ditch from its present source up towards Boonville-New Harmony Road and Darmstadt. We had hearings on that in September and October, neither of which were attended by any member of the public for or against. The Drainage Board authorized him to advertise a Public Hearing to be held today.

By way of refreshing the Board's memory, he said that Maidlow Ditch presently starts on designated property line on map, and runs north and then westerly underneath St. Joe Avenue all the way through Armstrong Township. He thinks some of the residents here today would like to see the ditch extended at least up to Boonville-New Harmony Road (which is at least 2,000 feet). And there may be some here today who would like to see it extended maybe 700, 1,400, or 1,800 feet on up. If there are those in the audience who would like to see the map on the Commissioners' desk -- he asked they please feel free to do so.

The reason expressed to the Surveyor's office (and at least to one of the Commissioners) for extending the ditch is that the portion shaded in green is pretty much choked up with trees and brush and fairly poorly kept. There are residences as well as farm ground not being properly drained. There is also a bridge that belongs to the Commissioners, possibly adversely affected by the drainage. He will let the residents take it from there, because he understands from a Mrs. Ronda Fleming (who he thinks is in the audience today) that there was at one time a petition by several people in this area to extend the drain somewhat in the fashion he has colored on the map.

Commissioner McClintock asked Mr. Jeffers for the recommendation of the Surveyor's office.

Mr. Jeffers said he is not prepared to make a recommendation at this time, he is just going to give the Commissioners the facts. After the Board hears the audience comments, he has some figures which should help the Board make a decision. The people in the area will be paying for it -- the County will not be paying for it. It's not tax money. The way these work is that you have a watershed; in this case, Maidlow has 4,394 acres altogether and it drains into one ditch called Maidlow Ditch. The ditch is 16,471 feet long. Normally it costs around \$2,800 to \$3,000 to spray it, mow it, burn it, whatever we do -- and so in 1989 we assessed \$2,386.00 -- that is a special assessment to those 4,394 acres and that comes out to 65 cents per acre. We have a minimum billing of \$5.00 -- anything less than eight (8) acres is going to be \$5.00 no matter small it is, because it cost money to do the billing. We had a surplus build up in that account due to these minimum \$5.00 billings and the fact that we assess slightly more than it takes just in case of an emergency. So in 1989 the Big Creek Drainage Association bid on the ditch and proposed one (1) mile of dredging work. So the very upstream end has been fixed up -- the whole ditch is in good shape -- and we are left with a current balance of \$4,200 in the account. We expect that if we continue to maintain the 16,471 ft. in the future it will be in the neighborhood of \$3,000 per year.

Ms. McClintock asked, "You mean -- if we add to the ditch?"

Mr. Jeffers responded, "No, as is. If you want to extend it to Boonville-New Harmony Rd., that is 2,000 ft. -- and because of the rough shape of the ditch right now, I am estimating it will be at least \$4,000 or \$2.00 per foot to clean that up and put it in the same shape the rest of the ditch is in."

Ms. McClintock asked, "And what about beyond that?"

Mr. Jeffers said, "Well, at \$2.00 per foot for as far as you want to go. We're just going to go to Boonville-New Harmony to start with. That \$4,000 that I think it will cost to put it in real good shape so we can maintain it for 10 cents to 15 cents per foot every year after that -- if it were split among the entire watershed of 44,000 acres it would add approximately \$1.00 per acre to the bill. If it were paid in one (1) year, the bill would then be \$1.65 per acre and 65 cents or 70 cents per acre after that. It might have to go up a little -- but we are already slightly over billing and the \$5.00 minimums take up a lot of slack, too. But let say that for one year it would go to \$1.65 and after that it might go down to 75 cents per acre. If we extend it over three years (which we are allowed to do) we can go in the red for three years. Those first three years would be \$1.00 per acre and then back down to 75 cents. Then proportionately it would go up the further you went upstream. The worst case went all the way 1,800 ft. south at \$2.40 per acre the first year or \$1.25 per acre if you extend it three (3) years and then down to maybe 80 cents."

Continuing, Mr. Jeffers said he talked mostly to Mrs. Fleming and then she organized the neighborhood.

Mrs. Ronda Fleming of 1446 West Boonville-New Harmony Rd. approached the podium and identified herself. She said they are already in the watershed that he is talking about paying the assessment on Maidlow Ditch (which is some 2,000 ft. north of them) and there are several other people who own property along there and they feel like one body (speaking for her husband and herself) maintaining that ditch rather than being dependent upon sort of a piecemeal -- each property owner taking care of only to the center of the ditch and depending on the next person north of you to take care of his section. They think that for purposes of continuity that the ditch being cleaned out by one party would be a benefit. They can see no reason not to do that. They are paying that assessment which for them, as residents, is the minimum. They don't own lots of acreage -- but they don't feel they are benefitting from Maidlow Ditch to its full extent, because her water stops right about her property -- and doesn't get to the section that is now being maintained. (She lives just south of Boonville-New Harmony Road just east of the ditch.)

In response to query from Commissioner McClintock, Mrs. Fleming said she'd like to see it go to at least Boonville-New Harmony Rd. She dealt with the County Highway and Bridge Department this past year, trying to get them to clean out under the bridge. They came in and did a little work. But her husband had to get out there with a shovel and make a path for the water.

Mr. Willner asked if anyone else wishes to speak concerning Maidlow Ditch.

Mr. Jerry Gries of 1731 W. Boonville-New Harmony Rd. identified himself and said he takes a bush-hog and tries to keep his side of the ditch cleaned out, but it doesn't do a whole lot of good because designated area has grown up so badly. As the water flows north and we get a hard rain, the water wants to pool in designated area. Designated side of the ditch has grown up pretty badly and he can understand why the homes in that area can't take care of the ditch -- because the growth has gotten so bad.

Ms. McClintock noted the area shaded yellow was supposed to have been cleaned out last year.

Continuing, Mr. Gries said he would like to see Maidlow a public ditch at least down to designated area on the map -- and if we want to go beyond that, he has no objections. He'd be glad to pay whatever it is per acre not to have to mess with it. A bridge that was installed eliminated part of the problem, but not totally because the water can't get through designated area. He sprays his portion and bush-hogs it late in the fall -- but he can't keep it cleaned up the way it should be. He would be in favor of extending Maidlow at least to Boonville-New Harmony Rd.

Ms. McClintock asked if anyone in the audience is opposed.

Mr. David Ellison of Big Creek Drainage Association said he is not against this project. He just wants these people to understand that from Darmstadt to St. Joe Avenue, there is a 60 ft. fall -- that's a substantial drop in that length of span. Their problem (and Bill said the ditch was in good shape) -- it was up until this last rain and then they caught havoc out there with the three inch rain. They about lost a bridge down on one of the farms and a couple of trees in another part of the ditch -- and that ditch has a very big problem in handling the water coming down there that fast. Being a conservationist, he feels that if there would be people in designated area (farmers or whatever) around Mr. Gries's property, if some WASCOS or some kind of retention was out there (like we try to push throughout the County insofar as any kind of building we do) it would help slow the water down. Opening the ditch is no problem. What they have a problem with is maintaining the water that goes into the ditch -- and we're having that problem with the entire ditch system in Vanderburgh County from Maidlow to Pond Plat to Upper Buente, down to Wallenmeyer and all the way down to Wabash. All we're doing is opening up ditches and dumping that water onto somebody else -- that's what we're doing every time we open this ditch up going up the way. Here again, he is not speaking against this -- he thinks we do need the ditch open. But he hopes they understand that when we do open these avenues up what we are doing is dumping more water on farmers down below and, hopefully, somebody will take the initiative and put in some conservation projects up there to help us out.

Ms. McClintock asked, "Specifically, what do we need to do?"

Mr. Ellison said, "Well, the Soil Conservation Service needs to be notified and told there are some areas out there that need to be looked at and some conservation practices should be suggested to these property owners to see if they will cooperate."

Ms. McClintock asked, "What kind?"

Mr. Ellison replied, "WASCOS -- A WASCOS is a water storing device. If you drive out in the country somewhere you will see white poles (pipes) with holes in them. It looks like a golf course -- what they are is a water holding device. What it does is let the water go down within twelve (12) hours -- that is how slow it lets it out. And then you've got water in your ditch, but it doesn't all get there at one time. That's what we're talking about -- a retention pond or something of that nature. And it would be a very good site for a lake up in that area."

Mr. Willner asked if anyone else wishes to speak. There being none, he continued: Just recently a 20 acre subdivision has opened up at designated point on the map. The map at which he is looking is probably a 20 year old map and more recent housing is not included.

Mr. Jeffers said they are flying the County this year to update the maps -- but they won't be flying that part of the County for another two years because of the cost.

Ms. McClintock asked Mr. Jeffers if he has talked to Soil Conservation.

Mr. Jeffers replied, "No, I have not. I would like to make the comment, unless there is someone else here to talk on Maidlow Ditch. The way we operate very simply is that we have an account for each ditch. We have thirty (30) accounts and we have thirty (30) ditches. We only spend money out of the Maidlow Ditch Account (Acct. 028) on Maidlow Ditch. We only collect money out of the watershed that goes into there and that is 4,394 acres. However, the people who are here today wanting the extension of the ditch (which affects everyone in that watershed -- there are 503 properties - but there are not nearly 503 people here). The County Surveyor wants to do what these people want to do. We are in favor of serving these people who have shown up today and are paying this assessment -- we are in favor of serving them better, and I'm sure the Drainage Board is, too. But we have to protect the other 500 properties as well, because they have been paying the assessment the same as these folks have. Now, some people would say that what we would do for this 1,000 or 3,000 feet would unduly benefit those people along that ditch who are having the problem. And they'd say they should have to pay more, because they get a greater benefit out of what we're doing -- because they live or own property right along the ditch. That what we'd do would benefit them more than someone who is a quarter mile upon a hill or so. Well, you can look at it that way if you want to. But those people are also carrying all the water that came from that hill over there. So the people up on the hill who are running water down on them are benefitting by not having to deal with the water until somebody down at the bottom of the hill has to deal with it. So that is the way we look at "benefit". I'm trying to be as simple as I can. But "benefit" is apportioned out all the way through the watershed. Mr. Gries owns a large chunk of property. He's benefitting the man uphill from him by keeping his drains open to get down to the main ditch. So he's spending all his money getting water into the ditch. And he asks, "Where does it go? It doesn't go anywhere and doesn't get out of there fast enough." I have to believe him. But as Mr. Ellison said (and he is not only the President of the Big Creek Drainage Association, but he owns and farms ground on this ditch -- so we have to look out for his interests, too) -- anything we do to improve the ditch and clean it out is obviously going to increase this velocity of the water in the ditch. Right now the water is either standing there or it is whipping back and forth and spilling out. If we make that a nice straight ditch like it is supposed to be, both you and I know the water is going to move faster. And he saying we are having problems downstream -- and we are. We have problems at St. Joe Avenue. We have problems on Marvin Wallen's ground. He's been up to the office. What I would say is, "Yes, this 160 acres is going to benefit more than the other 4,000 acres are going to benefit. But our office would be willing to recommend that we extend Maidlow Ditch at least to Boonville-New Harmony and preferably another 1,000 ft. or 1,400 ft. to that first fence line. We would be willing to recommend that and proceed with it if the property owners of large agricultural property or vacant property in that area would consult with the Soil Conservation Service and work towards retaining some water up there to offset the fact that it is going to travel faster when it gets into the ditch. In other words, yes, they will reap the initial benefit, but if they would help us retain some water up at that end it won't hurt anybody downstream -- so their benefit won't be disproportionately taken away.

Ms. McClintock said, "Well, we have one here; Jerry, what do you think?"

Mr. Jim Fleming approached the microphone and said, "Some of the farm ground that is south of the ditch is already pooled and tiled where it does contain some of the water. I noticed that -- so some of it is already being pooled alongside the road at least where you go up to St. Joe, because you can see it from the road. I don't know who owns the property."

Mr. Ellison commented, "What you are saying about the retention is correct -- there is a lot of that around. On my farm alone, between the government and me we spent close to \$80,000 on retention -- so I really believe in it. And if everybody would cooperate we wouldn't have all these problems that we have now."

Mr. Willner said, "And as this property is developed, the problem will get worse. When designated area comes up for rezoning, we need to recommend to the Town Board of Darmstadt that they initiate some lakes and holding devices in their subdivisions. On the south side of the road we could do it very well. Does that decision need to be made today?"

Ms. McClintock said, "It seems to me we have to do two things if we're going to do this. We need to contact the Soil Conservation Service to see if they will go up there and make some kind of formal recommendation as to what should be initiated and then we can contact the property owner."

Mr. Willner said, "The Soil Conservation Service will contact the property owners. But I don't know that they can do anything without the property owners...."

Ms. McClintock asked, "Can't we approve it pending the Soil Conservation Service coming back to us and saying, 'Yes, we met with Jerry and Joe and Curt and bla bla, and they are going to do this and we are satisfied that will help retain enough water that this newly cleared area will not affect the property owners downstream. Could we do that?"

Attorney John said, "What would be the purpose in making the decision now subject to all the other things? You may want those recommendations first -- I don't know how Bill feels about that, but you may want to see what kinds of recommendations they are going to make and whether or not these property owners can live with them before you approve it -- if that has that much of a bearing on the improvement."

Ms. McClintock said, "Oh, I think it does; I don't think you want us to approve this and hurt people downstream, do you?"

Ms. Fleming said, "No, no. But I would like to see a decision made. Apparently this was an issue five years ago and we haven't done anything since then. There doesn't have to be a decision today, but I don't want to see it fall by the way."

Mr. Willner asked, "Wasn't a portion of that ditch cleaned out by a veterinarian?"

Mr. Jeffers said he believes that was back in 1982. It wasn't grown up -- it was damaged by erosion and siltation -- and some washouts, etc. None of it we have ever cleared has ever grown back up. They're doing a very good job of spraying. You can order me to prepare a full written report for your February meeting, with more detailed cost and work analysis, etc., and make you a full written report on the options I just happened to type up today from limited information and take your action today based on that. Tell them you are committed to it, but you want a full report.

Mr. Willner asked, "Why don't you get a list of the property owners who own over three (3) acres and ask the Soil Conservation Service to contact them and see if they would be amenable to some kind of device to store some water and give the Board a report at the February meeting?"

Mr. Jeffers agreed to do so and thanked the participants for their attendance today.

RE: DECLARATION OF URBAN DRAINS

Mr. Jeffers said there is also a Public Hearing today with regard to declaring certain drains "urban" drains. He would like to declare all the ones he put in the notice "urban" drains and the County Surveyor recommends that all of them be declared "urban" drains, as follows: Sonntag-Stevens, Keil, Kolb and Aiken. They are all under intense urban development pressures. Sonntag-Stevens and Keil are under intense industrial development pressure and Kolb and Aiken are under intense residential development pressure and Aiken and Kolb are also affected by the crossing of I-164. So we're talking about some heavy duty stuff going on out there. Particularly Kolb Ditch has had subdivisions built on both sides on both banks. Eastland Estates and Audubon Estates, as well as Chickasaw subdivision, have been built on both banks. And it has just gotten to the point that Kolb Ditch, in particular is really the one he is after today. If we do all four of them he'd be grateful. But he is particularly after Kolb. If the Board will recall, Mr. Bud Bussing came in in August with Audubon Estates and he wants to route that ditch into that large lake he has dug and we still have to work out a maintenance agreement with them. There were some differences of opinion on who maintains what and how we get through there. But he can tell the Board that we will work out a maintenance agreement with Mr. Bussing -- but we've got to get that ditch routed into that lake, because the ditch is continually filling with silt. Early this past fall or late summer we did get Traylor Bros. to clean out the part of the ditch they had damaged during the construction of I-164 and that is in good shape. But the portion he is talking about (from Chickasaw subdivision back up through Eastland Estates) is horrible. It has held water for two years. People are trying to sell their homes in there. While the ditch wouldn't be real objectionable if it is well kept -- with standing water in it it is something else again. We can't do anything. It is an agricultural drain from way back when. But with these subdivisions there we can't do anything to re-route it, reconstruct it, or otherwise change the course of it without declaring it an urban drain.

Commissioner Willner asked if anyone in the audience wishes to address the matter of the four ditches.

Mr. Don Beamen of 1906 Eastland Estates said his house is on Kolb Ditch. He has lived there at least five years. When he bought the house the ditch was completely dry, but it had been a real dry summer and he bought the house in September. Since that time, the ditch has never been dry during the five year period. One time it was muddy and cracked, but it never did dry up. But during the five years it has always held water. During the winter the ice on the ditch gets thin and his daughter Jenny ended up in the ditch one time. He just heard about this from his neighbor (who didn't show up) -- but he wanted to know if changing it to an urban ditch is going to make it drain. He has one problem in particular. His house is built on a pier beam instead of a slab. Most of the houses along that ditch are on a slab. He has water underneath his house and water in that ditch all the time. He doesn't know if the two are related. There is water in the ground. Once he dug an out building to house his lawnmowers, etc., and when he was digging he got down about two and a half feet and hit water -- and that was right next to the foundation of his house. And he has been under his house when he

had two and three inches of water at times. It is always muddy under the house. But when you throw rocks under there, usually water will splash. He doesn't know if this has anything to do with the ditch or not -- he hasn't really investigated it. He just wants to make sure if there is going to be a lake down there and the water from the ditch is going to be draining into the lake -- that the lake doesn't end up getting full and coming up and filling up his ditch even worse. That is his only concern and he hasn't looked into this at all. Is making this an urban ditch going to solve his problems, or change them?

Mr. Jeffers said, "The plans Mr. Bussing presented (which came from Morley & Associates) showed that we could route the ditch through this lake and while there would be water standing in the lake, it should not back up after the storm and the water is drained out and the lake goes down to its normal pool stage. Water should not be standing in the ditch as it does today behind this man's house. (There was a Mrs. Wells who was supposed to be here to tell the Board this, too.) For instance, like after the rain we had this past Friday night, by Saturday afternoon the water should be gone -- unless there is some unusual condition on the other side of the levee that keeps the Levee Department from being able to pump the water out. There is a pump station down at Indian Mounds and as long as the river is down so they can pump the water, the water should be gone by Saturday afternoon. One time two summer ago during the drought, Mrs. Wells called me and he asked Mr. Bussing to send a back-hoe out to take some obstructions out of the ditch (which he did) and the water drained out on a Thursday and it was almost dry (cracked). By the next weekend -- after another rainstorm -- water was standing two feet in the ditch again. So Mr. Beamen is not exaggerating. As to whether his problem under his house is related to our ditch, that would require further investigation.

Continuing, Mr. Jeffers said there is only one (1) ft. of fall from Covert Avenue to Pollack Avenue in this ditch. That is why we have such critical problems. The ditch is one foot higher back at Covert Avenue than it is all the way down to Pollack and it is several thousand feet long. This water can barely move as it is. But if we get everything lined out -- like it critically could be lined out -- it would be a lot better than it is today. It is never going to be perfect.

Mr. Willner said he doesn't know that this will affect Mr. Beamen one way or the other. He was just wondering if Mr. Beamen shouldn't talk to a contractor about a French drain or something, which lets the water out slowly and not let it come in real fast. Mr. Jeffers said Mr. Beamen could put a curtain drain along the ditch behind the house and as the water comes up in the ditch it soaks into the gravel curtain which holds it a while. It is so sandy out there he bets it just comes on through.

Mr. Willner said that is his guess -- but the water should go back out and it doesn't.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, Sonntag-Stevens, Keil, Kolb and Aiken Ditches were declared "urban" drains, upon the recommendation of the County Surveyor. So ordered.

There being no further business to come before the Board, Commissioner Willner declared the meeting recessed at 5:10 p.m., with the announcement that the next Drainage Board Meeting will be held on February 26th immediately following the Commissioners Meeting.

PRESENT:

Robert L. Willner, V. President
Carolyn McClintock, Member
(Absent: Richard J. Borries, President)
Sam Humphrey, County Auditor
Curt John, County Attorney
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Supt.
Leonard & Mildred Voegel
Sylvester J. Will, Jr.
Jim and Ronda Fleming
Phillip W. Krohn
Jerry Greis
Jerry Riney
Margie Meeks

SECRETARY: Joanne A. Matthews

Richard J. Borries, President


Robert L. Willner, V. President


Carolyn McClintock, Member

10.

MINUTES
DRAINAGE BOARD MEETING
FEBRUARY 26, 1990

I N D E X

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Meeting Recessed at 5:40 p.m.	10

MINUTES
DRAINAGE BOARD MEETING
FEBRUARY 26, 1990

The Vanderburgh County Drainage Board met in session in the Commissioners Hearing Room at 4:40 p.m. on Monday, February 26, 1990, with President Rick Borries presiding.

RE: RESOLUTION RE DRAINAGE BOARD MEETINGS

Commissioner Borries called the meeting to order and read the following Resolution:

RESOLUTION
VANDERBURGH COUNTY DRAINAGE BOARD
MEETING DATES

BE IT RESOLVED:

That in accordance with Indiana Code 36-9-27-8 the Vanderburgh County Drainage Board will hold its regular meetings for the year of 1990 on the Fourth Monday of each month following the County Commissioners meeting unless there is no business to be conducted at that time. However, Drainage Board meetings may be held at other times, if needed, to conduct necessary business; if so, it will either be announced in preceding meeting or the news media will be so notified.

If a legal holiday falls on the Fourth Monday and there is business to be conducted, the Drainage Board Meeting will be held on the following business day by the Drainage Board members in an open meeting.

Approved on this 26th day of February, 1990.

VANDERBURGH COUNTY DRAINAGE BOARD

/s/Richard J. Borries, President
/s/Robert L. Willner, V. President
/s/Carolyn McClintock, Member

Upon motion made by Commissioner Willner and seconded by Commissioner McClintock, the Resolution was approved and signed. So ordered. Commissioner Borries asked the Secretary to advertise the Resolution.

RE: APPROVAL OF MINUTES

Commissioner Borries said he was absent when the Drainage Board held their January 22, 1990 meeting, but there are minutes to be approved.

Upon motion made by Commissioner Willner and seconded by Commissioner McClintock, the minutes were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: EXPRESSWAY COMMERCIAL DEVELOPMENT

Commissioner Borries said that Mr. Bill Jeffers, Chief Deputy Surveyor, is Technical Advisor to the Board, and he will turn the meeting over to him to present items that he might have prepared for the Board's consideration today.

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Mr. Jeffers said the first item on his agenda is Expressway Commercial Development on the corner of Red Bank Road and Highway 62, across from the University Shopping Center. Danny Leek, the developer's engineer, is in the audience to answer any questions the Board may have at this time. He is sure the Board will recall that the West Side Improvement Association and some neighbors were concerned enough about the development that they asked the Board to have a Special Meeting prior to the December APC meeting. He believes Ms. McClintock asked for that special meeting and some aspects of this development were discussed at that time. (January 6th maybe?) In any event, the development has expanded as the Board now sees it. The bold contour lines are at 1 ft. intervals, showing how they intend to grade the entire development towards the top of the page (which is north). They show that the run-off will be cast toward the north and captured by inlets. You can barely distinguish the street. Mr. Jeffers then spent several minutes going over the plans with the Board. The bold blue lines are sewer laterals along the street and the small round dots are the inlets and manhole structures that will pick up the water from the streets and carry it down to that one (1) detention basin (which is in the northeast corner of the development). Nearly all the water from the site -- and roughly speaking, 95% of the water will be diverted into that detention basin. There are some small areas that can't be controlled because they are adjacent to the main ditch which runs through the northwest corner (or upper lefthand corner) of the plat. Some small areas adjacent to that valley or that creek can't be diverted uphill into the detention basin. And there are some small areas along Indiana 62 that drain into the highway ditch and about half of it goes east and under Red Bank Road on down to Carpenter Creek along the highway and maybe a little less than half of it goes west and down through a large ravine and under the highway to the south. But approximately 95% to 96% of the water goes into the detention basin, which is a permanent lake with approximately three (3) ft. of water in it. It has an outflowing structure that will be assembled in such a way that they could totally drain the lake if they had to do any bottom maintenance to remove silt, dig out some cattail roots, or remove shopping baskets. But normally it will stand about 3 ft. full of water. It has an emergency spillway in case of torrential downpours and that emergency spillway will empty into the pie-shaped ditch at the top of the plat. That outflowing ditch is constructed and totally lined with rip-rap and there is a dirt mound on the north side of the ditch in case the dam were to seep a little water or a large amount of water spilled out of the spillway -- it would not cross over onto the property to the north which is owned by Mr. Basden; it would go down to the intended waterway and empty into this branch of Carpenter Creek. It is a pretty detailed drainage plan. The book that came with it has all the details of the structures and it shows that what they are basically trying to do is take what kind of rainfall you would have on the undeveloped site (which used to be wooded and partially cleared with houses on it) at a 10 year storm which is a 10 year storm) and anything above that in what would occur in a 25 year downpour (you are supposed to plan for that according to the Subdivision Drainage Code) -- the difference between those two storms would be stored in this lake. And anything above a 25 year storm (more than 2-1/2 to 3 inches per hour) would have to go through that overflowing spillway.

It is the recommendation of the County Surveyor's office that this drainage plan be approved by the Drainage Board with the few red notations on the plat -- which just have to do with some minor treatment of pipes and waterways -- and which he has already discussed with Mr. Leek in the office and he agreed that those would be included. Mr. Rogers, the developer, and Mr. Leek, the engineer, are both in the audience today should the Board have questions.

Upon motion made by Commissioner Willner and seconded by Commissioner McClintock the plans were approved as submitted, including the changes noted on the plat. So ordered.

RE: MAIDLOW DITCH

It was noted by Mr. Jeffers that on January 22, 1990 the Board had a Public Hearing re Maidlow Ditch and the extension of it up to some point near Boonville-New Harmony Road. The bottom line on that was that Mr. Willner asked him to go to the Soil Conservation Service with a list of properties that had over three (3) acres and ask the Soil Conservation Service to look into what kind of steps could be taken to store some water upstream of this stretch of Maidlow Ditch. He is sure the Board's request based on three acres was just to identify any area that might be able to incorporate a small detention area -- and then when we get into larger areas - maybe a series of them. He will say that most of them from 3 to 5 acres were individual sites already developed, and he couldn't find any logical place to put a detention facility in there. Most of the rest were like 10 to 80 acres, which would be agricultural fields - some of which already have detention facilities and some of which do not. He did contact the Soil Conservation Agent for our District (Darrell Rice), who is also present today. They went out to look at the area and he will let Mr. Rice speak for himself. But, after looking at it in detail, Mr. Jeffers said he would say that one of the largest areas south of Boonville-New Harmony Road is very well terraced and has several detention WASCOBS built into the farm fields and they would like to see the rest of the area done in the same way. That was the first observation.

The second observation is, if we continue to recommend the extension of Maidlow Ditch, we will only recommend it up to Boonville-New Harmony Road. After viewing the site he would like to give the Board a couple of figures on that. The distance from Fleenor Road where Maidlow Ditch (if it can be called such) begins -- down to designated culvert at the Fleming's house on Boonville-New Harmony is between 4,800 ft. and 5,000 ft. -- a little under a mile. The fall in elevation varies from 45 ft. to 40 ft. So you have a pretty good grade running down through there in that one mile. There is a drop of about 40 ft. in a mile and that water is really coming down through there. When it gets to Boonville-New Harmony Road, then there is only a 15 ft. drop from Boonville-New Harmony all the way down to St. Joe Avenue at the Hoffherr's Landscaping. That distance is 8,800 ft. or substantially over a mile and a half. So there is not very much. He thinks what is happening there -- and maybe the Soil Conservation Agent can back him up on this from his casual observation -- you've got a huge amount of water rushing downhill at a pretty good clip, trying to get under Boonville-New Harmony Rd. and from there on down it is moving at a slower pace -- and the existing conditions are coming to back it up into the Fleming's property. He believes that if the waterway of the bridge at Boonville-New Harmony were completely cleaned out of all accumulated silt that more of the water would make it under Boonville-New Harmony Road quicker. When it gets to the other side, some of the fields on the north side of Boonville-New Harmony are so low in relation to the ditch banks that any additional water that passed through there would probably just spill out into those fields -- if it didn't stay in the channel. He thinks what a lot of the Fleming's problem is is getting that water underneath Boonville-New Harmony Road -- because it is coming down there so fast. And viewing that bridge closely, it is substantially blocked by an accumulation of silt.

Also, if we continue to support the extension of the ditch to Boonville-New Harmony Road, after viewing it he would say we would probably clean it from one side only the first year -- and that would be the west side of the ditch only. The reason for that is that the east side of the ditch along the small

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subdivision that is out there -- the people in the subdivision have let their ditch line grow up substantially in trees and they haven't taken any steps to remove them. And there is a utility easement that has at least Bell Telephone in there -- and he is afraid we might damage the telephone service if we went into that side of the ditch -- whereas on the west side of the ditch the farmer has, as he said last month, taken steps to mow the ditch and spray the ditch from time to time (Mr. Gries) and it would be a lot easier to get in on this side and remove whatever trees we could reach from that side of the ditch. The only apprehension Mr. Jeffers has at this time is that there is more noise from downstream than existed before -- more people worried about us increasing the velocity of the water onto them -- and even though those people are not showing up at the public hearing on this, they have expressed it casually from time to time on a personal basis. He feels we can control any increase in velocity that does occur -- if it does occur -- and he wants to talk to the Board about this later. There are one or two spots where he will be asking for some surplus guard rail to protect the ditch bank downstream. Problems have already occurred, but not necessarily a part of these proceedings. He will be coming to the Commissioners to ask if there is any surplus guard rail we've taken out of highway or bridge projects that could be used downstream to protect some private bridges that are across this ditch.

Mr. Darrell Rice approached the podium and said he appreciates the Drainage Board getting the Soil Conservation Service involved in projects like this. As they studied the area last Friday with Messrs. Jeffers and Ellison, he is in agreement with Mr. Jeffers on cleaning the ditch on one side. Their past experience with watershed projects is that they work much better if you leave one side in a grown up situation and work off the other side. Cleaning out the ditch to the north would increase the volume of water that the ditch could handle, but it probably would decrease the velocity of the water. The wider you make a waterway, usually the slower the water will travel -- which will not really affect Big Creek or the Pond Flat Association. It will still get the same amount of water down, but it won't increase the velocity of the water.

He feels like cleaning the ditch out to the south of Boonville-New Harmony would be more of a detrimental situation to the landowners on the south side of the Boonville-New Harmony Road, because it would get the water down to the bridge faster, causing more possible flooding than they have already received up to this point in time. He studied the soil map and also the FEMA Map. He noticed all the houses listed on the FEMA Map are in the flood plain and he thinks that is something we need to address in the County -- to get some stiffer drainage laws, stiffer building codes, or zoning to where buildings built in a flood plain should not be allowed -- because these people have bought a place with the feeling they were putting their trust in the developer and now they have bought something that was in the flood plain and they are stuck with the problem. These are situations we're running into all over the County and if they were addressed initially -- before the houses were built -- we wouldn't be having this problem coming back around and the County paying for something on downstream as we are having to do now. They studied up the upstream area and there are some controlled basins which are helping store water flow to the bridge. The other areas they looked at -- they are such small areas that could be stored in water and sediment control basins, that it would really be a small drop in the bucket in comparison to what is actually coming under the bridge. So the land upstream wouldn't work well for sediment basins. But again he appreciates the Drainage Board getting them involved and asking they help out. You can't beat their price and they love doing it.

Mr. Willner asked if Mr. Rice is saying that from Boonville-New Harmony north it is his opinion we should consider that in a legal drain?

Mr. Rice said that is up to the Board. But he thinks cleaning it out wouldn't affect Pond Flat that much -- especially on one side.

Mr. Willner thanked Mr. Rice for his comments and asked Mr. Jeffers for his recommendation.

Mr. Jeffers said the County Surveyor's office is saying that if we've met all the conditions of the statute regarding the advertising, public hearing, etc., that they would recommend extending Maidlow Ditch to Boonville-New Harmony Road -- for maintenance through the Drainage Board.

In response to query from Mr. Willner as to whether we have to go through a public hearing, Mr. Jeffers said, "I have looked through the Drainage statutes and they always refer to the statutes regarding advertising of public meetings. I truly can't tell you whether it would require us to mail written notices or whether what we've done (we've had like four hearings and three of them were published in the newspaper) -- there are different statutes that apply to different types of meetings and one of them does apply to exactly the way we handled it -- by advertising it in the newspaper at least ten days prior to the meeting and then having a public meeting. We've had three of them. At one time I asked you to let me post notices out around Darmstadt. What I am actually saying is that the lawyer would say we have covered ourselves sufficiently by advertising in this method and we recommend that the Drainage Board extend Maidlow Ditch to Boonville-New Harmony Rd. as shown on the subject map.

Mr. Jeffers said he submitted some cost estimates at the last meeting, but cleaning that ditch from one side reduces those costs substantially. What we will probably do is see how much we can do each year without raising the assessment substantially. In other words, we are allowed to raise the assessment 5% each year without any other action being taken -- just like the County budget can go up 5% each year. They'd like to do it with available surplus funds -- whatever funds come in from year to year -- and that way, he is also saying we are not affecting anybody by raising their assessment. It is his personal opinion that we don't need to notify by mail, because we are not affecting anybody by raising their assessment per se. However, he is not a lawyer -- and that is why he is deferring that.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Maidlow Ditch was declared a legal drain down to Boonville-New Harmony Road to be accepted for County maintenance, subject to checking with the County Attorney's office to see if the Board has followed proper procedure. So ordered.

RE: APPROVAL OF DITCH CROSSINGS ACROSS SEVERAL LEGAL DRAINS

Mr. Jeffers advised he picked up a piece of information (he thinks it was from the Department of Natural Resources) that there was going to be a sewer project across several legal drains. It's part of a big project the Evansville Sewer Department is doing. Donahue Associates from Indianapolis is designing it. He asked for a set of plans and made several comments on several pages and sent it back to them saying if they would incorporate our suggestions into their final plans -- they would recommend approval of the ditch crossings to the Drainage Board today. Mr. Illegible down here at the bottom said, "I have indicated my approval of your comments and will include them on the revised plans which will be issued for bidding." And a few other comments that are not applicable to our recommendation. So he

will incorporate those suggestions into his ditch crossings and therefore the County Surveyor's office recommends approval of Contract B - Burkhardt Road Interceptor and Forest Main for Evansville Water & Sewer Utility Plans.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the ditch crossings were approved. So ordered.

RE: SYCAMORE HILLS ESTATES

Mr. Jeffers said the next item on the agenda concerns Sycamore Hills Estates. Mr. Gary Williams is the developer and Veach, Nicholson, Griggs & Associates are the design engineers. They have submitted a conceptual plan for approval. It is near the intersection of Schlensker Rd. and McCutchan Road and has huge lots (2-1/2, 3, 3-1/2 and 4 acre lots). He doesn't think he found any less than 2-1/2 acres. The largest lot is about 3-3/4 acres. He thinks his east line is pretty much adjacent to Schlensker Ditch, which is not a legal drain at this point -- but it carries a lot of water and it does have a flood plain adjacent to it. There are also several detention lakes -- listed Lake A, B, C and another doesn't have a designation. Mr. Billie Nicholson indicated this is pretty much a preliminary plan and it is going to come in with a lot of details on the roadway plans, which will come to the Commissioners at a later date. He also had a pretty extensive booklet that goes with it, but he can't figure out which of these lakes are going to be dry basins and which are going to be permanent wet lakes. There are also some other things he'd like to discuss with Mr. Nicholson to clarify a few things. Mr. Jeffers said he doesn't have any problem with the conceptual plan; he doesn't have any problem with recommending approval of it as a preliminary plan so it can go to Area Plan Commission on Wednesday. He does have a problem with just blanket approval of it as a final drainage plan -- he thinks it needs more detail work. The Surveyor's office would recommend preliminary approval of the conceptual plan for Sycamore Hills Estates, with the provision that it would come back at a later date in final form for final approval, also being contingent upon approval of the street plans by the County Engineer.

Motion to this effect was made by Commissioner McClintock with a second from Commissioner Borries. So ordered.

RE: NORTH POINT ESTATES

Mr. Jeffers said North Point Estates is located at the intersection of Old State Road and Browning Road -- kind of northeast of Inglefield Road near Scott School. In fact, almost across the street from Scott School. This plat is from Utilities Consulting, Inc. in Newburgh, Indiana and it's for a developer named Dell Shanks (also from Newburgh). He hasn't had an opportunity to review his comments with Mr. Shanks or Mr. Biggerstaff (who runs the consulting firm). It is kind of unclear to him, for example, whether the existing lake extends up into what is called the proposed lake. Therefore, he would assume that perhaps Greg Curtis would want to see some plans for an engineered fill for what they are calling North Point Court. There were some other items that caught his attention -- such as the water running down Nora Drive, which is in the bottom lefthand side of the platted area. It runs down hill to Lot #14. And almost at the bottom of the cul-de-sac they have a 15 ft. corrugated metal pipe running out into the lake. What bothers him is that if enough of a downpour occurred, it would be rushing down that street and if someone had a driveway, for example, from the head of that cul-de-sac to Lot #13 underneath or across the dam back up into the buildable area of Lot #13, their driveway might become a spillway. There are some comments he would like to discuss with the engineer -- he is not here to make any proposals to. He had enough comments on there that he

didn't feel comfortable recommending this preliminary plan and he doesn't know enough about the area, the developer, or his engineer to recommend it without a few more details on the plan. He's sorry if this is any inconvenience to anyone going to the Area Plan Commission.

President Borries said the Board will take no action this month with regard to North Point Estates pending further information.

RE: ANNUAL BIDS RE DITCH MAINTENANCE

Mr. Jeffers said the last item for the Board's consideration is our annual notice to bidders and the accompanying specifications for maintenance of eighty (80) miles of legal drains. The format of the specifications is not in its final form, but the content is. The booklet they hand out might have page numbers in it and some flashy headings. But this is just printed straight out of the data bank as revised from last year's specifications. He would ask the Commissioners to sign the Notice to Bidders; we would advertise this Friday and the following Friday and seek bids to be brought to the Auditor by 2:30 p.m. on Monday, March 26th, and opened by the Drainage Board.

The only real difference here is that they simplify the specifications -- making them a lot easier to read. He wants to thank the Commissioners from the bottom of heart for letting the Surveyor's office purchase the word processor.

Commissioner McClintock asked if Maidlow Ditch is in the specs?

Mr. Jeffers said Maidlow Ditch is in there, just as it exists prior to today. We would have to let a special bid to clean that ditch as okayed today. He thinks he'd rather do it that way, after the bids comes in and we know how much it is just 5 to spray it this year. They did change the provisions to address the urban drains we had previously (East Side Urban North Half and South Half). They also added in the special provisions the ditches declared urban drains last month. What we want to do there (and he will admit we've had a little problem that we had to address) is advertise in such a way to attract more and more professional herbicide bidders -- spray bidders. We have contacted five other counties asking them what they are doing about the situation and they sent us sample specifications. We'd like to go get licensed, professional sprayers to do East Side Urban and other urban ditches -- and then use local or the lowest and best bidder (but he thinks these will probably be local people to go in and mow ditches as they need to be mowed. In other words, we would take the lowest and best bid for spraying ditches to kill the cattails, treat the side banks or something like that -- for example, Harper Ditch runs through Wal-Mart Normandy Arms Apartments, and goes underneath Eastland Mall and all of that -- and bring in a mowing bidder to keep that mowed down to what the City code requires for weed control. We received two or three weed citations last year because the City doesn't allow weeds to grow over 12 inches tall -- which doesn't really bother us out in a cornfield. But it apparently it bothers them in places like Harper Ditch. The Board can certainly review the specs, but he would like for them to go ahead and sign the Notice to Bidders so we can advertise.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Notice to Bidders and Bid Specs for Annual Ditch Maintenance were approved. So ordered.

RE: TRAPP ROAD WOODEN BRIDGE

Mr. Jeffers said that with regard to the Trapp Road Bridge over Barr Creek, which is a legal drain, the Surveyor's office is in favor of a bridge which spans the entire channel -- with no piers in the waterway. Or, if piers are set in the waterway -- that

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they be set in such manner that they wouldn't interfere with the flow of water and wouldn't collect trash -- set 2 ft. above the 100 year flood - and has a stream bed stabilizing structure (floor) to prevent the flowline from downgrading. That is probably the most important thing we want to see. Right now Barr Creek is experiencing some real serious flowline downgrading, where that water is just cutting down into the earth -- so the banks fall in and just get steeper and steeper. Several of the bridges on Barr Creek (three of them) had streambed stabilizing concrete floor and Trapp Road is one of them. If you will look on the downstream side of the bridge, you will see that it just drops off like a waterfall and it is about 5 ft. to 6 ft. deeper downstream of the bridge than it is upstream. If you took that structure out, that creek would just suck the flowline down all the way -- say 1,000 ft. up -- so he and Greg Curtis have talked about that and he is going to try to find a way to incorporate that. Mr. Jeffers said he'd rather not make any public comment on anything to do with wooden bridges --because he feels it might be too personal at this time and not reflect the feeling of the Surveyor.

Mr. Borries said he wishes Mr. Jeffers would forward written comments to the Board concerning the foregoing, because they certainly want to consider those and have same in their plan.

Mr. Jeffers said, speaking from experience, we took out one of these concrete floors when we re-built Baseline Road over Barr Creek and there has been some upstream damage occur because of it. We didn't realize what we were doing at that time. And we're thinking about going back into the farmers and asking them to install their own streambed stabilizing devices -- such as rock shoots or drop structures or something -- to kind of terrace that creek so there are flat stretches for 1,000 to 2,000 ft. long and then it will drop off 3 ft., etc., to slow that water down. We don't need a Grand Canyon on the west side.

Commissioner Borries said that point is well taken.

RE: RE-ORGANIZATION OF THE DRAINAGE BOARD

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Richard J. Borries was nominated and unanimously elected to serve as President of the Drainage Board for 1990. So ordered.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Robert L. Willner was nominated and unanimously elected to serve as Vice President of the Drainage Board for 1990. So ordered.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Carolyn McClintock was nominated and elected to serve as a Member of the Drainage Board for 1990. So ordered.

RE: COMMERCIAL INDUSTRIAL PARK

Mr. Borries said he received some information from Mr. Arvin, Sr. concerning this development and he doesn't know whether we have addressed all of Mr. Arvin's concerns regarding this development. Did he share with Mr. Jeffers the photos and the letter he had sent the adjoining property owner based on his continuous water problems there?

Mr. Jeffers said these were the street plans the Board looked at today -- and he hasn't seen the photos or the letter.

Mr. Borries said he will give them to Mr. Jeffers for his perusal.

RE: PEACHBLOSSOM ROAD

Mr. Borries also advised he has several telephone calls from the Turpin residence on Peachblossom Road. But they seem to think the drainage plan on Elna Kay Drive has been altered in some way -- and there was some indication from either Mr. Jeffers (or whomever they talked to) that maybe there was a cut in some kind of concrete structure or curb on Elna Kay Drive that allowed the drainage plan to change. He did tell them the matter would be discussed -- and he is bringing it up so it will be a matter of record. He doesn't know whether this is appropriate since it is not a legal drain, but he supposes maybe the Highway Department could go look at it to determine if there has been a cut there -- if Mr. Jeffers feels this is something which could change the whole drainage situation in the area.

Mr. Jeffers said, for the record, he has been out there twice that he remembers. Once when Mr. Borries requested it a year or so ago and once within the last month. There appears to have been a culvert on Elna Kay that has been cut out or filled and then there appears to have been an alteration in the curbing of Elna Kay that was made just to relieve the ponding on Elna Kay and cast it into the ditch that the culvert used to go into. Apparently the culvert didn't work very well and they just filled it in and cut out a section of curb and let the water that gathered in the roadway (which is considerable) and Elna Kay was constructed a long time before Peachblossom -- so they must have been experiencing this problem -- and the alterations that look like they have occurred look very old (10, 15 or 20 years old). And even after they made this alteration he has seen water one time way up in the driveways on Elna Kay -- like two to three feet deep in the street and up on the driveways for a considerable distance. So he knows they have a problem on Elna Kay. He thinks they tried to cure it in this way -- way back when Peachblossom was a cornfield -- then the developers came in with Peachblossom and their drainage plan (if they had one) is not on file in the Surveyor's office or in the APC -- at least as far as he was able to determine -- and it came in back in the late or mid-70's, at which time the Drainage Board did not review those types of plans. The Drainage Board just began to review them around 1978 - 1980 -- and got pretty strict at that time. So it was prior to anyone on this Board having viewed them. And he thinks it came in prior to Bob Brenner and prior to the time when the Drainage Board reviewed them.

It appears as if the drainage system for Peachblossom is either undersized or restricted in some way. It does not out and connect to the new Covert Avenue drainage system, so he would say the restriction is probably somewhere in the subdivision itself. Because he thinks they were having that problem before they ever built Covert. The specific spot where the problem is occurring in the Turpin's yard -- they have an area drain that is supposed to be picking up all this water that is coming out of Elna Kay and get it underground and on out through the system -- and it is not picking it up fast enough. He doesn't know what the Turpins have told Mr. Borries, but he doubts seriously whether anything they have told him is an exaggeration -- because he has seen evidence of water all the way up to the back door of their garage, around their air conditioning unit -- and they have a serious and a legitimate complaint. Both the first time and last time he viewed it their neighbor who apparently is willing to help out and has tried to help out (he doesn't want to go into any detail on what he has done -- because he knows he did it with all good intentions) -- but he believes it has aggravated the problem even more. Maybe the fact that it could be holding more water back in Elna Kay (if it is an accepted street) and the fact that it is not letting the water get into the system and out to Covert (which is a City street). He thinks we should get both the City and County Engineers involved in this and go out to see what we can help these people do. There are some other problems

that perhaps can't be fully addressed in this situation -- if the pipes are too small underneath --but if something is blocking the pipes or there is some other way we can help get this water out of the Turpin's back yard -- he thinks we should help whether or not it is on private property, because there is water coming from one street and trying to get into another one -- and in between it is just not making it.

Mr. Borries said he appreciates Mr. Jeffers' comments and he will talk with the County Engineer. However, he doesn't want to jeopardize any of us in the County by doing some work on anyone's property that would be unauthorized or could impact on somebody else. But he certainly agrees with Mr. Jeffers, if we can find where there is some kind of restriction or something -- he thinks there were some problems there with the original subdivision -- the developer went bankrupt or something -- and it's been a real problem and, as pointed out by Mr. Jeffers, he doesn't think documentation was ever received by the APC or the Surveyor's office on any drainage plan. The lots have been sold and now it's too late. So maybe we can find some way possibly to get the engineers to meet on site and work through this problem.

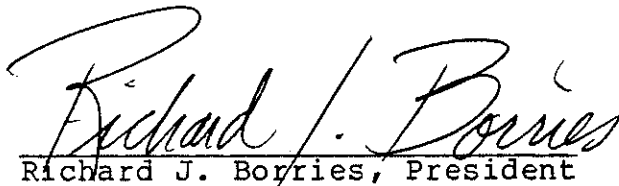
Mr. Jeffers concurred, saying let's see what we can do legally.

There being no further business to come before the Board,
President Borries declared the meeting recessed at 5:40 p.m.

PRESENT:

Richard J. Borries, President
Robert L. Willner, Vice President
Carolyn McClintock, Member
Sam Humphrey, Auditor
Greg Curtis, County Engineer
Cletus Muensterman, Co. Highway Supt.
Bill Jeffers, Chief Deputy Surveyor
David Ellison, Big Creek Drainage Assn.
Darrell L. Rice - Soil Conservation Service, USDA
District Conservationist
Jack Rogers, Developer
Gary Leek, Developer's Engineer
Jerry Riney, Commission Office
Margie Meeks, Commission Office
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Richard J. Borries, President


Robert L. Willner, V. President


Carolyn McClintock, Member

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MINUTES
DRAINAGE BOARD MEETING
MARCH 26, 1990

The Vanderburgh County Drainage Board met in session at 5:20 p.m. on Monday, March 26, 1990 in the Commissioners Hearing Room with Commissioner Richard Borries presiding.

RE: APPROVAL OF MINUTES

The meeting proceeded with Commissioner Borries entertaining a motion concerning approval of minutes.

Upon motion made by Commissioner Willner and seconded by Commissioner McClintock, the minutes of February 26, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: OPENING OF BIDS

Commissioner McClintock made a motion to instruct the County Attorney to open the bids for reading into the record later during the meeting and was seconded by Commissioner Willner.

RE: SONNTAG-STEVEN'S DITCH

Mr. Bill Jeffers submitted a letter from Adicon, Inc. (Newburgh Address) requesting the Drainage Board allow their client to move and reconstruct Sonntag-Stevens Ditch a short distance to the south of its present location as it passes through the client's property. He pointed to a print on the Commissioners desk that shows Sonntag-Stevens as it passes through the south part of Adicon's client's property and the plat underneath shows the proposed reconstruction or relocation of Sonntag-Stevens Ditch, which alignment would allow the client to have more full use of the piece of property depicted on that sheet. He needs as full use of the property as possible for the plans that he has. Mr. Jeffers stated the plan they have for the property is a lower usage than its current industrial zoning, a much more desirable usage (probably) for the County's purposes and easier to maintain. The area around the ditch will be grass. Commissioner Borries asked what the use was and Mr. Jeffers stated they wish not to disclose that information at this time because they want to make an announcement on it at a later date when their plans are more full. Mr. Jeffers thought he could say that it is more recreational rather than industrial. Mr. Jeffers has no problem with them moving the ditch and they have agreed to maintain their side of the ditch, basically the north side of the ditch which leaves the County a 30 foot strip on the south side of the ditch to bring in the spraying and mowing machines. With those comments, the Vanderburgh County Surveyor's office recommends approval of Adicon Inc.'s request to relocate Sonntag-Stevens Ditch as shown on sheet 2. Commissioner Borries asked Mr. Jeffers if he had any comments in relation to all their procedures and asked if he felt that they were adequate and will there be someone from the Surveyor's office to inspect this as it will take place. In answer to Commissioner Borries question, Mr. Jeffers stated they have been notified who the excavating contractor will be and he has contacted them and they will be on the site from time to time during the construction to insure that they adhere to the plan. The contractor has worked with Mr. Jeffers' department on various projects and is a very good contractor and does very good ditch work. Commissioner Willner pointed out in the letter that he said, if this

request was granted, he would agree to mow and maintain the north bank to your standards, now and in the future. Mr. Jeffers assumes that means as long as he owns it because its now inside the City limits maybe weeds 12" or less in height, according to the City code. Commissioner Willner would like for him to agree to mow and maintain both sides of the bank to our standards because he is relocating the ditch close to property line and might need to get on someone else's property to do the other side. He needs to maintain both side of that. Mr. Jeffers asked for a minimum of 30 feet on the south bank, which they thought would be adequate for the equipment of their contractors, however, his representative is in the audience if the Commissioners would like to address that now. Commissioner Willner stated he would certainly like to have this addressed now. He has no problem with granting the request but he does need both sides of the ditch maintained. Dan Breivogel, representing Adicon, Inc. Architects, stated they had drafted the plans for the new ditch according to the Surveyor's office recommendations in an effort to make that ditch more attractive for both his client and easier to maintain for the County. At the County's request, they have agreed to maintain the bank that is accessible from his client's property. He does feel that it would be a potential hardship for his client to have to access property on the other side of the ditch, that he would have no ready access to, from his side. He feels that, overall with the new ditch, they are improving the ditch. They are establishing standard types of slopes in bank erosion control methods and will be replanting that bank in grass as opposed to the weeds and rocks that are there now, which should make both the County side and their side easier to maintain. He can take that request back to his client but, at the present time, he doesn't have the authority to enter into that agreement. Commissioner Willner pointed out the law reads that the ingress and egress is 75 feet from the center of the ditch, so what they are doing is moving the ditch next to another man's property and asked to put a certain number of feet onto his property. Mr. Breivogel disagreed and stated they are allowing the right-of-way for the County to maintain that bank and they are establishing that right-of-way from the property line to the ditch, its his understanding that this ditch is now classified as an urban ditch and you are allowed to relax that down to a minimum of 25 feet. Commissioner Willner stated he knew they were allowed to but he doesn't agree with that when you get this close to another man's property. Mr. Breivogel proposed to maintain a 30 foot right-of-way from their property line to the top of the bank and then immediately beyond that is a SIGECO right-of-way, which is on the adjacent property owners property. He further states if the Commissioners would like for him to take the request back to his client, he would be happy to do that. Commissioner Willner stated he was going to ask him to do just that because he doesn't feel comfortable. Mr. Breivogel's concern is that the County has the right to cross the property to gain access to this side of the bank and asks if his client would have the same privilege or would he have a problem getting there. This is a large ditch, 8 to 10 feet deep, and from top of the bank to top of the bank its 28 feet wide. They are not going to get mowing equipment across the ditch. They would have to take it by road around and cross someone's property to get to that other bank. Commissioner Borries asked if the relocation is going to be on both sides and Mr. Breivogel stated it was. Commissioner Willner stated he could go around, and they have 75 foot of right-of-way if we move the ditch and are asking to move part of that easement to this man's property. Mr. Breivogel disagreed and stated what they are asking the Commissioners to do is to relax that right-of-way to 30 feet and that 30 feet would be contained entirely upon his clients property. Commissioner Borries asked why he would have trouble if it's entirely on his property to go over and maintain that area. The bridge crosses the entire property. (Some portion of tape cannot be heard or typed because of distortion of tape)

Mr. Breivogel stated this is not a legal drain but is a separate ditch.

The Sonntag Ditch crosses the entire length of his client's property. Commissioner Willner stated that he would have to go to the nearest road and cross the bridge and then come back. Mr. Jeffers has a problem with allowing a man who may or may not be familiar with how the County sprays and mows and maintain ditches to be crossing someone else's property on our authorization to perform maintenance. It's an industrial area and he will be going down to Inland Container's property and coming back up to get to the other side and he doesn't want his office involved in granting him that permission. Commissioner Willner has a problem because the shortness of the curve is going to be enhanced or wanted to know if they were going to riffraff this section, and which way the flow was going. They are going to take a nice gradual curve and then you are getting into some problems. Mr. Jeffers stated he thought that was a good point and he didn't notice that wasn't and he would like to see that riffraffed even better than the other two. Commissioner Willner stated if the agreement is not 75 feet, he would probably go 50 but that is probably the end. Mr. Breivogel is proposing a 25 feet bank of right-of-way and 30 feet on the other side. Commissioner Willner stated he would probably go 50 feet and let him get away with that but he is not going to go 30 because you just don't have enough to get a back hoe or a dredge in there and then you have problems. Mr. Jeffers looked in the 88 addition, and it says that drains constructed after 1984, you can reduce them to 25 feet. He is going to have to look up additional information, they change these statutes every time they publish a new set of statues and he really gets tired of trying to figure it all out from scratch. Commissioner Borries wanted to know what his alternatives are at this point. Mr. Breivogel needs to go back to his clients and Mr. Jeffers needs to do some checking on the drain requirements and asked if they needed to schedule another meeting. Mr. Jeffers stated they were going to have another meeting next Monday to let the bids anyway. Mr. Jeffers is asking the Commissioners to hold a Drainage Board meeting next Monday to let the bids and now to add this matter onto the agenda.

RE: NURRENBERN DITCH

Mr. Jeffers submitted a request to relax Nurrenbern Ditch to 25 feet for the purpose of constructing Cross Pointe Subdivision, a commercial subdivision on eastside along Lloyd Expressway near the intersection with I-164. That is the plat that was given to Mr. Jeffers by Morley and Associates for Cross Pointe Subdivision for their client, Regency Associates. The first letter states: "On behalf of Buente Land Trust #1, Chris Buente, Trustee, is asking you to relax the legal drain easement on the westside of Nurrenbern Ditch to 25 feet from top of the bank." Mr. Jeffers stated we have asked them to maintain that as a 25 foot of pure grass strip with no above-ground utilities, however, (if you look on the plat) on the east side of the subdivision, in the ditch area and running parallel to the ditch on both banks, one bank is SIGECO's high pressure gas line and on the right (east bank) there is a Texas Gas transmission pipeline. So, they are pretty much at the mercy of those twin interests and other than comments the Commissioners may have on relaxing the easement to 25 feet, he finds it to be acceptable to the normal maintenance of Nurrenbern Ditch and his office is recommending the relaxation of Nurrenbern Ditch within the platted area. Their representatives are in the audience if the Commissioners have any questions of them. Mr. Buente stated, that as part of the record, it has to show that he has reclused himself from any consideration or advise in this matter and the Buente Trust. Mr. Jeffers stated the drainage plan was submitted by Morley and Associates to his office over a week ago and they have reviewed the drainage calculations and the hydraulic report that was submitted along with the plan. There are six detention basins and Jim Farney, who is an Engineer with Morley and Associates, designed the discharge of storm water to be the same after

development in regard to cubic feet per second as it was before the development occurred. In other words, as it sits as farmground, they assigned a q-factor of 2% run off, which means most of the water just sits there and evaporates and only 20% run off, which means 20% runs off that farmground and the rest evaporates or soaks in and he tried to hold his discharge back to the same cubic feet per second after development as what would occur using that c-factor. His hydraulic calculations show that he will be able to do that using 6 detention basins. Commissioner Borries asked what kind of a vent are designed for them and Mr. Jeffers stated it was a 25 year storm and 3 1/2 inches per hour. Intensity is high, intensity 25 years = 3.4 inches per hour. He then showed the Commissioners the basin design that came with the report. Commissioner Willner asked if he is going to install only one of the drainage swells now and asked how many lots he is going to build. In answer to the Commissioner's question, Mr. Jeffers stated phase one will consist of one drainage basin but he doesn't know how many lots will be in phase one. He stated they looked at the over-all plan, what the final product will be and what the final run off will be from that development. All the developments that are being done in the County are being done in phases. He states he doesn't need to know how many buildings that he is going to build in phase one. All he needs to know is what the final run off will be from that site into our legal drain after it's totally developed and if that will be the same per second as it was before it was developed. Commissioner Willner stated if he knew what phase one was he could...Mr. Jeffers interrupted saying their representatives are here in the audience if Commissioner Willner wishes to speak to them. Maybe they could explain what phase one is. Dave Wanniger, the Construction Manager for Regency Associates, explained that each basin works independently, you don't have to have the others for it to function. So, this basin will take the area by the heavy dotted line and that's all they are proposing to develop at this particular time. They will be constructing the entrance boulevard and a portion of Indiana Street. To answer Commissioner Willner's question, what would be developed with that, would be these lots out front and this lot here. (He is showing the Commissioners on the plat map) If development occurs such that they have to do something, here or here, they will have to go to the next basin and install that. Commissioner Willner asked if they were going to maintain that bank and Mr. Jeffers stated it would be an assumption on his part but he does assume they are going to maintain it as much as Wal-Mart is. At present, occasionally mowing it but it's still the County's responsibility to maintain the ditch itself and the County does plan to spray and mow it, both sides of the ditch and may be 5 or 10 feet outside the banks of the ditch and if they would like to mow up to the banks, its find with him. He further stated that our responsibility is only the ditch and they usually mow the top 5 to 10 feet of it. Commissioner Willner stated he doesn't mind relaxing this if they would maintain it. He doesn't want to relax it to 25 feet and then the County have to come in there. Commissioner Willner asked Mr. Jeffers how they are going to dredge it if it ever needs it and Mr. Jeffers stated they would probably dredge it from the east side until they develop the east side. Commissioner Willner asked Mr. Jeffers what he was going to do then. Mr. Jeffers' recommendation is based on different philosophy and use of private property. He has a hard time denying people who are paying taxes and using property they are paying taxes on. Commissioner Willner agreed and stated the people upstream and downstream, when they are flooded can't use their property and the whole purpose of legal drains is to maintain so that people's property drains and if you can't get to one side to clean that ditch out, then either they have to agree to maintain it or it stays at 75 feet. Mr. Jeffers pointed out the Board is the only power that has the authority to relax it less than 75 feet. Commissioner Willner again stated he would not mind doing that if they would maintain it, so the County doesn't have to. Dave Wanniger stated it was his understanding that the 75 foot width is utilized in an agriculture area that when you

dredge out the silt or settlement you spread it over this area and its disked in the adjoining farmland and still stays under cultivation. As this office park is developed, they are going to have office buildings and hotels and that practice would no longer be something you would want to do to; spread out the silt and plow into your field. As well as, once your developed, you are not going to have the amount of settlement coming off of the plowed ground that fills up the ditch. So, that was his understanding of the reason that it can be relaxed when it becomes a developed area as opposed to agricultural area. As far as mowing that right-of-way, when they are developed that will be a requirement of the people who build on those lots, until such time, they will go ahead and the farmer, Mr. Buente, who farms that land will continue to keep it in the agricultural purposes. He hopes that sheds some light into Commissioner Willner's concern. As far as the mowing, yes, that will be required by whoever takes that lot or whoever builds on that lot. Commissioner Willner stated that not unless he guarantees that, it's not, it is the County's responsibility. Mr. Wanniger stated there are two things they are talking about; they are talking about mowing the grass and you are talking about a periodic dredging. Commissioner Willner stated that he was talking about general maintenance, today, ten years from now, and twenty years from now, they need to maintain that ditch if he relaxes that to 25 feet. Mr. Breivogal stated they have an option for an expansion area on the eastside, which is currently with another landowner. They are not asking for relaxation on that side at this time. However, if they were to exercise that option and develop that, they would possibly ask for the same thing and asked the Commissioners if they would agree to do the maintenance on this ditch if this would be granted then. Commissioner Willner pointed out that he is only asking for his side. If he gets his and its granted and he does his on his side, then the County doesn't have to get a machine in there that dredges, that's thirty feet wide and tears up your parking lot and the County is liable. This is Commissioner Willner's concern. Someone (unidentified) from the audience reminded Mr. Breivogal there is access on both sides because of the frontage road that services the property to the east. Commissioner Willner stated they don't need a road to get to the east side of the ditch because of the 75 feet, they have a duty to go in there with a piece of equipment and get the job done, and if it takes 75 feet then it takes 75 feet, but if they maintain it then this Board is not worried about it because it's their responsibility. Mr. Breivogal asked to confirm the Commissioners wanted his client to maintain the west half of that drainage ditch only and only for the length they are asking for and Commissioner Willner stated that was correct. He then asked the Commissioners if this could be heard the following week as he had heard earlier in the meeting that there was going to be another scheduled drainage meeting next Monday and Commissioner Willner stated it was doubly true now. Mr. Breivogal stated this could be considered a separate request from the drainage plan. Actually, the drainage plan is what was submitted and then this request was added to it so, if the Commissioners want to consider the drainage plan... Commissioner Willner interrupted saying he had no problem with the drainage plan and wanted to clarify if they still have six ponding areas and his run off is going to be no greater than it was before the subdivision, in a 25-year stock, to which Mr. Breivogal stated was correct and Commissioner Willner again stated he had no problem with this. Commissioner Willner made a motion that the Cross Pointe Drainage Plan be approved as presented and was seconded by Commissioner Borries. So ordered. Mr. Bill Jeffers stated he wasn't sure how they were going to get in there and maintain these ditches. Commissioner Willner stated that's exactly what he wanted to know. Mr. Bill Jeffers stated that they own the property and can deny the County access and Commissioner Willner disagreed and stated they cannot deny the County access. He stated he was asking because Lloyd Expressway has fenced off our 75 feet and they cannot get to it without going through their property. Commissioner

Willner explained then they would have to go through their property, they cannot deny the County access.

RE: HENZE ROAD

Mr. Jeffers stated a Mr. Gerald Cravens is in the audience representing a group of residents on Henze Road. Earlier, a couple of years back, Mr. Jeffers has the minutes from September 22, 1986, in Joel Elpers subdivision had a little problem that the homeowners brought to the Commissioners and since it wasn't heard about again everyone thought it was taken care of, however, now they want to change and they are asking you to relax a drainage easement so they can re-route the drainage through Mr. Elpers undeveloped ground and fill in the old ditch along the east line of Joe Elpers subdivision. Mr. Jeffers then showed the Board a plan that was brought to the Board back in 1983. Basically, there is an easement that runs all the way down the east line of Elpers subdivision and they re-graded these hills just to take the water right straight down here. It did okay in some parts but there was extra water in others and added to the problem and eroded all out. They want to do something approximating re-routing the water back to its natural waterway and then fill in the ravine that has been created from lot 11 through lot 20. Mr. Elpers owns the property just east of the subdivision. Mr. Jeffers thinks Mr. Craven is asking, on behalf of the property owners, and Mr. Craven has indicated that Mr. Elpers is in agreement with it, is to sign this agreement. One phrase in the agreement says, "it shall become effective and irrevocability binding immediately upon the Vanderburgh County Drainage Board agreeing to the removal of the drainage easement presently shown on the plat of Joe Elpers Subdivision and the approval of the Area Plan Commission to the said removal." Mr. Cravens past out some handouts for the Board in regard to the agreement. Mr. Cravens is speaking but is not near a microphone and cannot be heard enough to type.

Mr. Jeffers stated he doesn't have any problems with it as long as it approximates the natural drainage that existed prior to the development of the subdivision and then if Mr. Elpers wants to develop the rest of his 80 acres, he will have to bring in a new drainage plan to reflect that. He is going to take care of that natural drainage under developed conditions. Again, Mr. Cravens is speaking but is not near a microphone and cannot be heard enough to type. Commissioner Willner made a motion to approve the relaxation and was seconded by Commissioner Borries. So ordered.

Mr. Jeffers asked Mr. Cravens to come to the microphone and state his name. Garland Cravens, at the law firm of Frick, Powell, Winnery, Cravens and Schmidt.

RE: TRAPP ROAD BRIDGE NO. 20 - OVER BARR CREEK

Mr. Jeffers stated that Mr. Greg Curtis, the County Engineer, had asked his office to give comments on Trapp Road Bridge over Barr Creek and states in his letter to the Surveyor's office, "Any work to the legal drain that will need to be done prior to approval of the Drainage Board must be addressed at the next Drainage Board meeting on March 26, 1990 in order for us to include it in the contract." Mr. Jeffers had earlier stated (and it's reflected in the minutes) that his office is extremely apprehensive of removing the bottom of that bridge that acts as a drop structure in Barr Creek. That's a matter of record. His apprehension on that is that on the down stream side of that its four to six feet deeper and that ditch tends to down grade and if you remove that it could cause the flow line to cut into the channel deeper and deeper upstream. He also would be apprehensive of any channel work done upstream of the bridge on account of the banks are very well stabilized at this time and any disturbance to that particular type of soil usually cause rapid and severely erosion. Commissioner Willner asked if he was

saying no channel work upstream and Mr. Jeffers stated he did not say no channel work, they are apprehensive of the type of channel work that might be necessary for...It's kind of presumptive of Mr. Curtis to think they could give the Board any concrete comments on a design that they have never seen and still haven't seen and had no input on it and he would like to see a plan before he makes any further comments.

RE: CLAIMS

Eldon Maasberg, Kneer Ditch - Total pay-off for his contract of 1989 \$273.24

Eldon Maasberg, Maasberg Ditch - Total pay-off of his 1989 maintenance \$132.36

Mr. Jeffers stated Mr. Maasberg just not submitted claims for the work he did last year which was inspected by himself and met the approval of the Surveyor and is signed by Surveyor on the back. Commissioner Willner asked if the ditch money is under an interest bearing account and Mr. Jeffers stated he did not know.

Commissioner Willner made a motion that the claim for Kneer Ditch - Eldon Maasberg in the amount of \$273.24 and one for Maasberg Ditch in the amount in \$132.36 be approved as submitted and was seconded by Commissioner Borries. So ordered.

Terry Johnson Construction (2 claims) for 15% retainage on two separate legal drains that he failed to turn in last year, they had been holding back on them because Mr. Jeffers just overlooked them. One of them is Henry Ditch \$109.44 and the other one is Keil Ditch \$103.69. That will clear those two accounts. Commissioner Willner made a motion to approve the above claims and was seconded by Commissioner Borries. So ordered.

RE: BIDS - ATTORNEY DAVID MILLER

The following bids are submitted by Asplundh Tree Expert Company:

AIKEN DITCH

C2 \$1,794.78

C3 \$344.00

EAGLE SLOUGH

C2 \$5,407.20

HARPER DITCH

C1 \$680.00

C2 \$720.36

C3 \$320.16

KEIL DITCH

C1 \$512.04

C3 \$240.96

C4 \$ 7 5.00

KOLB DITCH

C1 \$1,209.51

C3 \$616.24

SONNTAG-STEVE'S DITCH

C1 \$1819.85

C2 \$1926.90

C3 \$856.40

EASTSIDE URBAN SOUTH 1/2

C1 \$8,090.64

C2 \$8,566.56

C3 \$3,807.36

EASTSIDE URBAN NORTH 1/2

C1 \$3,122.90
C2 \$3,306.60
C3 \$1,469.60

Mr. Miller stated all of the bids that he is reading have been examined with respect to signatures and all of them are in order.

The following are the bids of the Daltons of Indiana, Inc.; Warsaw, IN:

For annual maintenance of EAGLE SLOUGH

C2 \$7,510.00 for 30,040 feet
C2 \$2,500.00 for 10,000 feet

AIKEN DITCH

C2 \$1,495.65 for the first 9,971 feet

KOLB DITCH

C1 \$1155.45

HARPER DITCH

C1 \$800.40
C2 \$800.40

KEIL DITCH

C1 \$602.40

SONNTAG-STEVENSON DITCH

C1 \$1070.50
C2 \$1819.85

EAST SIDE URBAN SOUTH 1/2

C1 \$3331.44
C2 \$5473.80

EAST SIDE URBAN NORTH 1/2

C1 \$1469.60
C2 \$2388.10

Those are all of the bids of the Daltons of Indiana, Inc. Mr. Jeffers stated they are a group of herbicide applicators from Warsaw, Indiana. These are ground applications that they are bidding on here.

The following bids are from RALPH REXING:

Pond Flat Lateral D \$641.06
Pond Flat Lateral B \$391.58
Pond Flat Lateral A \$743.54

BIG CREEK DRAINAGE ASSOCIATION bids on:

Pond Flat Lateral E \$289.28
Pond Flat Main \$4,053.72
Maidlow Ditch \$2,470.65
Barr Creek \$3,513.56
Buente Upper Big Creek \$3,029.25
Rusher Ditch \$355.52
Pond Flat Lateral C \$722.88

ALBERT STECKLER bids:

Baehl Ditch \$861.25

FRANK PARRISH of Mt. Vernon, Indiana bids:

Maintenance of Eagle Slough \$1,938.00

EUGENE REXING bids:

Maintenance of Singer Ditch \$269.50

JOHN MAURER bids:

Hoefling Ditch \$557.10

EVELYN PAUL bids:

Maintenance on Wallenmeyer Ditch \$1,127.92

Maintenance on Sonntag-Stevens Ditch \$2,301.58

ELDON MAASBERG bids:

Maasberg Ditch \$154.42

Kneer Ditch \$303.60

TERRY JOHNSON CONSTRUCTION bids:

Sonntag-Stevens Ditch \$2,071.42

Kolb Ditch \$2,079.04

Keil Ditch \$631.01

Henry Ditch \$755.01

Harper Ditch \$1,440.32

East Side Urban South 1/2 \$17,109.32

East Side Urban North 1/2 \$5,134.42

Aiken Ditch \$2,288.34

UNION TOWNSHIP DITCH ASSOCIATION makes the following bids:

Edmond Ditch \$461.85

Barnett Ditch \$835.80

Kamp Ditch \$334.80

Happe/Helfrich Ditch \$380.94

Cypressdale/Maddox Ditch \$716.61

Those are all the bids. Commissioner Willner made a motion that the Board take the bids under advisement for a period of one week and the expertise of the County Surveyor and was seconded by Commissioner Borries. So ordered.

Mr. Jeffers wanted to clarify what information the Board needed on the bids and was told they want what the ditch was awarded for last year and the lowest bids this year, along with the other bids. Last year it got complicated because of percentages and this, that and the other. Mr. Jeffers stated they had broken it down into three categories so that they can hire a professional company if they wish to spray the ditches and then come back and hire the same company or another company to mow them.

Category one is sterilize the bottom of the bank

Category two is spraying the side bank with herbicide control only

Category three is mowing

Category four is extra work (they only had one and that was mowing some trees down on Keil Ditch that have grown up)

Mr. Jeffers further stated that if the Board thinks its too much to pay to spray the bottom and sterilize the all the cattails and spray the side banks, which he notes on East Side Urban wrote down the figure 35 cents. One company was bidding 35 cents, that was a combination of spraying the cattails, which is done in July, and spraying the side banks, which is done in May. If the Board thinks that's too much to pay, he also bid 8 cents to mow it per foot. So, they can have them mow it three times, if that is the preference. Commissioner Willner agreed.

Mr. Jeffers states he did this on the ditches that some part of them are in the City because we got two notices from the City last year. The weeks got greater than 12 inches tall and Code Enforcement send them a notice. This year, as soon as they get 12 inches tall, he is going to call the company and tell them to go mow it. That might take care of the problem. Mr. Jeffers is recommending that for some ditches they spray the cattails. He doesn't care how many times it is mowed, he still recommends that they kill the cattails but if that gets to be too expensive again, it's the Board's pleasure. They have the option to mowing it two or three times.

There being no further business before the Board, the meeting was adjourned at 6:25 p.m.

Minuted recorded by Karen Hadfield

Richard Borries, President

Robert Willner
Robert Willner, Vice President

Carolyn McClintock
Carolyn McClintock, Member

MINUTES
SPECIAL DRAINAGE BOARD MEETING
APRIL 2, 1990

A special Vanderburgh County Drainage Board meeting was held in the Commissioners Hearing Room at 4:00 P.M. on Monday, April 2nd. 1990, with President Richard Borries presiding.

President Borries opened the meeting and said that there are two unfinished items from the previous meeting concerning two drainage plans which involved a length of Right-of-way which Commissioner Willner wanted some input on and some explanation of, so those items have to be addressed. He said he also has a note that the contracts for the ditch maintenance will be awarded today if the County Surveyor, our Technical Advisor, has reached a decision on them. He then turned the meeting over to Mr. Jeffers, the Deputy Surveyor.

RE: REQUEST FOR RELAXATION OF SONNTAG-STEVEN'S DITCH RIGHT-OF-WAY

Mr. Jeffers said there is a Mr. Breivogel present who is the architect who represents the client on Bergdolt Road immediately east of Scot Lan Distributors and is requesting moving Sonntag-Stevens somewhat to the south, nearly against his south property line, so he can more fully utilize and develop the ground for recreational purposes. He said the ground is presently zoned M-1.

Commissioner Borries said he thinks Commissioner Willner's comments on this request was that there be a 50 feet Right-of-way provided for in this request.

Mr. Jeffers said the law allows the board to relax from the present 75 feet down to no less than 25 feet and Mr. Breivogel, on behalf of his client, has designed a plan that showed it would be relaxed down to 30 feet on the south side and 25 feet on the north side. He said the client intended to maintain the north bank and the Surveyor's office had indicated that they would maintain the south bank and the impression he was left with was that Commissioner Willner would prefer, that if the County is going to do the maintenance, that it be relaxed to no less than 50 feet. He said that if the client wanted to go below the 50 feet, they would have to do all the maintenance themselves.

Commissioner Willner said this is correct.

Mr. Dan Breivogel appeared before the Drainage Board, introduced himself and said that he is an architect with Adicon Architects located at 4915 Lincoln Avenue. He said he has conferred with his client on this matter and their excavating contractor who would be responsible for doing ditch maintenance for his company and it is their feeling that the Drainage Board is in agreement to the 30 foot and the 25 foot right-of-way as proposed, that they will accept the maintenance of the ditch as it passes through their property.

Commissioner Willner moved that Mr. Breivogel's request be approved. Commissioner McClintock seconded the motion. So ordered.

RE: REQUEST FOR RELAXATION OF NURRENBERN DITCH RIGHT OF WAY

Mr. Jeffers said the other people are here for the other Right-of-way discussion and that is the representatives from Regency Association who were asking for the relaxation of Nurrenbern Ditch Right-of-way on the west side of Nurrenbern Ditch only within the property they intend to develop on behalf of the Buente Land Trust #1 into a commercial subdivision to 55 feet from the property line which lies approximately in the center of Nurrenbern Ditch. He said he doesn't know what this translates into from the top of the bank but he would guess somewhere in the neighborhood of 45 feet Right-of-way after the relaxation down from 75 feet and the representatives from Regency are here to follow up with any questions the board may have.

Jim Morley appeared before the Commissioners and explained the reason for their request in that the easement be defined in relation to the property line, that the ditch, as most ditches, does meander a little and they need to fix it on a subdivision plat to define it exactly, so they would like the Commissioners to accept the definition that would define it in relation to the property line, that way, they can fix it on a subdivision plat so everyone will know exactly how to measure it to that point.

To explain further, he said the drainage law, on an easement, measures from the top of the bank as it lies, that if you dredge a ditch and pull it back six more inches, you just change the outer limit of the easement six more inches and as you commercially develop property, they wish to define exactly where that line is in relation to the property line so they can survey that point and mark it as being the limits of construction or paving that might be taking place at that point, so they do want to have the definition of any of the relaxation to be relaxed to a certain distance from the property line as opposed to this undefinable top of the ditch bank.

Commissioner Willner asked Mr. Morley if they want to give it a different prospective than the top of the bank.

Mr. Morely said "no", that they want to show it on the plat so there is no question for a person building a building so he could understand where that would be and the original request that came before the Commissioners was to relax from 75 feet to 25 feet. He said the top of the bank lies somewhere around from 10 to 12 feet away from the property line that would leave you with a ditch and the bank somewhere between 42 and 45 feet of land but it is a line they could mark and stake corner pins on and draw a straight line on the plat, so they would be relaxing from 75 feet down to 45 feet, but they want to fix it on the plat instead of leaving it undefined.

Commissioner Willner said he doesn't see what the property line has to do with it because a ditch can go down the center of a property and has nothing to do with the property lines.

Mr. Morley said it does go down the center of the property line, and they do need to show it on the subdivision plat so they don't get anyone encroaching or building, they they want to define it exactly so that it can be done by dimensions.

Commissioner McClintock asked what happens when it is normally 75 feet.

Mr. Morley said, then it meandors all over the place, that every time you dredge the ditch you change the location of the easement.

Commissioner McClintock asked if the same thing couldn't happen if it were 45 feet, to which Mr. Morley said it could.

Mr. Jeffers then brought out a map and pointed out to the Commissioners just what Mr. Morley is requesting.

Commissioner McClintock asked Mr. Jeffers, if in his opinion, he considers this a good way to do it.

Mr. Jeffers said "yes", for permanent monumentation of the line that the Commissioners agree to relax to, he believes that if left permanently on the plat and monumented in the field, then no matter what they do when they improve this ditch in the future, he won't lose any ground.

Mr. Morley said he thinks what they are saying here is that they believe it would provide more than adequate room. He said the 55 feet allows him to set that marker in the field, that if they don't do that, he can't set markers in the field. He said the top of the bank is a moving target that could move every time you dredge a ditch, that it continues to move around and when we are dealing with expensive property, he needs to mark that line with some kind of permanent marker. He said this is a county legal drain so we are talking about all the property owners maintaining it, based on an assessment that each of them pay. He then asked if someone opts out and says they will go to 25 feet and maintain it, then are they exempted from the payment since they are actually going to do the maintenance?

Commissioner Willner said they aren't exempt.

Mr. Morley said they pay into the group, that the Commissioners administer the fund that is collected from that particular group of people that live on that ditch within that drain classification.

Commissioner Willner said, lets turn that around, if they relax that to 25 feet and it becomes harder for him, than all the property owners would have to pay more because we have relaxed that to 25 feet, that it works both ways.

Mr. Morley said as a reflection of that, they have two classifications of drains, that they have an urban drain that takes part of that into consideration where the assessment is raised on those people who have urban type developments as opposed to those people who have farms and they make a difference in the charge.

Mr. Jeffers said what Mr. Morely is referring to is that there is a charge per ditch at the urban rate for this particular ditch, that under an urban drain, right now, as agricultural land, the land that is in the Buente Trust is paying \$1.50 per acre and when it becomes a development as Regency will develop it, then it will pay \$22.50 per acre, or an increase of \$21.00 per acre, so before going any further, he would like to say that after discussing this situation and other similar ones in their office, the Vanderburgh County Surveyor doesn't want to relax below 30 feet, that the law says 25 feet, but they aren't going to go below 30 feet and the reason is, that when they go to approve a ditch they could lose 5 feet in which case it couldn't be mowed, also he would like to point out that the County Highway, with their gradall, is operating on roadways that are 10 to 12 feet wide and bring trucks in and the gradall is digging or repairing ditches the same as their ditches are, in many cases, that his point isn't to argue with Mr. Willner, that his point is to show that even in restricted widths along the side ditches, you can get the work done, that the ultimate decision is the boards, that you can't relax less than 25 feet and he would recommend not less than 30 feet.

Commissioner McClintock asked if the reason he wants a straight line, that he could do a straight line along 75 feet but he wants that extra 30 feet?

Mr. Morley said he couldn't do a straight line along 75 feet because there is no straight line, that the law says it follows the ditch bank, that it is as crooked as the bank.

Commissioner McClintock asked why he couldn't do 75 feet from the property line and end up with the same thing he is talking about.

Mr. Morely said because the one measure is from the top of the bank and the other measure is from down in the middle of the ditch and they happen to be about 12 feet apart.

Commissioner McClintock said she is going to try one more time, that what Mr. Morley is asking them to do is to give him 55 feet from the property line, so what would be wrong with it being 75 feet from the property line.

Mr. Morely said that would be just that more of the property that they are taking. He said there is a difference between a legal drain area and a formal easement, but the difference between the request and Commissioner McClintock's statement is a distance of about 10 feet and under no condition could they accept an arrangement where they had the ditch assessment go from \$1.50 to \$22.50 and then have to maintain it also, they couldn't accept those circumstances, it wouldn't be fair.

Commissioner Borries said he thinks Commissioner Willner's concern was that, if we are going to maintain it, we must have the area to maintain it and the 25 feet is becoming too restrictive for the gradall to get in there, but we intend to maintain it.

Commissioner McClintock then moved that Mr. Morley's request to move the ditch to 55 feet from the property line be approved. Commissioner Borries seconded the motion. So ordered.

Commissioner Borries just asked Mr. Morley that they allow room for maintenance because in any urban area such as in the Burkhardt area and others where there has been some impact on the properties, and he knows that Mr. Morley is doing quality development so it is just a matter of approving it.

Mr. Morley said he is sure that the 45 feet will give them plenty of room, so that shouldn't be a problem.

RE: BIDS SUBMITTED ON LEGAL DRAINS

Mr. Jeffers noted that they made the recommendations subject to any subsequent corrections that may be necessary and they were made subject to a waiver by this Board of the performance bond requirement because all of these contractors are past performers and to hold in lieu of a performance bond, their bid bond check, until the work is found to be satisfactory and they made the recommendation with the impression that last week, the County Attorney said the bids were in order. He then submitted the following:

RECOMMENDATIONS ON UNCONTESTED BIDS, 1990:

The Vanderburgh County Surveyor recommends that contracts for the annual maintenance of certain regulated drains be awarded to the following Bidders at the following bid prices:

BAEHL DITCH: ALBERT STECKLER:

\$0.125 per foot x 6890 lin. ft. = \$861.25

(hist:1989; A. Steckler; \$861.25)

BARNETT DITCH: UNION TOWNSHIP DITCH ASSOCIATION:

\$0.10 per foot x 8358 lin. ft. = \$835.80

(hist:1989; UTDA; .03 pf; \$270.74)

BARR'S CREEK: BIG CREEK DRAINAGE ASSOCIATION:

\$0.17 per foot x 20,668 lin. ft. = \$3513.56

(hist:1989; BCDA; \$3513.56)

BUENTE UPPER BIG CREEK: BIG CREEK DRAINAGE ASSOCIATION:

\$0.15 per foot x 20,195 lin. ft. = \$3029.25

(hist:1989; BCDA; .26 pf; \$5250.70)

CYPRESSDALE/MADDOX DITCH: UNION TOWNSHIP DITCH ASSOCIATION

\$0.03 per foot x 23,887 lin. ft. = \$716.61

(hist:1989; UTDA; \$716.61)

EDMOND DITCH: UNION TOWNSHIP DITCH ASSOCIATION:

\$0.03 per foot x 15,395 lin. ft. = \$461.85

(hist:1989; UTDA; \$461.85)

Recommendations on uncontested 1990 ditch bids continued:

HELFRICH/HAPPE DITCH: UNION TOWNSHIP DITCH ASSOCIATION:

\$0.03 per foot x 12,698 lin. ft. = \$380.94

(hist:1989; UTDA; \$380.94)

HENRY DITCH: TERRY JOHNSON CONSTRUCTION:

\$0.2375 per foot x 3179 lin. ft. = \$755.01

(hist:1989; TJC; .2295; \$729.58)

HOEFLING DITCH: JOHN MAURER:

\$0.10 per foot x 5571 lin. ft. = \$557.10

(hist:1989; Maurer; \$557.10)

KAMP DITCH: UNION TOWNSHIP DITCH ASSOCIATION:

\$0.03 per foot x 11,160 lin. ft. = \$334.80

(hist:1989; UTDA; \$334.80)

KNEER DITCH: ELDON MAASBERG:

\$0.10 per foot x 3036 lin. ft. = \$303.60

(hist:1989; Maasberg; .09; \$273.24)

MAASBERG DITCH: ELDON MAASBERG:

\$0.07 per foot x 2206 lin. ft. = \$154.42

(hist:1989; Maasberg; .06; \$132.36)

MAIDLOW DITCH: BIG CREEK DRAINAGE ASSOCIATION:

\$0.15 per foot x 16,471 lin. ft. = \$2470.65

(hist:1989; BCDA; .38; \$6258.98)

Recommendations on uncontested 1990 ditch bids continued:

POND FLAT MAIN DITCH: BIG CREEK DRAINAGE ASSOCIATION:

\$0.11 per foot x 36,852 lin. ft. = \$4053.72

(hist:1989; BCDA; \$4053.72)

POND FLAT LATERAL "A": RALPH REXING:

\$0.14 per foot x 5311 lin. ft. = \$743.54

(hist:1989; R. Rexing; \$743.54)

POND FLAT LATERAL "B": RALPH REXING:

\$0.14 per foot x 2797 lin. ft. = \$391.58

(hist:1989; R. Rexing; \$391.58)

POND FLAT LATERAL "C": BIG CREEK DRAINAGE ASSOCIATION

\$0.08 per foot x 9036 lin. ft. = \$722.88

(hist:1989; BCDA; \$722.88)

POND FLAT LATERAL "D": RALPH REXING:

\$0.14 per foot x 4579 lin. ft. = \$641.06

(hist:1989; R. Rexing; \$641.06)

POND FLAT LATERAL "E": BIG CREEK DRAINAGE ASSOCIATION:

\$0.08 per foot x 3616 lin. ft. = \$289.28

(hist:1989; BCDA; \$289.28)

RUSHER CREEK: BIG CREEK DRAINAGE ASSOCIATION:

\$0.08 per foot x 4444 lin. ft. = \$355.52

(hist:1989; BCDA; \$355.52)

DRAINAGE BOARD
April 2, 1990

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Recommendations on uncontested 1990 ditch bids continued:

SINGER DITCH: EUGENE REXING:

\$0.11 per foot x 2450 lin. ft. = \$269.50

(hist:1989; E. Rexing; \$269.50)

WALLENMEYER DITCH: EVELYN PAUL:

\$0.135 per foot x 8355 lin. ft. = \$1127.93

(hist:1989; E. Paul; \$1127.92)

END RECOMMENDATIONS ON UNCONTESTED 1990 DITCH BIDS

[22 of 30 drains]

RECOMMENDATIONS ON CONTESTED BIDS, 1990:

FORMAT KEY:

ASP = ASPLUNDH TREE EXPERT CO.; CICERO, IN.

DAL = THE DALTONS OF INDIANA, INC.; WARSAW, IN.

TJC = TERRY R. JOHNSON CONSTRUCTION; EVANSVILLE, IN.

PAR = PARRISH FLYING SERVICE, INC.; MT. VERNON, IN.

MEP = MRS. EVELYN PAUL; WADESVILLE, IN.

CAT = CATEGORY OF WORK/BID

C 1 = STERILIZE DITCH BOTTOM BY SPRAY

C 2 = UNDESIRABLE GROWTH TREATED BY SPRAYING BANKS

C 3 = MECHANICAL MOWING OF WATERWAY

C 4 = ADDITIONAL WORK AS SPECIFIED

XXX = NO BID

REC = SURVEYOR'S RECOMMENDATION

Recommendations on contested 1990 ditch bids continued:

FORMAT WILL SHOW PROPOSALS ENTERED BY THE VARIOUS BIDDERS
FOLLOWED BY THE RECOMMENDATION OF THE VANDERBURGH COUNTY
SURVEYOR:

AIKEN DITCH:

	ASP	DAL	TJC
CAT:			
C2	.18 x 9971 = 1794.78// (ACTUAL \$344.00)	.15 x 9971 = 1495.65//	XXX
C3	.08 x 4300 = 334.00//	XXX	// .2295 x 9971 = 2288.34
<hr/>			
REC:	DALTONS OF INDIANA: Category 2: 9971 lf @ .15 pf = \$1495.65 Broadleaf weed spray		
	ASPLUNDH TREE CO.: Category 3: 1800 lf @ .08 pf = 144.00 Mid-summer mowing along Pollack		
	ASPLUNDH TREE CO.: Category 3: 4300 lf @ .08 pf = 344.00 Fall cleanup mowing N. of Levee		
	TOTAL 1990 AWARD(S)		\$1983.65
	(hist:1989; TJC; 2472.79)		

EAGLE SLOUGH:

	ASP	DAL	PAR
CAT:			
C2G	.18 x 30040 = 5407.20//	.25 x 30040 = 7510.00//	XXX
C2G	.18 x 10000 = 1800.00//	.25 x 10000 = 2500.00//	XXX
C2A	XXX	//	XXX // .095 x 20040 = 1903.80

Eagle Slough continued next page.

Recommendations on contested 1990 ditch bids continued:

Eagle Slough:

NOTES:

C2G = Ground application; C2A = Aerial application.

We asked for bids on entire 30,040 by ground application to demonstrate economy of aerial application.

We designated 10,000 feet to be restricted to ground application only, due to proximity to I-164, U.S. 41, and residential.

REC: PARRISH FLY. SERV.:	20040 lf @ .095 pf =	\$1903.80
	Fly once in Spring	
PARRISH FLY. SERV.:	20040 lf @ .095 pf =	1903.80
	Fly again in Fall	
ASPLUNDH TREE CO.:	10000 lf @ .18 pf =	1800.00
TOTAL 1990 AWARD(S)		<u>\$5607.60</u>
(hist:1989; GGH; .08x2; 4806.40)		

EAST SIDE URBAN NORTH 1/2:

	ASP	DAL	TJC
CAT:			
C1	.17 x 18370 = 3122.90//	.08 x 18370 = 1469.60//	XXX
C2	.18 x 18370 = 3306.60//	.13 x 18370 = 2388.10//	XXX
C3	.08 x 18370 = 1469.60//	XXX //	.2795 x 18370 = 5134.42

REC: DALTONS OF INDIANA:	C1 18370 lf @ .08 pf =	\$1469.60
	Sterilize Bottom	
ASPLUNDH TREE CO.:	C3 3000 lf @ .08 pf =	240.00
	Mid-summer mow So. 3000'	
ASPLUNDH TREE CO.:	C3 18370 lf @ .08 pf =	1469.60
	Fall cleanup mow 18370'	
TOTAL 1990 AWARD(S)		<u>\$3179.20</u>
(hist:1989; TJC; 5501.82)		

Recommendations on contested 1990 ditch bids continued:

EAST SIDE URBAN SOUTH 1/2

CAT:	ASP	DAL	TJC
C1	.17 x 47592 = 8090.64//	.07 x 47592 = 3331.44//	XXX
C2	.18 x 47592 = 8566.56//	.115 x 47592 = 5473.08//	XXX
C3	.08 x 47592 = 3807.36//	XXX //	.3595 x 47592 = 17109.32

REC: DALTONS OF INDIANA:	C1 47592 1f @ .07 pf = Sterilize ditch bottom	\$3331.44
DALTONS OF INDIANA:	C2 40217 1f @ .115 pf = Elim. 7375' of Stockfleth & W/E	4624.96
ASPLUNDH TREE CO.:	C3 47592 1f @ .08 pf = Fall cleanup mowing	3807.36
ASPLUNDH TREE CO.:	C3 30000 1f @ .08 pf = mow designated areas twice	2400.00
TOTAL 1990 AWARD(S)		\$14,163.76
(hist:1989; TJC; 19013.00)		

HARPER DITCH:

CAT:	ASP	DAL	TJC
C1	.17 x 4002 = 680.34//	.20 x 4002 = 800.40//	XXX
C2	.18 x 4002 = 720.36//	.20 x 4002 = 800.40//	XXX
C3	.08 x 4002 = 320.16//	XXX //	.3599 x 4002 = 1440.32

REC: ASPLUNDH TREE CO.:	C1 4002 1f @ .17 pf = Sterilize ditch bottom	\$680.34
ASPLUNDH TREE CO.:	C3 4002 1f @ .08 pf x 2 = mow entire ditch twice	640.32
TOTAL 1990 AWARD(S)		\$1320.66
(hist:1989; TJC; 1398.70)		

Recommendations on contested 1990 ditch bids continued:

KEIL DITCH:

	ASP	DAL	TJC
CAT:			
C1	.17 x 3012 = 512.04//	.20 x 3012 = 602.40//	XXX
C3	.08 x 3012 = 240.96//	XXX //	.2095 x 3012 = 631.01
C4	75.00 total//	XXX //	1787.55 total

REC: ASPLUNDH TREE CO.:	C3 3012 1f @ .08 pf x 2 =	\$481.92
	Mow ditch two times	
ASPLUNDH TREE CO.:	C4 Lump Sum of \$75	75.00
	Remove designated brush	
		<u>\$556.92</u>

(hist:1989; TJC; 691.25)

SONNTAG-STEVENS DITCH:

	ASP	DAL
CAT:		
C1	.17 x 10705 = 1819.85//	.10 x 10705 = 1070.50//
C2	.18 x 10705 = 1926.90//	.17 x 10705 = 1819.85//

	ASP	TJC	MEP
C3	.08x10705=856.40//	.1935 x 10705 = 2071.42//	.215x10705=2301.58

REC: DALTONS OF INDIANA:	C1 10705 1f @ .10 pf =	\$1070.50
	Sterilize ditch bottom	
DALTONS OF INDIANA:	C2 9000 1f @ .17 pf =	1530.00
	Elim. Clover Subdivision	
ASPLUNDH TREE CO.:	C3 10705 1f @ .08 pf =	856.40
TOTAL 1990 AWARD(S)		<u>\$3456.90</u>

(hist:1989; TJC; 2349.75)

Recommendations on contested 1990 ditch bids continued:

KEIL DITCH:

	ASP	DAL	TJC
CAT:			
C1	.17 x 3012 = 512.04//	.20 x 3012 = 602.40//	XXX
C3	.08 x 3012 = 240.96//	XXX // .2095 x 3012 = 631.01	
C4	75.00 total//	XXX //	1787.55 total
<hr/>			
REC:	ASPLUNDH TREE CO.:	C3 3012 lf @ .08 pf x 2 = Mow ditch two times	\$481.92
	ASPLUNDH TREE CO.:	C4 Lump Sum of \$75 Remove designated brush	75.00
			<u>\$556.92</u>
	(hist:1989; TJC; 691.25)		

SONNTAG-STEVEENS DITCH:

	ASP	DAL	
CAT:			
C1	.17 x 10705 = 1819.85//	.10 x 10705 = 1070.50//	
C2	.18 x 10705 = 1926.90//	.17 x 10705 = 1819.85//	
	ASP	TJC	MEP
C3	.08x10705=856.40//	.1935 x 10705 = 2071.42//	.215x10705=2301.58
<hr/>			
REC:	DALTONS OF INDIANA:	C1 10705 lf @ .10 pf = Sterilize ditch bottom	\$1070.50
	DALTONS OF INDIANA:	C2 9000 lf @ .17 pf = Elim. Clover Subdivision	1530.00
	ASPLUNDH TREE CO.:	C3 10705 lf @ .08 pf =	856.40
	TOTAL 1990 AWARD(S)		<u>\$3456.90</u>
	(hist:1989; TJC; 2349.75)		
<hr/>			

Recommendations on contested 1990 ditch bids continued:

KOLB DITCH

	ASP	DAL	TJC
CAT:	(ACTUAL 1309.51)		
C1	.17 x 7703 = 1209.51//	.15 x 7703 = 1155.45//	XXX
C3	.08 x 7703 = 616.24//	XXX //	.2699 x 7703 = 2079.04
<hr/>			
REC:	ASPLUNDH TREE CO.: 7703 lf @ .08 pf x 3 = mow entire ditch 3 times		\$1848.72
(hist:1989; TJC; 2230.02)			
<hr/>			

END RECOMMENDATIONS

1990 RECOMMENDED \$55,087.26

[30 OF 30 DITCHES]

1989 TOTAL AWARDS \$66,800.44

Mr. Jeffers said that on Sonntag-Stevens he also recommends the mowing of the north line of Clover Lawn Subdivision to Oak Hill at a cost of \$105.60 which increases the total cost from \$3,456.90 to \$3,562.50.

Commissioner McClintock moved that all the bids be approved as recommended. Commissioner Willner seconded the motion. So ordered.

Mr. Jeffers said, in closing, that he appreciates the Commissioner's acting on the recommendations, that they were all made based upon the impression they had, that the attorney had said last week that all the bids were in order and he will be returning the bid bonds of the unsuccessful bidders, that he will be asking for performance bonds from all the bidders they have never dealt with and that would be everyone on the contested bids. He also said the recommended bids for this year total \$55,087.26 and their total awards last year totaled \$56,800.44 so this is a reduction of approximately \$10,000.00 which represents approximately a 20% savings and all of the ditch accounts will have a surplus in their accounts at the end of this year.

He said the only other matter he has is that Black Horse Spring, a company in Ohio, was a prospective bidder but submitted no bid, they said they were too busy to bid this year but they sent a letter and wanted a bid breakdown sent to them. He asked the Commissioners if this was a legitimate request and they agreed that it was.

He said he was very pleased but surprised at the low mowing bids and in investigating this, he found that the bidder is bidding approximately \$120.00 per acre to mow a ditch and they found someone who told them that generally they mow the highway right-of-way for \$20.00 an acre which is why they are able to bid so low, that they are in mass production.

He said but the same bidder, who is not a mower, and is a spray operator, told him that the ditches in Vanderburgh County, in order to find a ditch that is in good enough shape to run a mowing machine along the top of the bank, you can't find one in the state of Indiana, that you have to go to the agricultural areas in the state of Ohio to find ditches as nice as ours are along the top of the bank and that might have something to do with the bids being this low. He said a typical ditch in the state of Indiana looks like Eagle Slough which is our worse ditch.

There being no further business to come before the Board, President Borries declared the meeting recessed at 5:15 P.M.

SECRETARY: Joanne A. Matthews

DRAINAGE BOARD

Richard J. Borries, President

Robert L. Willner, Vice President

Carolyn McClintock, Member

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MINUTES
DRAINAGE BOARD MEETING
APRIL 23, 1990

The Vanderburgh County Drainage Board met in session at 4:20 p.m. on Monday, April 23, 1990 in the Commissioners Hearing Room with Commissioner Robert Willner presiding.

RE: North Point Estates

Bill Jeffers stated that the developer has the street and drainage plans.

Ms. McClintock stated that they had seen these plans.

Bill Jeffers further said, "The developer is Del Shanks and he is present with the Engineer, Mr. Biggerstaff. They did come in the office a week or so ago and we went through all of the various items that I felt were required as a part of the review and they re-submitted this set of plans with the information on it that was requested and we recommend approval of the drainage plans of North Point Estates."

Ms. McClintock moved to approve the drainage plans, with a second by Commissioner Willner. So ordered.

Mr Willner said that he thought they were trying to give a good drainage plan to an area that does need this.

RE: Sycamore Hills Estates

Mr. Jeffers stated that they are back for approval on the Sycamore Hill Estates.

Ms. McClintock asked where this is located.

Mr. Jeffers responded that it is at the corner of Schlensker and McCutchan.

Mr. Jeffers said, "The Developer is Gary Williams and the Engineer is Bill Nicholson and he is the Surveyor also. What Mr. Williams has indicated and what Mr. Nicholson has shown on the plans, is that they are using some small detention areas to control the water that would be generated by the streets and the driveways within the sub-division. We have been holding it and discharging it at a slower rate and into the natural creeks that flow either through the property or alongside or nearby the (?), which are all a part of the Schlensker Creek drainage area. The area that really concerned Mr. Willner and caught my attention as well, is that the Lake down here (indicated on map) at the end of the lots, 13, 14, 15, and that area down there, that creek is so large, and drains a lot of area above Schlensker Road, and there is no way to stop for intercepting any of the flow in the creek and hold it on this property because this property is down at the very low end, actually, it is the wrong place to hold water that has already gotten into that creek, so the lake you see, the reason it is so small, that lake at the back of lot 14 and 15, at the back end of Lot 7, the reason that that lake is so small is because it is being used just to retain the water that is coming from the sight itself before it gets into it. It is not really a detention basin intercepting any water that has already gotten into that creek from way above Schlensker Road toward Browning Road."

DRAINAGE BOARD MINUTES

APRIL 23, 1990.....PAGE 2

Mr. Jeffers continued, "The calculations were submitted by Veach, Nicholson, and Griggs, so that lake will control run-off from the site before it discharges into that creek. The creek is going to be left in a natural condition except, I am asking that all of the dead wood, debris, brush and etc., be cleaned out and then we will not have any problem with them leaving some of the larger trees along the banks up the creek, because it will make a nice, natural scenic division between the lots. Mr. Nicholson and his assistant engineer have submitted calculations that the creek channel, if it were cleaned, would handle the heavy downpour without leaving the banks and flooding the adjacent property that would be suitable for homesights."

President Willner asked, "Are the calculations so that there will not be any more water discharged in that creek?"

Mr. Jeffers responded that this is the way he reads it.

President Willner asked if the water does go through Daylight and Blue Grass Creek, under the new bridge on Boonville-New Harmony Road, and finally into Big Pigeon..

Mr. Jeffers responded affirmatively. He said, "We do have problems down through the way and those are very valid questions."

President Willner asked, "Who is going to be responsible for the maintenance of the lake?"

Mr. Nicholson responded, "The Homeowners Association."

President Willner asked, "So, the owner of the lot would not be straddled with taking care of the dam at this place?"

Mr. Nicholson responded, "I will have to admit that when I talked to Gary Williams about it, he was forming a Homeowner's Association and that is the way that he explained it to me. I have not seen the document yet. Hopefully he will have it shortly, something he will give us to indicate that."

President Willner asked, "Will it be in the deed that each property owner.....?"

Mr. Nicholson interrupted, "Yes, it will be filed with the deeds."

President Willner asked for the recommendation of the Surveyor's Office.

Mr. Jeffers responded, "Our recommendation is, with the stipulations that they clarify and file a language indicating that the Homeowner's Association or some other form of maintenance for the creeks and basins, the deadwood, fallen wood, unruly brush and other things be cleaned out so that the rest of the creek will be left natural, then, we recommend approval."

So moved by Commissioner McClintock, with all of the stipulations that Mr. Jeffers outlined in the minutes.

Mr. Willner said, "I agree and Bill, I want to stress that each one of these lots have to be, in their deed and abstract, that they will pay to maintain it. That is the only way this thing is going to work. If you don't do that, your drainage plan has not been approved."

DRAINAGE BOARD MINUTES

APRIL 23, 1990.....PAGE 3

RE: CONTRACTS TO BE SIGNED

Ms. McClintock said that these were approved at the last meeting. Correct?

Mr. Jeffers affirmed that they had awarded all of the bids and now he has the contracts to be signed.

Mr. Willner asked for Mr. Jeffer's recommendation.

Mr. Jeffers recommended all of them because they are just as the Commissioners had awarded them.

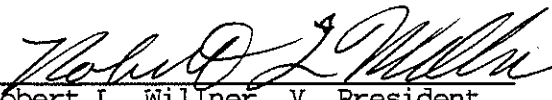
President Willner stated that Margie Meeks should go through the minutes and make sure that these contract are okay and then she should stamp them with the Commissioner's signatures.

Ms. McClintock moved to approve all of the contracts and that they direct Margie Meeks to go through the minutes from when they awarded the contracts and make sure that the amounts, etc. are all identical and stamp the signatures. Motion was seconded by President Willner. So ordered.

President Willner declared the meeting adjourned at 4:35 p.m.

Recorded & Transcribed by: Bettye J. Miles
(J. Matthews on Funeral Leave)

Richard J. Borries, President


Robert L. Willner, V. President


Carolyn McClintock, Member

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MINUTES
DRAINAGE BOARD MEETING
JUNE 25, 1990

The Vanderburgh County Drainage Board met in session on Monday, June 25, 1990 in the Commissioners Hearing Room, with President Rick Borries presiding.

RE: APPROVAL OF MINUTES

The meeting proceeded with Commissioner Borries entertaining a motion for approval of three sets of minutes to be approved.

Commissioner McClintock made a motion to approve the minutes of the Drainage Board Meetings of March 26, 1990, April 2, 1990, and April 23, 1990 as engrossed by the Auditor and waived reading of same and was seconded by Commissioner Willner. So ordered.

RE: BILL JEFFERS/SURVEYOR'S OFFICE - GLENWOOD HILLS ESTATE SECTION A

Bill Jeffers stated that to the best of his knowledge, there is one subdivision on the agenda for Area Plan Commission for which drainage plans have been submitted to the County Surveyor's office for his review. That subdivision is Glenwood Hills Estate Section A on Orchard Road in Vanderburgh County, immediately adjacent to the Illinois Central Railroad. The Commissioners may be familiar with the approximate site because they are proposing to construct a wooden tressel bridge over the railroad track with Federal Funds, presently being designed by Veach, Nicholson & Griggs. The owner and developer is Harry Hunter (4141 Orchard Road) and the surveyor and engineer is Ralph Andy Easley, Jr. The terrain is extremely hilly for Vanderburgh County. The water shed for the subdivision includes the highest point in the County, 607 feet above sea level. The subdivision, for the most part, drains into Buente Upper Big Creek, at it's point in beginning, at the northwest corner of the section that the subdivision lies in. The elevation of the creek, at that point, is 450 feet, which is a little greater than 150 foot difference in elevation within that 3000 foot of horizontal distance. As of what he meant by extremely hilly for Vanderburgh County; Buente Upper Big Creek is a legal drain that will be effected by development of this subdivision and the Board, last year in 1989, approved and paid for major maintenance (additional) to Buente Upper Big Creek from the northwest corner of the section of ground that this subdivision lies in north to Boonville-New Harmony Road. The plan that was presented included the entire area that is contemplated of being developed, including (he thinks) 66 lots. They range in size from about 2 1/2 acres to 5 acres per lot. The plan that was submitted to Vanderburgh County Surveyor indicated no provisions for detention of storm water run off. This is the ideal location for effective detention of storm water run off prior to this discharge into the Pond Flat Drainage System. The calculations were provided for every pipe structure within the plan that is now on the Commissioner's desk.

At this point Mr. Jeffers stepped away from the microphone and could not be heard enough to transcribe....

He doesn't have any argument with the most of the pipe sizes, some of them were marginal. When they checked the calculations, there was one, within Section A, which is what he assumes will go to Area Plan Commission at their next meeting, is Glenwood Hills Section A, which is only 16 or 17 lots of the entire subdivision is designated as Section A and that's is what he believes is going to Area Plan Commission at it's next meeting.

Again, Mr. Jeffers stepped away from the microphone and cannot be heard enough to transcribe...

Commissioner McClintock asked if they are attempting to approve the drainage plan for the entire subdivision or just Section A and Mr. Jeffers stated he had gotten the impression that the developer would like for them to approve the entire drainage plan. He didn't have any communications with the developer or

the engineer but he submitted calculations for the entire 66 lots. Commissioner McClintock asked the developer what he was asking for and someone from the audience (not identified) stated they need approval for Section A but they had submitted them for the master plan to show where all the water is going.

Mr. Jeffers then asked the gentleman if he wanted him to concentrate on Section A to which the gentleman stated he did.

Mr. Jeffers stated (Section A) the lots have been re-numbered, so they don't correspond with the master plan that was submitted. So, the master plan will have to be re-numbered to correspond to Section A.

McClintock inquired what Mr. Jeffers' recommendation was on Section A.

Mr. Jeffers stated the Vanderburgh County Surveyor's recommendation would be to design the subdivision including Section A to include storm water detention before discharge into Pond Flat system through Buente Upper Big Creek.

Commissioner McClintock wanted to clarify that he wanted some type of detention pond in there and Mr. Jeffers stated that was correct and added they might want a series of them.

Commissioner McClintock asked if he had a specific recommendation for Mr. Easley or if he would like him to go back and look at that.

Mr. Jeffers stated the recommendation is based on comments made by the Drainage Board members individually that storm water detention would become the rule in subdivision development and it is a statement the County Surveyor agrees with. This is the ideal place to hold storm water in detention before discharging into legal drain and that is the basis of their recommendation. There are other, more minor, details that they would like to discuss with the Engineer when he goes back to re-design it to include detention. He doesn't know if it would serve any purpose to list those details at this time.

Commissioner Willner asked if they were going from 585 to what.

Mr. Jeffers answered that in Section A, they go from 588 feet above sea level to 485 feet, about a 100 foot drop. All the high points in Vanderburgh County are along Orchard and Bromm Road. (600 feet is pretty common out there or just under 600 feet) Then, you will also find a common flooding problem throughout the Pond Flat System; probably the first place in Vanderburgh County subject to flash floods. All the localities that are subject to flash flood in Vanderburgh County flood first in the Pond Flat area.

Commissioner McClintock asked Mr. Easley if he was willing to work with the County Surveyor's office to develop these detention ponds within this subdivision and Mr. Easley stated he could, but his experience is that if they take run-off coefficients for two and a half acres if it's agricultural basis that there is very little change in the run-off particularity if it's a cultivated field. This happens to be a pasture but if it becomes lawn, he thinks there will be very little retention required on two and a half acres (and that's a minimum) and they are going to have a lake in there.

Commissioner McClintock asked where the lake was located to which someone showed her on the map and stated if they could get credit for retention in the lake they don't think they will need very much. Commissioner Willner inquired about the dam depicted on the map by a red line. The size of the lake will be about 25 foot high and it will be about 20 foot deep. As to how much free board they can design the spill way: there are a couple other small lakes on the property. Mr. Jeffers stated he had put the red line there because he had noticed there was some indication of earth work there but he had no idea what it was, he just assumed it was going to be a lake because there is no indication of detention or lake building in the calculations that was submitted to his office.

Commissioner McClintock stated she hated to put them through a whole lot of extra work but she would feel much more comfortable if they would meet with Mr. Jeffers in the County Surveyor's office and go through what these calculations are for these lakes so they could come back with some kind of firm recommendation to the Board. She thinks they can go ahead and send this to the Area Plan pending Drainage Board's approval. B. Cunningham stated that is not done and they have to have Drainage Board approval prior to hearing anything in Area Plan Commission. The problem is that they didn't address the lake or maintenance. She then stated they could give preliminary approval.

Commissioner McClintock stated she didn't want to hold them up unnecessarily but she is not willing to approve this without a firm recommendation from the County Surveyor's office. Commissioner Willner asked if they are going to

50
eventually do the whole tract. Someone from the audience (unidentified) stated they would like to do the whole tract. Commissioner Willner stated he thought they need to do the Drainage Plan now. He thinks they need the plan for the entire area. This is a tough one. Commissioner Willner stated they want them to for the roof areas, the garage roofs and the house roofs, they want the total run off to be no greater after it's developed as it was before. That's their job.

Commissioner McClintock made a motion to give preliminary approval to the Drainage Plan for Glenwood Hills so that this can be heard at Area Plan Commission with the understanding that it will come back to Drainage Board for final approval. Commissioner Willner added that the run off will be no greater than it was before. The motion was seconded by Commissioner Willner. So ordered.

Mr. Jeffers stated that when Engineers come before this Board in the future and wish to compare a subdivision with an agricultural field, please keep in mind (especially in this area) that the farmers who are involved in agricultural pursuits are also putting in storm water detention facilities in their agricultural fields. So, you can't compare a new subdivision's run off to an agricultural field's run off without keeping that in mind. They are spending alot of money to raise corn and put in detention facilities and the developer should make their plans accordingly.

RE: CRAWFORD-BRANDIES/EVANSVILLE WATER & SEWER UTILITY

The Evansville Water & Sewer Utility is making plans to build a new Sewer Lift Station and it's a forced main. He thinks what they are doing is going out to Cross Pointe at I-164 and trying to pump the sewage that will be generated by the commercial development on the north side of Lloyd Expressway back into an existing main somewhere around the WalMart east shopping center and they will be crossing one legal drain at Burkhardt Road near the intersection of Burkhardt and Lloyd Expressway, they will be crossing Crawford-Brandies Ditch. They are asking permission to cross Crawford-Brandies Ditch. Their plans indicate that at the top of the pipe, under the flow line of the ditch there will be three feet of cover between the bottom of the ditch and the top of the pipe. That is sufficient. The County Surveyor would ask that a minimum of two feet of cover be on top of the pipe. At present, the plan shows three feet. They are building a structure. Mr. Jeffers thinks its an air relief or pressure relief value or something like that and they can't put it out in the field because the farmer has not sold them sufficient right-of-way to put it in the field that belongs to the Hursh family. They are asking to put it back in the twenty five (25) foot maintenance right-of-way that we utilize along the east bank of Crawford-Brandies ditch. This will take substantial excavation. They also have to build a temporary pitch to push the pipe underneath the ditch and underneath Burkhardt Road and he is sure they will be coming to the County Commissioners seeking permission to push a pipe under a County Highway. The sheet that shows what they intend to do had a notation on it that indicated that there wouldn't be any compaction necessary when they fill in this trench and then after natural settlement occurred, that the contractor would come back and fill in the subsided trench, but he indicated to Ms. Bonnie Wells, from Morely and Associates, that this not sufficient from the County Surveyor's point of view and he hopes that the Board would go along with them. The Surveyor's office wants at least 90% (preferably 95%) compaction where any part of this project goes under Crawford-Brandies ditch and any part of the embankment of Crawford-Brandies and to a point, no less than 25 feet from the top of the bank. They want it firmly compacted and they want a guarantee period of two or three years during which any failure of the embankment (what so ever) within this construction area will be repaired by the Contractor or the Sewer & Water Utility. From the time that the Sewer & Water Utility assumes total ownership of it (whatever guarantee period they have with the Contractor) from that point on, forever, that the Sewer Utility assume all responsibility for any failure or damage that might occur to the embankment of Crawford-Brandies ditch on account of their activities. If they go in to do maintenance on this lift station or whatever and they leave track marks, they assume total responsibility for that. With those provisions, the Surveyor's

office would be happy to recommend to the Board that the Sewer & Water Utility of Evansville be granted permission to cross Crawford-Brandies ditch and construct the facilities as shown on the plans. Mr. Jeffers asked Ms. Bonnie Wells to bring the Board a set of plans and have them stamped received last week some time. There should be a copy of those in the Commissioner's office.

Commissioner Willner stated he was in agreement with everything that Mr. Jeffers said. He does want to see that building they are talking about and inquired about the 25 feet. Mr. Jeffers stated the Board is not granting a variance but he is just saying that they need an absolute 25 feet of hard packed dirt to drive a spray rig or low rig across.

Commissioner McClintock inquired to make sure he was just asking about going under the bridge today and the Board doesn't have to deal with the lift station.

Mr. Jeffers stated he was talking about when they build....

Commissioner McClintock stated she understood about disturbing the dirt but the Board is not granting them permission to build the lift station or anything else in this right-of-way.

Mr. Jeffers stated he is talking about building an air release valve.

Commissioner McClintock inquired about the series of recommendations that the Surveyor's office believes covers all of this to which Mr. Jeffers stated yes. Commissioner McClintock made a motion to give the Utility Department permission to put their line under Crawford-Brandies ditch and place their air release valve within the 25 foot right-of-way with all of the provisions outlined by Mr. Jeffers and refining those to include 95% compaction (other than the 90%) and 3 feet of cover and that they guarantee forever that any damage done by either the construction or any resulting maintenance or for any reason they are on that property, as a result of this permission, that will be repaired and the responsibility of the Utility Department. The motion was seconded by Commissioner Willner. So ordered.

RE: AUDUBON ESTATES SECTION C

Mr. Jeffers stated this had come before the Board a year or so ago and it had some wording about this drainage easement around the lake that Mr. Bussing has already built that was not in conformance with the wording that the Commissioners would have liked to have seen and not necessarily in conformance with the drainage ordinance that was passed by the Commissioners. Mr. Allison is here and he has revised his wording and again is seeking to re-route Kolb Ditch, which has been declared an urban drain, through this lake and abandoning the previous Kolb Ditch, which is highlighted in green. What he has done, basically, is given the Commissioners a substantial drainage easement of 80 feet and in some places 86 feet, all around and through the water and everything, in case you want to float a dredge line through there for some reason. In addition, he has given the Commissioners a 15 foot roadway easement along the top of the bank, outside of the water, on both sides of the lake so, that they can take a low rig or spray rigs around the lake to maintain the outfall where this lake will outfall back into Kolb Ditch, where it goes back underneath I-164. This is what the Vanderburgh County Surveyor had wanted to see and he recommends approval of Mr. Bussing's request to re-route Kolb Ditch and abandon the previous Kolb Ditch that is highlighted in green and declare this to be the new alignment of Kolb Ditch with the provision that, along the north bank, where the orange line diverts from the lake itself and zig zags across the back of lots 20,19,18,17,15,14 & 21, that roadway itself be surveyed and monuments be set at least upon the center line by netts and bearings. In other words, set up a different monument than you would for a lot corner all down the center line of that easement so that not only the maintenance contract and the surveyor knows where the roadway is but the private landowner doesn't inadvertently put a yard barn or some other structure within that 15 foot easement.

Commissioner Willner inquired if Mr. Allison is agreeable to maintain this from this point to this point (showing on a map). Mr. Jeffers stated he thought so. Commissioner Willner stated he is adding about maybe a third more to somebody's maintenance and he is thinking that this point here (again, showing on the map) is going to have to be retroactive. Mr. Jeffers apologized and stated he did not include that. Commissioner Willner stated it was going to make a 90 degree

turn here (pointing to the map). Mr. Jeffers agreed and stated that Linda Freeman reviewed this and she recommended that riffraff or some other be placed along that turn to make sure that; it's such sandy soil that they didn't try to cut. Commissioner Willner asked who was going to cross this and Mr. Jeffers stated their maintenance vehicles will be able to go back and forth across there if they came this way (showing on the map). Commissioner Willner inquired if there was going to be a bridge and Mr. Jeffers stated there was not but it was a low water crossing. Commissioner McClintock inquired if the Surveyor's office was recommending the Board approve this and Mr. Jeffers stated they were recommending approval but subject to anything the Board has; like if Mr. Willner would like for the maintenance to begin here, that's fine with the Surveyor's office. They did draw the lot lines across the lake and the individual lot owners are responsible for the maintenance of the lake in accordance with any standards that the Commissioners wish to impose upon them at this time. Commissioner Willner inquired about a homeowner's association and was told that it was only going to be individual lot owners. Mr. Jeffers stated the Board could make the developer include it in the restrictions of the subdivision that everyone is responsible and if they don't they are liable for whatever actions. Commissioner McClintock stated the other property owners can enforce it. Commissioner Willner made a request for the approval from this point to this point (showing on the map, again) to be maintained by the property owners and that this section be riff riffraffed and the crossing be riff riffraffed and that before any one of these lots are sold, this agreement must be written into their deed/abstract and that the other property owners may hold each other accountable to that. There was a question on the height of grass from the audience (unidentified) and since this is soon to be in the City limits Commissioner McClintock stated this will be set at 12 inches also. Commissioner McClintock made a motion to approve the drainage plan for Audubon Estates Section C with the restrictions that were just outlined by Commissioner Willner above and was seconded by Commissioner Willner. So ordered.

RE: NOTICE TO BIDDERS/POND FLAT LATERAL C

Mr. Jeffers stated a property owner by the name of Frederick Jarvis (Scott Township) owns about 40 acres here at bridge #34 and the Board should be familiar with Mr. Jarvis' various requests to aid him or assist him in preventing some of the annual flooding. Commissioner Willner explained that the ditch was always clean. Mr. Jarvis wants to take some trees out at their own expense. Mr. Jeffers stated that most of what Commissioner Willner explained was correct. Mr. Jeffers stated they had \$1,800.00 in the Pond Flat C account. The casual agreement is that the Surveyor's department will attempt to bring before the Board a Notice To Bidders, with specifications for simply clearing that slashed-in area, which is 1800 lineal feet from Mr. Jarvis' land around the Bower's woods up to the Adler's property (he believe it is) and they will attempt to seek a contract to clear and level that 25 foot strip so that the ditch association can take their equipment in at their own expense and begin dipping out the ditch. Any future dipping out of that ditch will be from that side. They can't even get in there now because it's so woody and grown up. Commissioner Willner asked if there was some trees that can be sowed in the process and Mr. Jeffers stated he thought there may be some tress in there that can be marketable (timber wise). They would be willing to seek a contractor by advertising bids. Commissioner McClintock inquired about putting in there that they could do something with the wood, which might reduce the price. Mr. Jeffers stated he had not looked at it like that, just clearing it and leveling it. He then read from the contract; "Disposal of all cut and grubbed debris could be by burning if properly maintained and permitted, mechanical chipping, compacted and covered by at least two feet of earth" Commissioner McClintock asked if we had given them the option to sell it and Mr. Jeffers stated they did not but it could be added to the specifications. Commissioner McClintock inquired if Mr. Jeffers was recommending that the Board do this and if he has the specifications prepared. Mr. Jeffers stated he does have the specifications prepared and wanted to go ahead and advertise. Mr. Jeffers stated the specifications could be change if the Board so wished. He didn't pursue the question of marketing the timber because he doesn't believe

it belong to the County, but to the landowner. Commissioner McClintock agreed and stated she just didn't want all the timber to be burned or buried. She also stated the specifications are fine the way they are written. Mr. Jeffers stated if they stack it (the timber) he is asking them to tie it to a large tree trunks of large growing trees so, that it won't float downstream and get hung up on the bridges.

Commissioner McClintock made a motion to approved the Notice to Bidders for the repair and additional maintenance of Pond Flat Lateral C in Vanderburgh County with the bids to be received in the Office of Vanderburgh County Auditor until 2:30 p.m. on Monday, the 23rd day of July, 1990 pending writt permission from the landowner, Frank Bower, approving this work and the mot n was seconded by Commissioner Willner. So ordered.

RE: MIDWEST PARTNERS

Commissioner Willner introduced Andy Easley. Mr. Easley stated Mike Tressler is in the audience and he had mentioned a month ago to Bob Brenner that they might want to make this request. There is a Area Plan Commission Meeting coming up and he decided it would be wise to see if they could get some indication of the Board's willingness to consider relaxing set backs on the three legal drains. This is on an unusual piece of property. There are three legal drains. This is on Burkhardt, about 500 feet north of Lincoln, on the east side of Burkhardt. They would like to have an indication of the Board's willingness to consider relaxing the set backs from the legal drains for these. Commissioner Willner asked if they would maintain that portion that is reduced and Mr. Easley stated he didn't think that was a big thing and they want to landscape up to the tip of the bank, anyway. At this point, there were several people talking at once and cannot type...

Mr. Easley stated they would like to be able to build within 35 feet of the east line, 60 feet of the north line and 75 feet of the center of the road on the west. He states they will maintain both sides. Commissioner Willner asked how they planned to maintain their side. Mr. Tressler stated they intend to maintain it through a condominium association. They have an agreement drawn up but the Board or the Surveyor's office stated they haven't seen any agreement. Mr. Easley stated he will have the association send a copy of the agreement to the Board. At this point, there were people talki away from the microphone and some talking at once and cannot type...

Commissioner Willner again asked if Mr. Easley is going to maintain the ditch and they would not bother the other side. Mr. Easley stated the ditch is centered on the property line and the ditch (top of the bank to top of the bank) was only 28 feet wide. Commissioner Willner asked how he intended to maintain that if it ever needs to have a backhoe or something come in. Mr. Tressler answered that they will have sufficient set back to get a piece of equipment in there. Commissioner Willner asked if he could still do this with 35 feet in the center to which Mr. Easley stated that on the east line, yes. On the east line is 35 feet to the center of the ditch. MR. Easley stated he was recalling from memory and that the figure is 28 feet from the top of the bank. They are landscaping everything they can to get 50% landscape.

Commissioner Willner pointed out to Mr. Easley that they are going to have to get in There to clean it out and if it washes out hey are going to have to fill some dirt in. When the grass grows up and the weeds, they are going to have to cut it. Commissioner Willner stated he just wanted them to understand that they have to go to the center of the ditch, however, the Board is willing to work with them.

NOTE: This meeting is the first time Mr. Mike Tressler of Midwest Partners attended a meeting concerning relaxation of set-backs for legal drains.

There being no further business before the Board, the meeting was adjourned.

Transcribed by Karen S. Hadfield

Richard J. Borries
Richard J. Borries, President

Robert L. Willner
Robert L. Willner, V. President

Carolyn McClintock
Carolyn McClintock, Member

MINUTES
DRAINAGE BOARD MINUTES
JULY 23, 1990

I N D E X

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Sanibel Hills Subdivision/Drainage Plan (Mr. Broerman to obtain letter from Property Owner and Board will review and take action in a Special Drainage Board Meeting on 7/30/90 to be advertised)	1
Audubon Estates Section "C" Attorney Steve Bohleber to notify parties concerning vacation of portion of Kolb Ditch; Public Hearing to be held 8/27/90 at Drainage Board Meeting	5
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Ms. McClintock asked if Mr. Jeffers is recommending approval of the drainage plans?

Mr. Jeffers said he is. If the Board has questions of Mr. Broerman, he is here with his plans, as is the engineer, who is assisting him.

Commissioner Borries said he has a question. Mr. Jeffers said some of the water leaves without any kind of plan to detain it.

Mr. Jeffers said that mainly some of the areas are going to discharge onto property that is owned within the family that is selling him the property that is going to be developed. He is so far at the top of the hill that there is no logical place to detain it that far near the crest of the hill. It would be a little more logical to hold it a little bit farther down the hill before it gets into some of the other major waterways that may exist on ground that is a substantial distance from his property line. And as the ground is developed on the brother's property to the South, it might be more logical to detain some of the water on his property. Mr. Jeffers said that Mr. Broerman's engineer may be much more creative, but the way he looks at it, Mr. Broerman would lose at least three (3) lots trying to detain this water on his property. There is no ordinance requiring him to do it.

Mr. Borries interjected, "But that has always been the intent of this Board, hasn't it?"

Mr. Jeffers said it has been and we have gotten voluntary compliance from a good number of developers. In this subdivision he has found two good places to detain water and he is detaining water.

In response to query from Commissioner McClintock, Mr. Broerman said the subdivision has 59 lots --about 22 acres.

Ms. McClintock said if Mr. Broerman lost three lots, he's still have 56 lots.

Mr. Broerman proceeded to show the Commissioners the drainage plans and discuss same.

Mr. Borries asked Mr. Jeffers what kind of calculations we're using, a 25 year event?

Mr. Jeffers said that is correct. He has designed that main channel that runs through the subdivision underneath the streets at a 50 year event, at the request of the County Highway Engineer, for those culverts. But within the subdivision, itself, he is using the 25 year event that is required by County ordinance.

Mr. Broerman said he is buying from Joe Ben Clark, and the other adjoining property owner is Mr. Tom Clark.

Ms. McClintock asked if Mr. Broerman thinks there is any possibility that Mr. Tom Clark would let him do a culvert or drainage ditch or whatever needs to be done down to the other ditch?

Mr. Broerman said this designated area on the plan is already a swale -- a natural way for the water to flow down. He doesn't think we'd want to do anything different. It is just farm ground and his intentions are to leave it farm ground and split it up into large lots for his children at some time in the future.

Further discussion followed by Messrs. Broerman and Borries concerning the City sewer facilities, and designated concrete or asphalt street which will be curb and gutter to catch the water off the road.

Mr. Borries said with this kind of run-off, he'd surely want to look at asphalt road. We've had problems with concrete streets. On flat surfaces, they work fine in some areas of our County -- but in other parts they do not. He would urge Mr. Broerman to be careful in terms of his standards there. He then asked Mr. Jeffers if he has any recommendations. Commissioner McClintock has brought up a point here -- he would like to see some kind of agreement with this fellow or at least some acknowledgement as to what is going to happen. You can make numbers do a lot of things, and that is why he always tries to make sure that we're going with the 25 year event or more. But the procedure has always kind of been -- you kind of keep your water -- you don't impact on somebody else. You handle your water the way you can.

Ms. McClintock suggested Mr. Broerman get a letter from Mr. Tom Clark saying he understands that a designated amount of water is going to come through this swale.

Mr. Jeffers said he thinks Ms. McClintock's concern is based on "Yes, you're following the natural pattern that the water leaves this ground or travels through this ground onto Mr. Clark's ground -- you're following that natural pattern. However, you're channelizing it and concentrating it within a smaller swale than the natural swale. So when it is channelized like that it is going to move at a higher velocity and Ms. McClintock has seen this in some subdivisions erode out the natural contours of the land and Mr. Clark should probably know this ahead of time and possibly agree to build a waterway on his presently agricultural ground -- knowing he is going to have to build a protective erosion-controlled waterway and take it down to the major waterway. Now, Mr. Broerman, his assistant, and I have talked in the office about the real need for him to make a firm commitment to erosion control -- even more so than the theoretical figures about how much water you have before and how much water you have afterwards. A real commitment to erosion control so that there is no off site damage during the construction period and no off site damage during the period of time it takes to establish grass lawns on this agricultural ground. And he knows about that from previous development experience where he developed some other subdivisions. And once he makes that commitment and follows through with it for the next three or four years during development, the people off site will not notice any adverse effects of that very small amount of additional water. And Mr. Clark is already working with him in the reciprocal agreements about easements to get onto his land and this, that and the other. Speaking to Mr. Broerman, he asked, "Do you foresee any problems with going Mr. Clark and explaining to him that it would be a good idea to make sure that those two channels are carried through his agricultural ground until such time as he decides to develop it? Because when he develops it he is going to have to have easements through that ground platted, just like you have to do now. So you might as well go ahead and build those waterways where he thinks those easements should be."

Ms. McClintock said she is not prepared to vote on this today. She has been through trying to settle drainage problems with neighbors after the fact before and it doesn't work.

Mr. Broerman said, "I think these two engineers can verify the fact that that is such a small amount of water..."

Ms. McClintock interrupted, "These two engineers, Sir, do not own this property. They are not going to be the people standing here at this meeting screaming at us because we've approved something that has affected their property."

Mr. Borries commented, "What happens is, if we don't get some understanding of what goes on now -- we don't maintain them. The Surveyor and that office is what we call a "technical adviser" and if he says it can work, okay -- we can all do the calculations. But we're just asking you to make some kind of a contact and commitment so this property owner at this point understands that the water that is going onto here is not going to hurt his land."

Ms. McClintock said, "You can still go to Area Plan pending Drainage Board approval."

Mr. Broerman asked when the Drainage Board meets again and Ms. McClintock said, "Within a month -- but you can still go to Area Plan."

Mr. Borries said, "You can do that. And if you get the letter and we advertise, we can have another Drainage Board meeting."

Mr. Broerman asked if the Board can vote today, subject to the satisfactory letter to the Board?

Ms. McClintock said, "If you also include that when our Attorney reviews the letter it meets his satisfaction."

Attorney Miller asked, "How are you going to know -- you're not going to know any earlier."

Mr. Borries asked, "The other problem is this -- what happens if this guy doesn't agree?"

Mr. Broerman said, "Then your vote doesn't mean anything."

Attorney Miller asked "But how are you going to know it is satisfactory until we have another meeting and I announce it? Because this Board only speaks through its minutes -- so you couldn't proceed anyway. I just think that the approach --"

Mr. Borries said Ms. McClintock has given Mr. Broerman an alternative - that he proceed through Area Plan.

Ms. McClintock interjected, "You can go ahead and jump through those hoops."

Mr. Jeffers asked, "Will Area Plan let him go forward without any kind of approval from the Drainage Board? The reason I ask is that I'm not sure. But I've seen a lot of deal like this -- there's a critical option time (His option might expire on the ground, etc.)."

Ms. McClintock said she's seen them in Area Plan before with drainage approval pending. And the Board isn't going to approve it today anyway. The Board's approving it pending something is the same as saying they're going to approve it if they bring it back to the Board anyway. She will call Barbara Cunningham.

Attorney Miller said what the Board is saying is that they are not going to take any action today. They are going to wait and see the letter. If the letter is satisfactory they will approve it.

Ms. McClintock said she will go call the APC to see if Mr. Broerman can still go to that meeting. When she returned, Ms. McClintock said the cooperative Area Plan Commission said, "No, it has to have Drainage Board approval."

Mr. Broerman pressed for approval by the Board today, based on the receipt of a satisfactory letter.

DRAINAGE BOARD
July 23, 1990

Page 5

Mr. Miller said the Drainage Board minutes will not show final approval until it is shown the letter is satisfactory. He asked if the Drainage Board doesn't meet every two weeks?

Mr. Jeffers said they meet on the fourth Monday of the month. If they have a meeting next week, they simply have to advertise it.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Board will advertise a meeting to be held next Monday following the regular County Commission Meeting, for the purpose of reviewing and acting upon Sanibel Hills Subdivision. So ordered.

Mr. Broerman asked, "And I need a letter from Tom Clark saying he understands there's additional water and he is willing to take care of it?"

The Board instructed Mr. Broerman to show Mr. Clark the plans, etc.

RE: AUDUBON ESTATES SECTION "C"

Mr. Jeffers said that Attorney Steve Bohleber is present today with regard to Audubon Estates Section "C" (the developer is Bud Bussing) which is where we plan to vacate a portion of Kolb Ditch to allow Mr. Bussing to re-route it through his lake. Mr. Bohleber would like to offer comments.

Ms. McClintock asked if the Board didn't vote on this.

Attorney Bohleber said the Board voted on approving it, but it needs to be statutorily vacated -- and that is what we need. It appears that last month the Board approved the drainage plan which, in essence, approves the vacation of the ditch. Nonetheless, there is a statute that says a Public Hearing must be set, a Petition must be filed, and Notices must be sent out, etc. He has prepared a petition for vacation and, in essence, re-routed this regulated drain pursuant to statute. It has been filed with the County Auditor's office this date. He also has a notice that he suspects needs the Commissioners' signatures and they need to select a date for a Public Hearing so he can notify the people. He anticipates since the next meeting is four weeks away (August 27th) that this will be sufficient time.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the vacation of Kolb Ditch will be advertised. So ordered.

Attorney Bohleber said he will set the hearing on August 27th immediately following the County Commission Meeting.

RE: CLAIM

Blankenberger Bros., Inc.: A claim with regard to additional maintenance to Barr Creek in the amount of \$990.00. The claim is dated 10/31/89 and apparently we did not carry through on this. We apparently are still holding his 15% retainage, which we should have released subsequent to this claim. The invoice and Surveyor's signed Inspection Report is attached. The work has been completed and the ditch is still in satisfactory condition. Mr. Jeffers recommends approval of the claim.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved. So ordered.

RE: READING OF BIDS RE POND FLAT LATERAL "C"

Attorney Miller said the bids have been opened. All bids have the signed Non-Collusion Affidavit and all contain Bid Bonds or Checks in the appropriate amounts and all have Financial Statements. The bids are, as follows:

- 1) Ken Adler Excavating - Bid of \$1,800.00
- 2) Martin Woodward Backhoe Service - Bid of \$1,782.00
- 3) McCullough Excavating Service - Bid of \$1,170.00
- 4) Blankenberger Bros., Inc. - \$5,310.00

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the awarding of contract on Pond Flat Lateral "C" will be added to the agenda for next week's Drainage Board Meeting and will be taken under advisement for review by the Vanderburgh County Surveyor and a recommendation made to the Board next week. So ordered.

RE: BIG CREEK DRAINAGE ASSOCIATION

Mr. Jeffers said that Mr. Dave Ellison is also in the audience today.

Mr. Ellison said he wants to bring up something on a ditch that he hears has not been relayed to the Drainage Board, but he will wait until the next regular meeting.

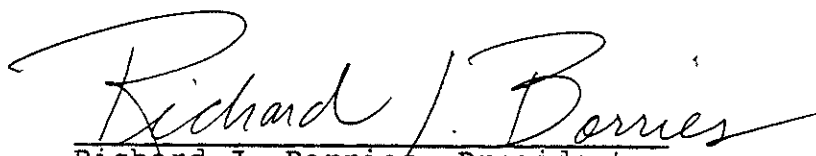
There being no further business to come before the Board, President Borries declared the meeting recessed at 5:30 p.m.

PRESENT:

Richard J. Borries, President
Carolyn McClintock, Member
Sam Humphrey, County Auditor
David Miller, County Attorney
William Jeffers, Chief Deputy Surveyor
Steve Bohleber, Attorney
Mr. Broerman
Jerry Riney, Commission Office
Margie Meeks, Commission Office
Others (Unidentified)
News Media

ABSENT: Robert L. Willner, Vice President

SECRETARY: Joanne A. Matthews


Richard J. Borries, President

Robert L. Willner, V. President


Carolyn McClintock, Member

MINUTES
SPECIAL DRAINAGE BOARD MEETING
JULY 30, 1990

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Sanibel Hills Subdivision/Drainage Plan..... (Drainage Plan Denied)	1
Pond Flat "C"..... (Bid awarded to lowest bidder/McCullough Excavating Service in the amount of \$1,170.00 & Proceed to Area Plan Commission)	4

MINUTES
SPECIAL DRAINAGE BOARD MEETING
JULY 30, 1990

The Vanderburgh County Drainage Board met in session on Monday, July 30, 1990 in the Commissioners Hearing Room, with President Rick Borries presiding.

RE: APPROVAL OF MINUTES

The meeting proceeded with Commissioner Borries entertaining a motion for minutes to be approved.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of July 23, 1990 were approved as engrossed by the Auditor and reading of same waived. So ordered.

RE: SANIBEL HILLS SUBDIVISION - DRAINAGE PLAN

Commissioner Borries stated a Mr. Tom Clark (a resident of Vanderburgh County) is present in the audience and explained there has been some discussion regarding Mr. Clark because Mr. Clark may be one of the reasons for calling this meeting. A drainage plan was submitted to this Board on July 23, 1990. The rule of thumb for this drainage board has been that, subject to approval, the drainage board must be assured that the drainage plans will not adversely affect another property owner and the developer must have a way to contain the water, deal with the water on his/her property. A comment was made last week that all of the water could be contained except a certain portion of water along a certain area of this adjoining property and that's how Mr. Clark's name came up. Before the Board can make a decision to approve this drainage plan, they had to first of all get Mr. Clark's approval that he understood what this drainage plan would do or not do and how it would affect him. This is the purpose of this meeting.

Commissioner McClintock stated it was strickly up to Mr. Clark. The Board has preference.

Mr. Clark stated he did not know what the Board was talking about except that he was shown something that he hadn't seen before.

Commissioner Borries explained that what is happening is... He then read from the Drainage Board Minutes: Mr. Jeffers said that mainly some of the areas are going to discharge onto a property that is owned within the (Clark) family that is selling in the property that is going to be developed. He is so far at the top of the hill that there is no logical place to detain the water that far near the crest of the hill. It would be a little more logical to hold it a little farther down the hill before it gets into some other major waterways which may exist on ground that is a substantial distance from his property line. As the ground is developed, on the brother's property, to the south, it might be more logical to detain some of the water on his property. Mr. Jeffers said Mr. Broerman's engineer may be much more creative but the way he looks at it, Mr. Broerman would loose at least three lots trying to detain this water on his property. There is no ordinance requiring him to do it. Commissioner Borries interjected that is always been the intent of this Board. He hopes that whoever develops a drainage plan can deal with the water so it will not impact negatively or hurt somebody else.

Mr. Jeffers explained that, in the past, they have been able to get developers to voluntarily hold water up at the top. In this development, the best place to hold the water before it gets to Mr. Clark's property would be up in the area where the developer would loose lots #57 & #58. The developer could hold his water up at the top in a large pool and then let it trickle out down at the same rate that it does as natural farm ground. The developer doesn't want

to loose lot #57 & #58. Mr. Broerman doesn't want to loose that much so he just wants to detain a little bit of the water and there will be an additional 20% running off on Mr. Clark's property.

Mr. Clark stated he regrets that he is a stumbling block. He still has some things to talk about with Mr. Broerman. He stated he was willing to pay the price on the water deal.

Commissioner Borries interrupted to point out that from his experience they have a lot of complaints from people that after something happens over a period of time and there is a lot of water problems. So, as Mr. Jeffers has pointed out, the Board asks that the people (developers) contain their water and do something with it on their property to maintain that and not impact on somebody else. That's the way the Board feels it should be.

Mr. Clark stated in addition to that, some of this water is going to come at him faster that it did before.

Mr. Jeffers pointed out that it would come at a higher velocity because the developer is going to channelize it.

Mr. Clark agreed but not because he channelized it but because there won't be the fiber on there that there has been and it won't withhold water. The water is going to get off of it. There was a question as to whether Mr. Clark farms this property now to which Mr. Clark stated he has it in meadow. Between the roofs and the pavement, he is going to get water, no more than he did before but it will come more quickly. Mr. Jeffers pointed out that it will gather more quickly in the streets and discharge through the pipe. Mr. Clark stated it would gather more quickly even if there was not a waterway that the Developer is discharging through. It would gather more quickly in his three ravines he has there. He already has a river coming through him from the east. He has a current creek bottom between the south edge of his property and Key West. In times past, that creek bottom overflowed, his side and the other side. The beans would be muddy with water. They have built a lake on the northwest corner of that development and raised the creek about eight feet up and also raised it extending to the east past the lift station. That water that used to overflow on that side will all come around on him now.

Commissioner Borries stated to make it a little more difficult on the west side, there just are no legal drains. They get requests for help. Once they get past this drainage plan, if this drainage plan doesn't work, there is really nothing else the Board can do short of the fact of not approving the plan. The drainage plans are really important on the westside because the places they have legal drains, they are accessing money along that legal drain and sometimes then they can make repairs, but they can't on the westside.

Mr. Clark stated he didn't get a look at Key West until it was completed.

Mr. Jeffers explained what he is referring to as Key West, the embankment of the retention pond was built too close to the creek and there was not a burn left at the top of the creek. By burn he means a flat area from the natural top back to where the slope of the pond embankment should come down and meet that natural flat area so that when the water does come out of the creek, it can spread on both sides of the creek bank and not be all on Mr. Clark's side and he agrees with Mr. Clark that did happen.

Mr. Clark pointed out that, down west of him where this creek goes through the Bateman property, there is a five foot sewer which runs under his driveway and that water has overflowed his driveway and left debris all over it after hard rains and that has contributed to one or two of the circumstances that he has experienced of water being well out over on him. Mr. Clark stated that Mr. Brenner told him that everybody is using sewers that are too small to accommodate the water and he was going to hold Mr. Clark to a certain size

sewer even on a driveway that turned off the road.

Commissioner Borries asked if Mr. Clark had been contacted and Mr. Clark stated he had been contacted and they had been working together but haven't resolved anything. Mr. Clark stated that, in fact, this is the first time he had seen the water outlet coming over onto his property. Commissioner Borries asked if Mr. Clark believed this would have a negative impact on his property. Mr. Clark stated that it would sufficiently enough that he feels rather negatively himself about this particular matter.

Mr. Jeffers stated that he wanted to withdraw the Surveyor's recommendation for passing this drainage plan and not because of anything that was said in the last fifteen minutes but because he went to the site today with Linda Freeman and they examined this natural creek channel, which has nothing to do with Mr. Clark, between lots 4 and where it goes under the road and then between lots 21 and 20 and all the 20's down to 33 and leaves the property up there. They walked that entire channel with the adjoining property owner, Mr. James Remole and he showed them that creek channel and it has a sandstone bottom and there is very little dirt overburdened on top of that sandstone. He feels, at this time, it would be a monumental task to re-align that natural creek channel as proposed by Mr. Broerman in the alignment that he shows to be a 15 foot drainage easement. Mr. Jeffers then stated if Mr. Broerman would like to point at somebody for this oversight, they can point directly at him. After he went out and looked at it, he is saying at this time that there is no way that the creek will ever fit in 15 feet (in places it has a 8 foot bottom). It should be left natural with some minor improvements and the easement that would be required to keep the banks in good shape would be far greater than a 15 foot easement. He also thinks it would be a maintenance nightmare on persons that own lots. To build a house and then to have to maintain a natural creek in the back of that house, which would almost be at their back door...He again apologize for the oversight.

(unidentified) He was part owner of this so-called quarter/quarter section. It turned out not to be. There was a diagonal line on the south side rather than a true quarter/quarter section. He stated he is thoroughly familiar with the creek through there and it's a much heavier waterway than the one south of him; between him and Key West. There was the Charlie Kissinger farm, the Klanneck farm, part of the Schneur property and Goodman on that north side of Hogue Road, over toward the railroad track and parts of Peerless Road and even east of Peerless Road and Ickly Drive that falls to the north. There's probably about 240-250 acres flowing through there. Mr. Jeffers interjected to stated they only show 70 acres flowing through there but he would have to check to see that. (unidentified) stated he remarked to his wife last night that if this thing flies there will be suits flying like you wouldn't believe out of this. He stated they (Drainage Board) are on target; they are real close to the liabilities involved in that plan. He didn't mean to bring that up but wanted to let them know they are right. Mr. Jeffers stated it will come up in a public hearing before the Area Plan Commission, at the time of the hearing. Mr. Jeffers stated he would have to defer that to the County Engineer because he is the authority on these pipes that pass underneath whatever road that ends up being here. Looking at that creek, he does not believe a 5 foot diameter pipe will be sufficient to handle the flow of that creek from the evidence they saw of the high water and debris that floated up outside the creek banks. Yes, it looked good on the drainage calculations, and he is not saying anything negative about Mr. Broerman or his engineer or his surveyor, but when you look at the physical evidence in that creek bed, he fears somewhat for the owners of lot #28, 29, 30 and 31. If that pipe that is under this roadway is not sufficient to carry the flow of that creek, that creek will go out around the northside of that cul-de-sac because of the contours of that land and it will go out around and make it's own waterway across lots 28, 29, 30, 31 and 32 until it gets back in to it's natural watercourse. Mr. Jeffers stated that specifically on Mr. Clark's property, he (thanks to both members of the drainage board for pointing out potential

problems) and he asked to withdraw the Surveyor's recommendation on the drainage plan.

Commissioner McClintock made a motion to approve the drainage plan for SANIBEL and was seconded by Commissioner Borries. The roll call vote was as follows: McClintock - No; Borries - No. The drainage plan is thereby rejected and noted that the approval by the Surveyor's office has been withdrawn.

RE: POND FLAT C - AWARDING OF BID

Mr. Jeffers stated the bids have been examined by the lawyer and by the Surveyor's office and were found to be in proper form. The Surveyor's office recommended the lowest bid from McCullough Excavating Service of \$1,170.00. They were the lowest bid from a responsible and responsive bidder. They ask that the Board allow them to enter into a contract with them within the next ten days and will bring the Board a copy of that at the end of the month and order him to start work.

Commissioner McClintock made a motion to award the bid for Pond Flat C to McCullough Excavating Service in the amount of \$1170.00 and that the Board authorize the Surveyor's office to give them notice to proceed and to prepare the contract to be executed at the next Drainage Board meeting and was seconded by Commissioner Borries. So ordered.

RE: POND FLAT (Bixner Road area)

Mr. Jeffers stated that Harry Elpers had asked him to bring this thing up that David Ellison talked about last week. Mr. Ellison has talked to Mr. Curtis and the ditch project was deferred back to the Surveyor's office and they will be going out the week after the fair with Mr. Elpers and walking that ditch and try to come up with a solution to his problem. The ditch is in fairly good shape but some areas of the banks have sloughed off down into the ditch bottom and need to be pulled back up and the dirt deposited on one bank or the other so it can be spread out.

There being no further business before the Board, the meeting was adjourned.

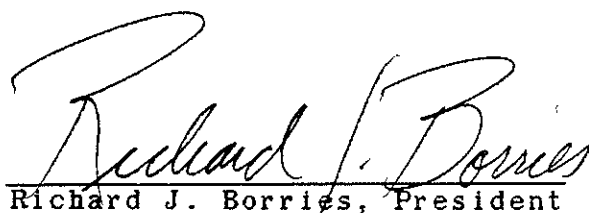
PRESENT


Richard J. Borries, President
Carolyn McClintock, Member
Sam Humphrey, County Auditor
Curt John, County Attorney
Mr. Clark
Mr. Broerman
erry Riney, Commission Office
ergie Meeks, Commission Office
ishers (Unidentified)
News Media

ABSENT: Robert L. Willner, Vice President

SECRETARY: Joanne A. Matthews

Transcribed by Karen Hadfield


Richard J. Borries, President


Robert L. Willner, V. President


Carolyn McClintock, Member

I N D E X

DRAINAGE BOARD MEETING
SEPTEMBER 4, 1990

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MINUTES
DRAINAGE BOARD MEETING
SEPTEMBER 4, 1990

The Vanderburgh County Drainage Board met in session on Tuesday, September 4, 1990 in the Commissioners Hearing Room, with President Richard J. Borries presiding.

RE APPROVAL OF MINUTES:

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of July 30, 1990 we approved. So ordered.

RE: KOLB DITCH:

Commissioner Borries said there is a public meeting scheduled on Kolb Ditch and has been advertised.

Mr. Steven L. Bohleber (123 N.W. 4th Street, Suite 7, Court Building) said he is representing the developers of Audubon Estates. On June 25, 1990, the Drainage Board approved the drainage plan of this particular parcel (designated as Section C). Subsequent to that time, it was determined that as a part of that drainage plan, a ditch needed to be re-routed. That ditch is a regulated drain, pursuant to State Statute and therefore there is a statutory procedure that must be followed in order to ratify that portion of the drainage plan. So, he did (at Mr. Bussing and Mr. Cotton's request) file a petition, notifying all interested parties, which was defined by statute as everyone who paid taxes on that regulated drain, and that was about 300 people. He also placed an advertisement in the paper indicating what was planned. At the present time, he is asking the Drainage Board of Vanderburgh County to approve the vacating and re-routing of this regulated drain as has been petitioned. This is simply a ratification of a previous approval by the Drainage Board of the drainage plan for that portion of the subdivision. Mr. Bohleber said Mr. Cotton is in the audience and will answer any questions the Board may have as well as Mr. Jack Alles (Morley & Associates). Mr. Bohleber added he has an Order to sign today if this is approved.

Commissioner Borries queried the audience as to whether anyone was in the meeting to speak on this matter. There were none.

Commissioner Borries said Mr. Bohleber submitted an Order Vacating and Re-routing regulated drain pursuant to Indiana Code 36-9-27-37. Mr. Bohleber said he will make sure the original copy of this order gets recorded properly. Commissioner McClintock made a motion to approve the order vacating and re-routing regulated drain pursuant to IC #36-9-27-37 and was seconded by Commissioner Borries. So ordered.

RE: EAGLE CREST SUBDIVISION:

Bill Jeffers (Party Chief, Surveyor's Office) said prior to Mr. Hartman assuming duties as the Chief Deputy, he had review this plan with Mr. Morley and Mr. Dan Leek (Morley & Associates). The drainage plan for Eagle Crest Subdivision has already been approved by the Board of Public Works of the City of Evansville. It is inside the City limits of Evansville. The drainage plan takes all the water from within the subdivision and conveys it to a central lake and the lake drains into Williams Ditch, which then is maintained by Warrick County. Williams Ditch then carries the water through Warrick County into Cypress Ditch which vents into the Ohio River. A very small part of the run-off, from the very front of the lots, the first fifty feet or so along Fuquay Road, does run into Nurrenburn Ditch. It's an insignificant amount because previously almost the entire area drained into Nurrenburn Ditch. So, they are actually taking alot of what used to drain into Nurrenburn Ditch and

taking it through Warrick County to the Ohio River. The reason they are before the Board today is because Eagle Crest Boulevard, the main entrance to the commercial subdivision and Walnut Street, require the permission of the Drainage Board to cross Nurrenburn Ditch, which is a regulated drain in Vanderburgh County. They have submitted plans to the Surveyor's Office showing the pipe size. That's all part of the overall development plans. He said if the Board needs a copy he will leave a copy for them. The pipe sizes are sufficient to cross Nurrenburn Ditch, in fact, one of them was placed by the State and is only being lamented to allow a wider road to enter across it. The one for Walnut Street is the same size as Williamsburg on the Lake, Section II. The Surveyor's recommendation is to allow Eagle Crest Subdivision to cross Nurrenburn Ditch per plan.

Commissioner McClintock made a motion to approve the request for Eagle Crest Subdivision developers to cross Nurrenburn Ditch as per the plan submitted to the Surveyor's Office and the Surveyor's Office recommendation and was seconded by Commissioner Borries. So ordered.

RE: WILDWOOD SPRINGS:

Mr. Bill Nicholson (Veach, Nicholson, Griggs & Associates) said he represents Dr. Jim Gamble. He had furnished copies of the calculations of the drainage plan to Bill Jeffers. He was unaware (until this meeting) that Dan Hartman had taken over and said he probably should have contacted him. He said they have quite a large drainage area coming in the west end of the subdivision, near the northwest corner. There is about 300 acres altogether that drains into that, at that point. There is another smaller drainage area of some 90-100 acres coming in near the southeast corner and they propose to put a detention pond in between the road and the foothill there between the Lloyd (Floyd ?) Ditch. They haven't, at this time, been able to plot all of the cross sections and everything to determine the exact size of it but with the calculations that they have run, they should be able to get it in there. Commissioner Borries said it mentions an approximate limit of 100 year flood and asked if that is what they are designing and Mr. Nicholson said yes. Mr. Nicholson added that the street plans are being designed according to County standards. Since it's in Darmstadt, the County will not have to approve it but he talked to Mr. Roger Steinkuhl about the streets and he is going to submit the plans to him in the near future, but they will be designed according to County standards. He said there is a letter on file. Commissioner Borries said the letter is from George Krietemeyer, who is the Clerk/Treasurer of Darmstadt Town Board. Mr. Nicholson said Dr. Gamble had talked to Mr. Steinkuhl about this with the wishes to keep it a private road until such time as the owners of the lots want to have it taken over by the Town of Darmstadt. Since they eventually will have to have it brought up to the existing County standards, since they have no standards themselves, that's the way he and his client are designing it. He is assuming they will have a rock road such as Hoing Road is now, which runs from Hoing back to the north edge of his property at the present time. Commissioner Borries asked who will handle the maintenance of this detention pond shown on the plan. Mr. Nicholson answered that it will be set up for the property owners themselves to maintain it until such time as it is taken over by Darmstadt, if and when they do that. Commissioner McClintock said she doesn't think they will do that. She thinks it will permanently have to be maintained by neighbors. Commissioner Borries said it looks as if there are at least two lots. He didn't know if there were going to be any kind of homeowners association or something. He said it looks like it effects lot 3 and 2. Mr. Nicholson said he is not sure about the homeowners association but there will be restrictions that will be included in the deeds. Commissioner McClintock asked Mr. Hartman or Bill Jeffers if they had reviewed the plans. Mr. Nicholson said he knew Mr. Hartman had not had a chance to review them. Commissioner Borries asked Bill Jeffers if he had any comments. Bill Jeffers said that as Mr. Nicholson indicated, he reviewed the plans with Mr. Nicholson and a gentleman that is working with him on the plans prior to Mr. Hartman assuming the duties of Chief Deputy. The Surveyor's

recommendation was to accept the drainage plan presented by Bill Nicholson for Wildwood Springs with the stipulation that the easement along the south line of lot 1 and the north line of lot 3 be designated as 25 feet either side of the property line so it has a real location. (A location that can be reproduced in the field) Commissioner McClintock said she had no problem with that. Bill Jeffers added that from the southeast corner of lot 1, down near the words flood, that there be a fifty (50) foot drainage easement extending from there eastward to the culvert under the private road. The total easement will be 50 feet (twenty five (25) feet either side of the lot line down to that corner) and then fifty (50) feet wide from that corner over to the culvert, in a straight line. That way you can relocate that easement in case any work needed to be done on it, or so the property owner would know exactly where it is. Commissioner McClintock asked if the Surveyor's office is recommending approval with those two provisions. Bill Jeffers said those two plus the easement, through lot 4, be located by bearings in dimension so it can be laid out in the field, if necessary. Bill Jeffers added that also from the culvert under Hoing Court, same point there. From that culvert there down through the detention basin to be a platted easement sufficient to encompass the entire basin and a ten (10) foot maintained strip around the top of the bank for any mowing machines that may have to go in there. Bill Jeffers said they had also asked Mr. Nicholson to run his calculations back through for fifty (50) years storm to make sure this pipe under Hoing Court would handle a fifty (50) year storm and he did so with positive results. He added it is not required because it drains less than a square mile but it drains a little over a quarter of a square and they thought it might be a safe thing to do. He said Mr. Nicholson did that and it passed the test. So, with those comments, he would say the Surveyor's office would recommend approval of this drainage plan. Commissioner McClintock asked Mr. Nicholson if he agreed with all the changes to which Mr. Nicholson affirmed. He added that as far as the descriptive line of the easement, the locations were not on the old plan but they do intend to include it on the final plans.

Commissioner McClintock made a motion to approve the drainage plan for Wildwood Springs as recommended by the Surveyor's office with the provisions outlined by Bill Jeffers regarding the drainage plan and was seconded by Commissioner Borries. So ordered.

RE: AUDUBON ESTATES - SECTION D:

Jack Alles (Morley & Associates) introduced himself to the Board and said he believes this item is on the agenda just to clear up any confusion between Audubon Estates Sections C and Audubon Estates Section D. All of the previous discussions, including the ditch vacation which Mr. Bohleber just presented, were all referred to as Section C and since this plat is coming before the Area Planning Commission tomorrow as Section D, he just wanted to clear up any confusion. It's the same plat, same everything, except that another section -- When they started a year ago, it was going to be Section C, but in the interim, they have had another Section C recorded. So, that's just to clear up any confusion. Commissioner McClintock said they just need to approve the drainage plan for Section D, they have already approved the drainage plan but it was called Section C. So, in the minutes, it needs to reflect approval for Section D. Commissioner McClintock made a motion to approve the drainage plan for Audubon Estates Section D and was seconded by Commissioner Borries. So ordered.

RE: GLENWOOD HILLS ESTATES SECTION A:

Bill Jeffers said on June 25, 1990, the Drainage Board gave preliminary approval to Glenwood Hills Estates Section A. This is a large development along Orchard Road and there was a lengthy discussion about how it was on real high ground, etc. He said Commissioner McClintock, in wanting to move it forward to Area Plan Commission, made a motion to give preliminary

approval and did so and it passed Area Plan Commission with one of the stipulations being final drainage plan must be approved before the plat can be recorded and the plan has to be recorded before they can start building. So, they are in the process of reviewing the final drainage plan for Section A of Glenwood Hills Estates. They were unable to come before the Board with a positive recommendation at this time so, Mr. Easley decided not to come in today but conveyed his desire to have a Special Drainage Board meeting on Monday, September 17, 1990, which would be a night meeting to review the plan with the Board. Mr. Jeffers told Mr. Easley that the regular Drainage Board Meeting would be the 24th. Both Commissioners asked why it couldn't be done then (on the 24th). Mr. Jeffers said Mr. Easley's client is wanting to move ahead with some dirt work before the autumn weather possibly creates a problem for his dirt work. Commissioner Borries didn't see why a week could make that much difference unless a sudden winter comes but he had no objection to it as long as he knows up front that it could be a while that evening before they get to the drainage plans. The other concern Commissioner Borries had was that he didn't see how they could act on it unless the Surveyor's office has an opportunity to review and give a recommendation to the Board. Mr. Jeffers said he is not asking for a special Drainage Board meeting but just conveying Mr. Easley's request. Mr. Jeffers said Mr. Hartman should have ample opportunity to familiarize himself with the project and he is going to have to have ample opportunity to review this plan as well because he will be making the recommendation to the Board. Commissioner Borries said he doesn't want to act upon this unless they have seen it or get a recommendation from the Surveyor's office. Commissioner McClintock asked if Mr. Easley has indicated if he is going to get the plans to the Surveyor's office in a timely fashion so he can review them and make some kind of a recommendation and Mr. Jeffers said he has. He added that the Commissioners could make some kind of a motion for some sort of intent to advertise and if the Surveyor's office notifies the Commissioners by next week that it looks like its going to go, they could still have ample time to advertise or decide at the next meeting not to. Commissioner Borries pointed out there will not be a meeting next week. The next meeting is the night meeting. Attorney John said the Commissioners could authorize advertisement of that upon receipt and notification by the Surveyor's office that it has been received. Mr. Jeffers said and if it is not received within this period of time prior to the meeting and ample time to review it, they will let the Secretary (Joanne Matthews) know. Commissioner McClintock said if they receive it by next Monday then they are to notify Joanne. It will be advertised for 6:00 p.m. on the 17th. Commissioner Borries said he wants it not only to be received but approved because there is no sense of meeting if they are not going approve it. Commissioner McClintock made a motion that under all the above conditions, the Board hold a Special Drainage Board Meeting on Monday, September 17, 1990 at 6:00 p.m. and was seconded by Commissioner Borries. So ordered.

RE: CLAIMS:

Bill Jeffers submitted a claim on behalf of Daltons of Indiana for the annual maintenance to eastside Urban South half, including spraying of 37,117 lineal feet at 11 and 1/2 cents per foot and recommends paying 85% of the total in the amount of \$3,628.19. The claim is signed by Mr. Dalton, by Mr. Brenner and inspectors and a surveyor's report attached.

He next submitted a claim on behalf of Daltons of Indiana for the spraying of Sonntag-Stevens Ditch in the amount of 85% of the total and recommend paying \$1300.50. The claim is signed by Mr. Dalton, Mr. Brenner and the surveyor's report and inspector's report is attached.

A claim in behalf of Terry Johnson Construction for the mowing of Henry Ditch. He recommends paying 85% in the amount of \$641.75. This claim is signed by Mr. Johnson, Mr. Brenner, and has surveyor's and inspector's reports attached.

Daltons of Indiana for eastside Urban North half - pay 85% of the total in the amount of \$1249.16. Also signed by Mr. Dalton, Mr. Brenner and has a surveyor's report and inspector's report attached.

On behalf of Daltons of Indiana - Akin Ditch - recommends paying 85% of the total for a total of \$1271.30. Signed by Mr. Dalton, Mr. Brenner and has a surveyor's report and inspector's report attached.

On behalf of Big Creek Drainage Association for the maintenance of Maidlow Ditch - recommends paying 40% for a total of \$988.26 - signed by Mr. Homer Buente, Mr. Brenner and has a surveyor's report attached with an inspector's comment at the bottom.

On behalf of Big Creek Drainage Association for Pond Flat Main - recommends paying 40% for a total \$1621.49 Signed by Mr. Buente, Mr. Brenner, and has a surveyor's report and inspector's note attached.

On behalf of Big Creek Drainage Association for Pond Flat Lateral C - recommends paying 40% of the total in the amount of \$289.15 signed by Mr. Bittner (Treasurer), Mr. Brenner and has a surveyor's report and an inspector's comment attached.

On behalf of Big Creek Drainage Association for maintenance to Buente Upper Big Creek - recommend paying 40% for a total of \$1211.70 signed by Mr. Homer Buente, Mr. Brenner, and has the surveyor's report and an inspector's note attached.

On behalf of McCullough Excavating Inc. additional maintenance to Pond Flat C which was finished on 8/3/90 - recommend paying 85% of the total and retaining 15% - 85% is \$994.50 and the remainder to be paid 60 days past 8/3/90 as required by statute. Claim is signed by Mr. Pat McCullough, Robert Brenner and has a surveyor's report and inspector's note attached.

Commissioner McClintock made a motion to approve the above listed claims and was seconded by Commissioner Borries. So ordered.

RE: AUTUMN HILL SECTION II:

Bill Jeffers said Mr. Biggerstaff is in the audience and he had forgotten about him. Mr. Biggerstaff has a plan of a very simple three (3) lot subdivision called Autumn Hill Section II. During the November (11/27/89) meeting, Bill Jeffers said he had anticipated Mr. Sam Biggerstaff coming in with this street and drainage plan that he had shown Mr. Jeffers a sketch of but he did not attend the meeting. Mr. Jeffers made a comment in that meeting, for the minutes, that said regardless of whether it was a three (3) lot subdivision or a four (4) lot subdivision, the drainage plan was sufficient, with the stipulation that the County Engineer's office approve the culvert plan because it was apparent to the surveyor's office that there would be a culvert underneath the roadway. Then, Mr. Jeffers told Mr. Biggerstaff (both Aaron and Sam) that they would have to go to Mr. Curtis and have that culvert approved for size, material and location. He is assuming that was accomplished and if it was accomplished the surveyor's recommendation would be to accept the drainage plan for Autumn Hills Section II.

Mr. Aaron Biggerstaff (representing A & S Surveyors) said what had happened between his father and himself in November 1989 is that somehow it got to the Area Plan Commission meeting and approved. They approved Autumn Hills Section II and everyone assumed it had already gone before the Drainage Board. He said they were trying to find the minutes to the meeting last Friday and apparently it had never went before the Drainage Board but the plans for the culvert were signed by Mr. Curtis and he already has the street and road plans approved and the sidewalks have been waived. Commissioner Borries asked if there has been a drainage plan -- At this time Mr. Biggerstaff stepped away from the microphone and cannot

hear him enough to transcribe. Mr. Biggerstaff said they have 9 1/2 acres and there are only going to be three (3) lots. Its all undeveloped area and they have made it four lots instead of three. It was approved as three (3) lots in Area Plan Commission. Commissioner Borries asked if the subdivision is still going to be three lots and Mr. Biggerstaff affirmed. Mr. Biggerstaff said Beverly (Area Plan) has a copy of forms with the Engineer's signature and Surveyor's signature, so she can verify that if the Board has any questions. Mr. Biggerstaff said the culverts have been in for about six months and have been approved by Mr. Curtis, County Engineer. Commissioner Borries asked who would have a set of plans. He is concerned about avoiding confusion and having to go through this again. He asked for some more details and said the Board usually sees some sections in terms of elevations, etc. Mr. Biggerstaff said all the calculations were made for the drainage for Autumn Hills I and Autumn Hills II before the approval for the piping and was done almost a year ago. Commissioner Borries asked who had that and asked if Mr. Biggerstaff had the calculations on that. Mr. Biggerstaff said Greg Curtis and the Surveyor's office has them and there were some problems with the size of pipe. The pipe is installed and has been approved by the Surveyor. He said those offices have all the calculations and what was presented last November. The County Surveyor's office had a copy and the Engineer's office had a copy because there was some question about the pipe size. It worked out and then they went to another size pipe and it was approved by the Engineer. Commissioner Borries apologized for the confusion but explained the Board approves -- and he can see the minutes in front of him but said they usually get a more detailed plan than this. At this point Bev from Area Plan Commission walked into the meeting and Commissioner McClintock asked her if she had any problem with the Board approving this plan since she has the milar. Bev said she does have the milar but they don't have a drainage plan. Commissioner Borries asked why someone doesn't have the drainage plan and asked Mr. Biggerstaff if he keeps copies of drainage plans he submits. Mr. Biggerstaff said he has talked to his dad and he couldn't find it. Commissioner Borries said he would do this subject to getting a copy and getting more detailed plans. Bev said this was approved in Area Plan without drainage approval (she was in Chicago at that time). Commissioner McClintock said they need to find the drainage plan and it needs to come back to the meeting on September 17, 1990 at 6:00 p.m. Mr. Biggerstaff said he had no problem with waiting until September 17th.

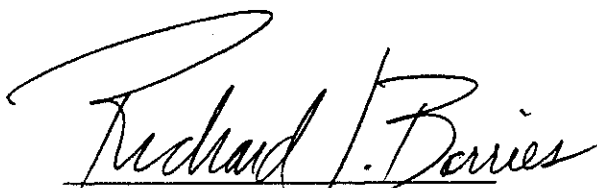
There being no further business before the Board the meeting was adjourned.

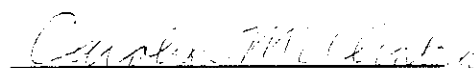
PRESENT:

Richard J. Borries/Commissioner
Carolyn McClintock/Commissioner
Curt John/County Attorney
Sam Humphrey/County Auditor
Gary Kercher/County Engineer's Office
Jerry Riney/Commission Office
Margie Meeks/Commission Office
Bill Jeffers/County Surveyor's Office
Dan Hartman/County Surveyor's Office
Steven L. Bohleber/Attorney
Jack Alles/Morley & Associates
Bill Nicholson/Veach, Nicholson, Griggs & Associates
Aaron Biggerstaff/A & S Surveyors
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews

Minutes Transcribed by Karen Hadfield


Richard J. Borries
President


Carolyn McClintock
Member

I N D E X
DRAINAGE BOARD MEETING
SEPTEMBER 24, 1990

Reorganization of the Drainage Board.....Page 1
Approval of Minutes.....Page 1
Maidlow Ditch.....Page 1
Willow Creek Subdivision.....Page 1 & 2
Glenwood Hills Subdivision.....Page 2, 3 & 4
North Pointe Estates.....Page 4
Audubon Hills Section II.....Page 4

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M I N U T E S
DRAINAGE BOARD MEETING
SEPTEMBER 24, 1990

The Vanderburgh County Drainage Board met in session on Monday, September 24, 1990 in the Commissioners Hearing Room, with President Richard J. Borries presiding.

RE: REORGANIZATION OF THE DRAINAGE BOARD:

Commissioner Borries said the Board would consider a reorganization of it's membership and stated he was resigning as president of the Drainage Board for the remainder of this term. He would like to consider Commissioner Mark Owen as President of the Vanderburgh County Drainage Board. Commissioner McClintock then made a motion to appoint Commissioner Mark Owen as President of same and Commissioner Borries as Vice President and was seconded by Commissioner Borries. So ordered. President Owen presided over the rest of the meeting.

RE: APPROVAL OF MINUTES:

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the minutes of the previous meeting (September 4, 1990) was approved as engrossed by the Auditor and reading of the same waived. So ordered.

Dan Hartman stated the agenda covers Maidlow Ditch, Glenwood Section H, Audubon Hills Subdivision, North Pointe Subdivision and Willow Creek Subdivision.

RE: MAIDLOW DITCH:

Mr. Hartman stated he had been assured it will be surveyed and will be ready for spring construction as a legal drain.

RE: WILLOW CREEK SUBDIVISION:

Mr. Hartman stated he has some calculations submitted by Andy Easley on Willow Creek storm drainage and he has gone through them and agrees completely with them and is waiting for his roadway plans showing his drainage and roadway plans. (Andy Easley is speaking from the audience and cannot be heard enough to type) Mr. Hartmann stated the roadway plans have not been checked or agreed upon yet. In fact, they haven't even been drawn and the drainage run off plans have been approved by the Surveyor's office.

Commissioner McClintock asked if this drainage plan is being recommended by the County Surveyor to which Mr. Hartman affirmed. Commissioner Borries pointed out that for the record (and he thinks its important to do this) that in Mr. Hartman's part time service for the Vanderburgh County Highway, his work in no way reflects any work done on any kind of surveying and asked if that was correct. He also had some questions on the hundred year flood plan. Commissioner Borries then asked if there was sewer available and Mr. Hartman said there would be. Andy Easley stated they plan to extend the sewer. Commissioner Borries questioned if there would be retention lakes on this and asked where they would be. Andy Easley showed the Board the drainage plan and showed where the retention lakes were located. Commissioner Borries stated as opposite from detention and asked what they were designed for as in what kind of rain fall, in other words, it would be dry part of the time but what kind of a rain fall did they design these for in terms of pulling water back. Someone from the audience stated it was designed for twenty five year storm. Mr. Hartman added that would pass their standards. Commissioner Borries said he is a little concerned about those standards. He would like to see it be a little bit tougher. Andy Easley said that is what everybody in the county is using. Commissioner Borries asked about the pumping station and was told a sewage pumping

station will be constructed to push the sewage about 6,000 feet to the east, to the intersection of Broadway and Schutte. Commissioner Borries then asked who would maintain the pumping station to which he was told it would be turned over to the Sewer and Water Utility. So, it will be built in accordance with their standards and the county has nothing to do with the maintenance of the lift station. Commissioner Owen asked if they had agreed to do that and was told that is standard if it is constructed to their standards. Commissioner Borries just wanted to get in the record that the Board has no liability of any sort in relation to that pumping station. All the other lots are out of the hundred year flood plan. Andy Easley said this is the westerly limit of the hundred year flood plan and then showed that on the map. He added all lots are out of the hundred year flood plan. Commissioner Borries asked where the elevations were. Mr. Easley explained the contour lines (shown on the map). Commissioner Borries asked if there would be a homeowners association set up to maintain the area to which Mr. Easley agreed. Commissioner Borries asked that be on the plat because he thinks the proposed homeowners need to know as much information as possible. Mr. Easley showed Commissioner Borries where it stated "the common area will be maintained by the homeowner". Commissioner Borries pointed out if you had it only on lots that print out on this, those folks would end up paying a pretty good pop. Commissioner McClintock explained that the Board would want that on the plat and Commissioner Borries agreed. Commissioner McClintock made a motion to approve the drainage plan as recommended by the Surveyor's office and requested that the Engineer state that the homeowners association will maintain the common areas and place that information on the plat. The motion was seconded by Commissioner Borries. So ordered. Commissioner Borries asked if they were going to have road curbs and gutters. Mr. Easley stated there would be. Commissioner Borries then asked if there were any swales to which Mr. Easley explained the storm drainage is going to end up being collected in inlets and then go into a pipe down to a retention area. He added they are not carrying any storm water in any ditches, but because of the grade there, there will be a certain amount of flow. The back yards (he was showing on the map) are going to drain to the south until they hit the ditch and then the water will end up in the inlets. He added there were only twelve foot pipes because there is not a very big area. Commissioner Borries inquired if they had sized the pipes and Mr. Easley stated they had sized them.

RE: GLENWOOD HILLS SUBDIVISION:

Mr. Hartman stated Bill Jeffers wanted to comment on Glenwood Hills and Audubon and North Pointe Subdivisions. Bev Behme said she didn't bring those with her as she was not aware they would be on the agenda for this meeting. Commissioner Owen said they didn't have those today. Commissioner McClintock asked if these were ones they have had before and there were problems with them. Someone from the audience (unidentified) stated they were the same ones. Bev Behme stated that Glenwood Hills needs to have approval before it can be recorded. She then asked if Audubon Hills was ready to go. There was no answer. Commissioner McClintock stated the Board needed to know what was to be acted on today. She added that, in the future, the Board needs an agenda and whether its going to Area Plan, etc. There are old subdivisions that need to be acted on and they need to act on those before Area Plan because they need to be recorded. She then asked Andy Easley if he had one and he stated he did. He said Glenwood Hills was given interim approval a month ago so it could go to the Plan Commission. They had some details to work out on the retention. He wasn't aware that they had to have retention requirements. He has now submitted the retention requirements and some details and it needs the Boards approval. Commissioner Borries asked if they could look at the amended plan. Mr. Easley then displayed the plans to the Commissioners. Commissioner McClintock stated the plans did look familiar. She then asked Bill Jeffers how they had amended the plan. Bill Jeffers stated Mr. Easley has added a twenty five foot drainage easement for maintenance around the perimeter of the lake or that portion of the lake within Section A. Mr. Easley explained the lake is going to be constructed in 1991 and they had sent a letter. Commissioner McClintock

asked if the lake and the dam was going to be owned and maintained by the lake owners association to which Mr. Easley stated it was. Mr. Jeffers said they also requested the other easements be located by bearing and dimension through the lots. He said there are bearings on there but no dimensions. Mr. Easley said the dimensions will be calculated before the plat is recorded and he will bring it to the Plan Commission and they can show it to him before they allow it to be recorded. He said it has enough information that, with the distance and the bearing shown, it does need a distance there. He has the distance with him but it didn't get on there. Commissioner McClintock said they need to approve this contingent upon Mr. Easley providing the Area Plan Commission with the dimension. Bill Jeffers pointed out it will have to be on the plat that is recorded so that the homeowner knows the easement that is about to be built a swimming pool in is not to be used for that purpose. Commissioner McClintock asked if the Surveyor's office, with those restrictions, would recommend this be approved. Bill Jeffers answered that he has a problem with the easements extending through the lake and off to the edge of the property. He doesn't see any need for those. That indicates the lake will not be built. Andy Easley said they can shorten those up and those were added this morning and said he will correct that. Commissioner McClintock asked to clarify that the drainage easements will end at the borders of the lake as shown on the proposed plan. Bill Jeffers said they need an easement from the dam, off the property, to carry the flow from the dam off the property. Commissioner Borries asked Andy if he had that and Mr. Easley said he didn't recall that he was requested to do that. He added they have a forty foot drainage easement there to the creek. That's the location of the main overflow tube that the Surveyor's office had been given drawings on. Commissioner Borries said he doesn't feel comfortable here. He pointed out that Bill Jeffers has raised some concerns and they are getting the same debate back. It seems to him that in order for the Board to make an educated decision on this, that he needs more time on this. He doesn't have enough information here to make a decision. Mr. Easley said the easements, if Bill Jeffers wants all these easements, he will put them on there prior to asking Area Plan Commission staff to record the plat. These are technical and the Commissioners will not be checking those personally, anyway. He said if Mr. Jeffers wants the easements for the emergency spillway, he will add it and give it the width he wants but we can't afford to wait another month for approval of the drainage plans and he asks it to be approved contingent upon the conditions and then let the staff check them. Commissioner Borries explained that from their perspective, their concern is that they can't afford to sit there and have groups come back at them, that are highly upset later on when plans don't turn out the way they say they are going to turn out. He added that if they can agree on what is going to go on this plan today. He then asked if Bill Jeffers had any further comments he thinks has to be on the plan. Bill Jeffers said they had written out all the requests in a memo and sent it to Mr. Easley's office and what came back to them did not address the ones he has brought up in this meeting. He wants to say, as far as easements, it would seem to him that if someone wanted to come back and use an easement or an area that an easement impacted and they just allow it to be left on there, he would have to hire a private attorney and pay for that easement to be removed from the plat. This is why he is asking for them to be removed before it was presented to the Board. From an engineering point of view, his most pressing concern is the construction of the lake with an emergency spillway, the design showing where the emergency spillway will be located, the size, and what kind of overflow it will handle and an easement from the emergency spillway off the property. Commissioner Borries then asked Mr. Easley when this goes before the Area Plan on this. Bill Jeffers said that Ms. McClintock made the accommodation the first time this came through to go ahead and pass the conceptual plan, if the final plan will come back to them in full form to expedite it and they did pass it so that's why he is being so stringent. He said once the Board passes this plan, that's it. Commissioner Borries said he doesn't have enough information and there will have to have another meeting until they see that final plan here. Mr. Easley said Bill Jeffers is asking for detailed plans on a lake that has not been designed yet. He is not going to build it until next year. He said he (his developer) doesn't need the plans... Commissioner

McClintock interrupted saying they are going to need those plans before approval. Commissioner Borries asked if this is not going to be built until next year why they need it recorded right away. Mr. Easley commented because he wants to sell some lots. Commissioner Borries had no objections to that but he thinks the homeowners ought to be aware of what they are buying. Mr. Easley said they are aware to which Commissioner Borries disagreed if its not recorded in the proper fashion on this. Mr. Easley said the lake is shown on the plat and the area that's going to flood the 500 foot MSL contour line and the location of the dam. He said it started when the drainage plan review started out as a conceptual drainage plan. He said it used to be just a marked up sheet and you didn't ask for street plans and now its evolved..It's no more conceptual, it's getting down to very, very detailed plans that don't exist. Commissioner Borries said what's happening - It's like being a little bit pregnant, you're either for growth or not. If you have half way growth and all these areas are growing out here, we can't figure out (in some places) unless you have more information, what kind of a drainage plan you're approving so that people understand that it's not going to impact negatively on someplace else. He said he supposes conceptual things are fine if you're living out in Nevada but he thinks they need more information on this. Everybody needs more information as to what the Board expects from them because these things could have some impact on someplace nearby. The growth is continuing. Andy Easley said the water is going to go into Big Creek. Bev then asked what section Mr. Easley was wanting to record and he said the whole thing needs to be recorded to which she stated the information needs to be on it then. Commissioner Owen said the consensus is that the Board is willing to convene another meeting when he has the plan in final form. Mr. Easley said he needs to go back and design the lake. He said he really thinks he has been torpedoed and he doesn't appreciate it but he will put the easements on there that were requested. He doesn't think it makes a whole lot of difference what the size of the emergency spillway is. He has given the Surveyor's office the size of the tube but he needs to go out and design a dam and it really isn't necessary for the approval of the drainage plans but he feels he doesn't have a choice now.

Bill Jeffers said that every detention facility that has come before the Board since about 1985 has had an emergency spillway for all detention facilities and the design of the emergency spillway was shown in the plans.

RE: NORTH POINTE ESTATES:

Bill Jeffers said North Pointe Estates has previously been approved by this Board and the County Engineer required 15 inch pipe under North Pointe Court. The grade from North Pointe Court, north along Browning Road to the closest county culvert, which crosses Browning Road and would carry that flow, the grade was not sufficient for him to install a 15 inch pipe. Mr. Curtis allowed that if it was okay with the Surveyor's office, it was okay with his office (he stated he is getting this second hand from the developer, Dale Shanks) to eliminate the pipe and take the water that runs from about 75 feet south on Browning Road and across the other road, through a pipe and straight into the lake, (He showed this on the plan before the Commissioners) which is okay with the overall plan if Mr. Shanks includes a 15 foot easement, from the end of pipe through lot 12 to the lake and properly controls erosion in the entire channel through lot 6 and 12 and adds a 25 foot maintenance easement around both lakes. He said they missed that when it was first approved. He added if he wants this approved, he would like to add a 25 foot maintenance easement around both lakes as a part of it. Mr. Shanks is not at the meeting today although Bill Jeffers said he had asked him to attend. Bill Jeffers said if the Board wishes to continue this he is willing and he is recommending approval but he needs to add a couple of details.

Commissioner Owen said to show this as being continued to which Commissioner McClintock said was fine because they are only doing drainage that has to be done today.

RE: ^{Autumn} AUDUBON HILLS SECTION II:

Bill Jeffers said the Audubon Hills Section II is not ready for final

review.

There being no further business before the Board the meeting was adjourned.

PRESENT:

Commissioner Richard J. Borries
Commissioner Mark R. Owen
Commissioner Carolyn McClintock
Bill Jeffers, Surveyor's Office
Dan Hartman, Surveyor's Office
Linda Freeman, Surveyor's Office
Andy Easley, Engineer's Office
Others, Unidentified



Mark R. Owen, President



Richard J. Borries Vice President

Carolyn McClintock, Member

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MINUTES
DRAINAGE BOARD MEETING
OCTOBER 22, 1990

The Vanderburgh County Drainage Board met in session on Monday, October 22, 1990, in the Commissioners Hearing Room with President Mark Owen presiding.

RE: ARBY'S SUBDIVISION:

Dan Hartman stated that Mr. Jim Morley had some comments for the Board concerning Arby's Subdivision drainage into across McDonald's property. Mr. Hartman said the drainage and calculations are all correct except the permission to run drainage water across McDonald's property. He then turned over the discussion to Jim Morley.

Mr. Morley stated that the minor subdivision plat from McDonald's and the one immediately to the north of that was approved sometime back. There was an Amoco station there previously. He thinks it was back in 1986 or 1987 and it contains no easements across the property for the storm water drainage. The storm plan that was prepared on McDonald's plans and presented to the Drainage Board for approval and was approved, showed the drainage swale and the storm sewers coming up to that point. Therefore, he thinks they have to ask the Board to approve the drainage plan he has and then they will advise the owners not to record the plat and close the deal until they have the legal right to drain across the McDonald's property. He would like to let the Board understand that the two are separate issues. One, he believes the drainage is worked out but his advise they need a legal right for that drain to be used. The fact that the Board approved McDonald's drainage plan does not constitute making that an easement and therefore, they need to get it. He said they have already requested that of the McDonald's corporate office that be provided. He is requesting the Board to approve the drainage plan on the basis of the computations and everything they have done and then they will continue to seek to obtain all of the legal items necessary to make that drain safe forever for Arby's. Commissioner Borries asked for the location of this subdivision and Mr. Morley explained it's on Highway 41 North.

Commissioner Borries then wanted to know where the drainage plan was and Mr. Morley pointed out that Dan Hartman has a complete set of plans the Commissioners can review, if necessary. He then explained the Commissioners are seeing the detention basins on Arby's parcel and on lot #2 of the minor sub-plat, which they are not working on but needed to go ahead and prepare a drainage plan for it also in order to show that they would have detention on both parcels and it would discharge into that existing storm sewer inlet on that frontage road that has been constructed. McDonalds comes off of that outlet on Highway 41. They have detention on the sites for Arby's and they have also shown it for the future development adjacent to it. Commissioner Borries asked what his calculations were and for what kind of an event. Mr. Morley commented that they have always used a twenty five year storm event but required on lot #1 is .047 acre feet and required on lot #2 .025 and the amount available on the design is .072, so they have all the capacity there that the calculations show. The pipe across McDonalds is a 12 inch pipe and they have taken into account the capacity of that pipe. McDonalds also has a storage basin. McDonalds plan, that the Board had previously approved, provided for storage and controlled run-off. Their storage basin is out on that semi-truck parking lot that lies to the west of the building. Mr. Jeffers took that out of the file for them and so he has seen that.

Commissioner McClintock made a motion to approve the drainage plan for Arby's with the understanding that they must reach a separate legal agreement with McDonalds to allow them to drain onto their property. The motion was seconded by Commissioner Borries. So ordered.

RE: COUNTRY TRACE SUBDIVISION:

Mr. Hartman commented this is a similar situation where the mathematics and run-off and everything else has been approved, except the fact that some agreement should be reach as far as maintaining the building.

81-a
Commissioner McClintock asked if that property is owned by the developer and Mr. Hartman said it was, as well as all the property along the base or part three. Everything was all approved but some time lapsed before they got it recorded so it has to come back. Bev commented the only reason they have to come back is because they missed the deadline for part three. Mr. Hartman stated the detention pond has been installed, the central drainage system has been approved. That's all that has been installed and they are ready to develop on this section. Commissioner Borries asked if there were any deviations from the previous plans to which he was told there were none. Mr. Hartman commented that he agrees with all their calculations. Commissioner McClintock asked who was going to maintain the lagoon. Mr. Hartman stated that was a good question and at the present time, when he last talked to them, if all the lots in the subdivision was sold, this would be a non-ownership lot. Their thinking was that by the virtue of the plat, that the County would get it but the County is not in agreement with that. So, they are now going to split this somewhere down the middle and sell or deed it to the adjoining property owners. Commissioner Borries questioned the split. It was explained it would be just ownership where part of it would go to one lot. Commissioner McClintock made a motion to approve the drainage plans presented with the understanding that Vanderburgh County will not maintain the lagoon and that it will be maintained by adjoining property owners. The motion was seconded by Commissioner Borries. So ordered.

RE: EAGLE CREST SUBDIVISION

Mr. Hartman explained that Eagle Crest runs along Fuquay Road and then showed the drainage plan to the Board. He pointed out this deals with a legal and then stated they want the Board to vacate the responsibility of maintaining this area. Commissioner Borries pointed out this has been heard before. Commissioner McClintock clarified that they are going to assume the maintenance. A gentleman (unidentified) explained that what they are after and it has been previously granted on the property immediately to the south of there, which is Williamsburg on the Lake II. Along Fuquay Road, there is an existing ditch, adjacent to the roadway pavement and then on the other side of that is gas lines all along that road. Texas Gas has a fifty foot wide easement that is on the eastside of that. He stated they would like to have the legal drain easement, which is defined as being 75' from the top of the bank, wherever the top of the bank occurs. He would like to have that relaxed to correspond to the east line of the Texas Gas easement, which means that they would be releasing some 13'. That would then allow the development on the lots in Eagle Crest up to the point of the legal drain easement. With the re-zoning of the property, there was a 50' set back, but it would wind up with a legal drain easement that would be approximately 62' beyond the top of the bank. As a practical manner, he stated the County's work in that area, in maintaining the Nurrenburn Ditch is limited by the fact that those gas lines are in there, anyway. Commissioner McClintock made a motion to approve the request and was seconded by Commissioner Borries. So ordered.

RE: EAGLE SLOUGH

Mr. Hartman stated that Traylor Brothers got permission to cross Eagle Slough and they are wanting to vacate that property now. Bill Jeffer was out there. He added that everything has been taken care of, in fact, it's in better shape now than it was before. Traylor Brothers wants the Board's permission to vacate. Commissioner McClintock asked if this should be approved contingent upon them doing the seeding because they should do that before it is vacated. Commissioner McClintock made a motion to release Traylor Brothers from any claim for use or damage to property at Eagle Slough for the construction of I-164 with the understanding that they must complete the seeding and necessary erosion control to the property. The motion was seconded by Commissioner Borries. So ordered.

RE: CLAIMS

Chris Kern submitted the following claims:

Daltons of Indiana - Aiken Ditch/final 15% \$224.35

Daltons of Indiana - Eastside Urban North Half/final 15% \$220.44

Daltons of Indiana - Eastside Urban South half/final payment \$640.27
minus

3100 feet that they missed.

Daltons of Indiana - \$303.03 first payment for the 3100 feet that they missed

Daltons of Indiana - Eastside Urban South half \$2831.72 1st payment

Daltons of Indiana - Sontagg Stevens spray side banks/final 15% \$229.50

Daltons of Indiana - Sterilizing bottom of Sontagg Stevens 1st 85%
\$909.93

Big Creek Drainage Association - Barr's Creek 1st 85% \$2,986.53

Big Creek Drainage Association - Pond Flat E 1st 85% \$245.89

Big Creek Drainage Association - Rusher Creek 1st 85% \$302.19


All have the certification of payments and surveyor's reports attached.

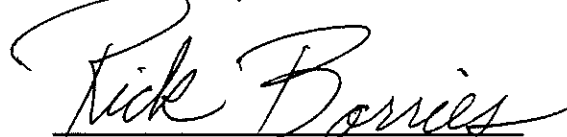
Commissioner McClintock made a motion to approve the above claims and was seconded by Commissioner Borries. So ordered.

RE: GLENWOOD HILLS

Mr. Andy Easley stated he has the final submission of what they had asked for last time which is on the dam on Glenwood Hills. He then submitted the plans for the dam in Glenwood Hills. Bev Behme explained he has the approval from the Area Plan Commission but he needed final drainage approval before it could be record it. The staff thought they should remove the easement that was going to be under water and flooded by the lake and it has been done. Mr. Easley stated there now is an easement around the lake for maintenance of the lake. The maintenance is the responsibility of the lake owners association. So, he has done everything he has been asked to do by the Surveyor's department. Commissioner McClintock made a motion for final approval on the drainage plans, subject to the Surveyor's checking the calculations and was seconded by Commissioner Borries. So ordered.

There being no further business before the Board, the meeting was adjourned.


Mark R. Owen, President


Rick Borries, Vice President


Carolyn McClintock, Member

(Taped By Joanne A. Matthews
(Transcribed by Karen Hadfield)

MINUTES
SPECIAL DRAINAGE BOARD MEETING
NOVEMBER 12, 1990

The Vanderburgh County Drainage Board met in a Special Session at 4:10 p.m. on Monday, November 12, 1990 (with proper legal notice having been given) in the Commissioners Hearing Room, with President Mark Owen presiding. Commissioner McClintock was absent.

RE: CLAIMS

Mr. Chris Kern of the County Surveyor's Office submitted the following claims for approval:

Dalton's of Indiana: Claim in the amount of \$499.72 for work on East Side Urban South Half - Annual Maintenance.

Dalton's of Indiana: Claim in the amount of \$160.57 for work on Sonntag-Stevens Ditch.

Dalton's of Indiana: Claim in the amount of \$53.47 for work on East Side Urban South Half (Final 15%).

McCullough Excavating, Inc.: Claim in the amount of \$175.50 for work on Pond Flat "C".

Terry Johnson Construction: Claim in the amount of \$113.26 for work on Henry Ditch (Final payment).

Upon motion made by Commissioner Borries and seconded by Commissioner Owen, the above-mentioned claims were approved for payment. So ordered.

RE: EXTENSION OF CONTRACT RE KEIL & SONNTAG-STEVENSON
DITCHES/ASPLUNDH

Mr. Chris Kern then submitted the following request for consideration:

November 12, 1990

Dear Vanderburgh County Drainage Board,

As you know, we have had unforeseen problems with equipment and weather. We therefore are asking for an extension of four weeks on our contract, to complete the work. We have resolved our problems and would very much like to honor our contract to your satisfaction.

Very truly yours,

Asplundh Tree Expert Co.
Richard R. Stone, G.F.

Upon motion made by Commissioner Borries and seconded by Commissioner Owen, the request was approved. So ordered.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner Borries and seconded by Commissioner Owen, the minutes of September 24, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AUTUMN HILLS II SUBDIVISION/DRAINAGE PLANS

Mr. Bill Jeffers said the Board has the plat of Autumn Hills II Subdivision, which the developer (Dewey Burton, who is present in the audience today) wishes to have recorded, with an easement taken off it for Texas Gas Transmission-- and he has recorded a Deed in the Recorder's Office whereby the easement reverted back to Mr. Burton from Texas Gas.

The drainage easement has been replatted to indicate a natural channel for the creek that travels through Autumn Hills II and the Surveyor's Office would recommend that the Drainage Board approve the plat of Autumn Hills II with the drainage easement in its location, understanding that the creek or waterway will be left in a natural condition. It must fall within that 40 ft. easement and the 40 ft. easement and the creek would be maintained by the property owners through which the waterway travels. That will have to be added to the plat.

Mr. Aaron Biggerstaff has also changed the road and drainage plans to indicate that the easement has been relocated and in accordance with the plat. Mr. Biggerstaff is in the audience if the Board has questions.

Commissioner Borries asked if Mr. Jeffers is saying at this time that the drainage plan could be approved.

Mr. Jeffers responded in the affirmative.


Upon motion made by Commissioner Borries and seconded by Commissioner Owen, the drainage plans for Autumn Hills II were approved, as submitted, with stipulations as outlined by Mr. Jeffers of the Surveyor's Office to be noted on the plat.. So ordered.

There being no further business to come before the Board at this time, President Owen declared the meeting recessed at 4:20 p.m.

PRESENT:

Mark R. Owen, President
Richard J. Borries, Vice President
Chris Kern/County Surveyor's Office
Bill Jeffers, County Surveyor's Office
Margie Meeks, Commission Office
Jerry Riney, Commission Office
Aaron Biggerstaff
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Mark R. Owen, President


Richard J. Borries, Vice President


Carolyn McCintock, Member

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MINUTES
DRAINAGE BOARD MEETING
NOVEMBER 26, 1990

I N D E X

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Approval of Minutes	1
Country Trace III Subdivision	1
(Developer, corporations, individuals, etc., to meet with County Engineer and come back with a plan. To appear at Special Drainage Meeting 12/3/90.)	
Request for Relaxation of Set-Backs on Legal Drains/ Midwest Partners	12
(To appear at Special Drainage Board Meeting 12/3/90.)	
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MINUTES
DRAINAGE BOARD MEETING
NOVEMBER 26, 1990

The Vanderburgh County Drainage Board met in session at 5:05 p.m. on Monday, November 26, 1990 in the Commissioners Hearing Room, with President Mark Owen presiding.

RE: APPROVAL OF MINUTES

Commissioner Owen called the meeting to order and upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the minutes of October 22, 1990 and November 12, 1990 were approved as engrossed by the County Auditor. So ordered.

RE: COUNTRY TRACE III SUBDIVISION

Mr. Dan Hartman said Mrs. Lana Brown will make comments concerning this subdivision.

Mrs. Brown said, "My name is Lana Brown and I reside at 3011 Colonial Gardens Road."

Commissioner Owen asked, "Dan, exactly what kind of action is being looked at today?"

Mrs. Brown said, "What it is, I think they have to have drainage approval for Phase III of Country Trace Subdivision and we have complaints regarding Phases I and II. We don't feel that the commitments have been made and followed through. I do have pictures."

Commissioner Owen called upon Mr. Bill Jeffers, who said he will give a brief history and the Board can go from there.

Mr. Jeffers said "Mr. Borries, having been on the Board all this time, is very familiar with this matter. So, for the benefit of the two Commissioners and Mr. Hartman (who was not the Chief Deputy at the time these things transpired) I will give you a very brief history.

The drainage plan was approved by the Drainage Board 3/24/86 and it includes all parts of the drainage plan covering the entire subdivision, which now has been split into Sections I, II, and III."

Mr. Owen asked, "Stop there. So the drainage plan does already cover for Sections I, II and III?"

Mr. Jeffers responded, "Yes sir, it does. Okay, that was with briefly all the calculations for storing water in the streets, in the major storage swales throughout the subdivision, and in a detention basin that was constructed at the southwest corner of the subdivision and remains in place at this time. At that time, the provision for maintenance was by Homeowner's Association. That was the only provision for maintenance allowed by the County. The Commissioners subsequently approved the detailed street and drainage plans on 8/24/86. This showed how the streets were to be constructed, how water would be stored in the streets during exceedingly high rainfall, and how the drainage plan would work, along with the typical curb and gutter details that go with street plans. Then the Commissioners passed a

Drainage Ordinance on 11/24/86 which allowed for an alternate form of maintenance of detention basins throughout Vanderburgh County and that is outlined on my short report there -- and that is paraphrased, but basically instead of having a Homeowner's Association the developer could pay 50 cents per lineal foot for the shoreline of the detention basin and for all storm sewers outside of street right-of-way and then the lot owners that are adjacent to the drainage basin would have to keep the weeds cut, clear the trash and debris, keep the pipes clean and keep the banks free of erosion. Then Mr. Tony Clements (who is present here today) and requested that the Commissioners make the Ordinance retroactive to cover all the subdivisions that have previously come in over the past 12 months or so with Homeowners Associations and give them the option to submit a check (which he did of \$1,100.50) to cover the basin and the storm sewers -- although that is for failure of the pipes to work. Now all that covers -- that goes into an account that the Auditor keeps. If the pipes fail, cave in, etc., that money can be used to repair them and any interest that accrues or other monies in that account can be used. The maintenance is still the responsibility of the lot owners adjacent to the basin. The present status of the Country Trace III drainage plan is it's part of the whole plan. The original plan, again, was approved by the Drainage Board -- the Drainage Board reaffirmed their approval of the plan calling it Country Trace III because the date for recording the plat had expired and they had to come back before you on 10/22/90 and got our recommendation for approval, as it was the same plan that existed prior. The motion was made with the understanding -- and I quote from the minutes -- 'that Vanderburgh County will not maintain the lagoon and that it will be maintained by adjoining property owners' (as per Ordinance, I might emphasize).

Then it went by its normal channels to Area Plan Commission on 11/7/90. APC had some remonstrators present who voiced several concerns and pointed out some attributes of the development that they didn't feel were appropriate and APC voted to table Country Trace and also voted to send it back to Drainage Board -- and I quote from the minutes -- 'for Drainage Board's approval and comments'. I looked through the minutes and tried to find out why they were sending it back other than for remonstrations purposes and I found a comment from the Board President that said, 'Looking at it now it appears that it doesn't seem to be the option' (and he's talking about the option of maintaining it by these two lot owners that adjoin the basin) to best serve the public interest. So I would like to emphasize at this time that there are concerns from people here in the audience. I certainly hope they keep them to drainage. I can't answer any questions about traffic patterns, etc -- I am not authorized to do that -- it is not our responsibility. Drainage is our responsibility and I hope that all the comments will be addressed to the drainage plan. We have inspected the detention basin today (three of us) and last Wednesday I made an initial inspection of it and I will say the detention basin is installed with the discharging pipe in working order. The banks of the basin are moderately eroded and need some reshaping and reseeding with approved grasses and they need to be protected from further erosion. The basin is moderately infested with willows and cattails. This is young growth that needs to be caught before it gets any worse. The majority of the grading required to accomplish the original plan that was approved has been completed, although the streets and drainage improvements within Phase III are not yet complete. In other words, the streets aren't in, the drop basins aren't in, and some of the swales need to be regraded. Some of the waterways in Phases I or II are slightly altered from their original design. If the remonstrators tell you this they are telling you fact. Some people have done some landscaping, installed some fences, put some drive culverts in such a way that things aren't working perfectly -- but this is not to an extent that exceeds the same conditions in other subdivisions throughout the county. Some regrading of swales, building lots, and basin

embankments in Phase III will be required and the Surveyor's recommendation will be -- and I'll tell you in advance -- that the drainage plan for Country Trace remain approved and that the various persons, corporations, Boards, and agencies responsible, by Ordinance, for the installation, inspection, acceptance and maintenance of the drainage plan proceed with the project in a timely and appropriate manner.

I want to emphasize that the Area Plan Commission sent this back for your comments and approval -- and I also want to emphasize that you have already approved it twice.

Mr. Borries said, "Bill, I do have a comment on that and I'm sure that at some point I have voted for that as I have for a lot of them, because I do believe that we do need to promote housing and development. But that always has the provision that that is good development, that it proceeds the way it is envisioned. It seems to me -- and this has occurred in other subdivisions -- what do we do here -- where are we in terms of enforcement? Does your Office, as part of the technical advisor by statute to the Drainage Board go back out to say that the drainage system is in place now?"

Mr. Jeffers responded, "No sir."

Mr. Borries continued, "Do you see a need that we should do that at some point?"

Mr. Jeffers responded, "Yes sir. -- not our office; you have an agency that goes out to do that."

Mr. Borries asked, "Who would do that?"

Mr. Jeffers responded, "The County Engineer. The Ordinance that you passed on 11/24/86 (Drainage Ordinance 150.122) states that the County Engineer must approve, in writing, all drainage pipes and basins that are installed and he must notify the developer that it has received his approval."

Mr. Borries asked, "Then what happens to subsequent action by individuals in the subdivisions or the developer?"

Mr. Jeffers said, "Well, my only comment on that was that the original Ordinance had an enforcement clause in it -- or an enforcement section in it -- and at the recommendation of either the Home Builder's Association or the County Attorney, himself, recommended or suggested that that enforcement section be removed from the Ordinance -- and it was subsequently removed. You see, you first passed that in October 1986 and then the revised Ordinance came back in December 1986 without the enforcement section in it. I have a copy of each."

Mr. Borries asked, "What was the enforcement provision that you are referring to?"

Mr. Jeffers said, "The original Ordinance had for enforcement Section 6(a) Ordinance may be enforced by the County by initiation of a cause of action in a Court of competent jurisdiction, etc., etc."

6(b) The County may commence a civil action to enjoin any person from violating this Ordinance, regulating and/or prohibiting a condition of property.

6(c) If a condition violates an Ordinance of the County.....however, before the action to bring compliance may be taken, all persons holding a subsequent interest in the property must be given a reasonable opportunity to bring the property into compliance, etc." And that was passed in October 1986 and then subsequently removed from the Ordinance passed in

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November 1986. And all you're left with is the ability to fine them so much per day for violating, I think. Penalties: "Any person who violates any provision of this section shall be subject to a civil penalty of not less than \$10.00 nor more than \$2,500 for each violation and each day consist of a violation."

Commissioner Borries, "Well I don't remember all the particulars as to what had changed, but it seems to me that we have some ongoing concerns here that if there are differences of opinion between the persons who install the drainage plan and its final fashion and whether or not it is working and working in a way that it will continue to work for a period of time."

Mr. Jeffers commented, "You still have a guarantee section in there."

Mr. Borries said, "We have a guarantee section for one (1) year."

Mr. Jeffers said, "So there is the period of time that the County has to take a look at it to see if it is working properly. And, again, you will see that the County Engineer is the one that is responsible for insuring that. Although none of this is said to indicate in any way that I am in disagreement with you, because if you will notice, I qualified our recommendation that the Surveyor's recommendation is not based upon our approval of the ordained method of maintenance and enforcement. It is simply that these people have been through the process that you have ordained they go through and they have been through it twice. And they presented a plan that should work if it is installed properly. And I would say that meets the extent of our responsibility -- to review the plan and see if it can work properly if it is installed properly. And we say it will work properly if it is installed properly -- so our recommendation is positive. If it is not installed properly, obviously it will not work. But the Commissioners chose by their Ordinance to have the County Engineer insure that it was installed properly."

Commissioner Owen said, "But there is no official action."

Mr. Jeffers said, "To my knowledge, there has been no written approval or disapproval of the drainage plan and its installation at this time -- that is correct. Or if there has been I am not aware of it."

Mr. Borries asked, "Mrs. Brown, have you contacted the County Engineer's office at all?"

Mrs. Brown responded, "I'm Lana Brown. I went down and talked with Mr. Hartman. Now, my main problem -- my main concern -- and there are other neighbors there -- we have a lot of neighbors that could not get down. These are neighbors in the subdivision who have purchased homes. They are having problems. My main concern is that for three years we have had to contend with mosquitoes. We've had to contend with not just a few mosquitoes -- an over abundance of mosquitoes -- and in the meeting April 2, 1986 before the APC their Attorney, Mr. Wallace, stated:

'The retention pond is not a stagnant lake. It will flow. You will not have mosquito problems. You will not have algae, because it is a flowing lake. As far as taking care of the lake, it will be in everyone's deed that they will have a neighbor association with dues that will take care of any problems that do arise.'

Okay, this lake, or hole, or pond -- whatever it is called -- has been sitting out there for three years. Nothing has been done to it. Nothing has been maintained or anything. I did ask Mr. Davis at one time to mow the field around this and he informed me that it would be a cold day in hell before he would do anything

like that -- before he would mow. So since that time I will not have any contact with them. These are the pictures -- they are not very good."

Mr. Borries asked, "Who is Mr. Davis?"

Mrs. Brown responded, "This gentleman here -- he's with the Corporation. Now, my main concern -- and some of the other neighbors do want to speak; we do have neighbors that could not get down at this time. They are having problems with drainage. We live at the very end of Colonial Gardens Road and what we will do -- as soon as we get our twin boys out of college -- we will put in pipes and get our yard squared away. We are not going to mess with anything like that. But the neighbors in designated area are having a lot of problems. Pointing to map, Mrs. Brown said, "Here is the subdivision; the pond or hole or whatever is right here. We live right here and our land extends out to here. So we have mosquito problems -- the people right in here. I talked with a gentleman last night who is a diabetic. He has purchased an electronic thing to wear while mowing because of the mosquitoes. So these people right here are really suffering from this retention pond or drainage hole or whatever. What we feel -- with all of the plans and everything -- we feel before he continues on he should be made to clean up this mess. And we really feel that you all should help us out here -- because we've put up with that mess for three years. You have to wear a hooded sweatshirt in the summertime to get past there. And I walk our road a lot; but you have to be covered because of mosquitoes. What is going to happen is that it is going to end up being a County problem -- the County Health Department -- and therefore, our taxes will be paying for this.

Also, with it ending up with the two lots -- I had thought that each property owner would have to pay into maintain this. And from what I understood at the last meeting, it is down to two lots -- the last two lots. Well, the last two lots will never be sold. I most certainly would not buy the last lot that would have to maintain and take care of this pond."

Mr. Borries asked, "Didn't you refer to a neighborhood association in your comments regarding the minutes?"

Mrs. Brown said, "Yes; that is what we felt at the first."

Mr. Borries, Would you re-read that portion? What does it say?"

Mrs. Brown quoted, "As far as taking care of the lake, it will be in everyone's deed that they will have a neighbor association with dues that will take care of any problems that do arise."

Continuing, she said, "Now, the last meeting when we went before the APC, the gentleman was stating that the last two lots -- they would take care of it. That is why Mr. Bauer tabled it and sent it back here, because he stated himself that no one would buy the last two lots. And that is our main concern. They are in there. Also, with the swales and all that, who is going to make them maintain it? Who is going to get the swales dug back out and taken care of? You know, it's just three years -- we can't even get them to mow the field behind the lake."

Commissioner McClintock asked, "Would your neighbors, in your opinion (and I know you cannot speak for all of your neighbors) be willing to form this neighborhood association that apparently was never formed, for some reason, to pay and maintain?"

Mrs. Brown said, "I am not part of the subdivision -- I live at the very end. He does have neighbors in the subdivision who are having problems with drainage. As I said, we battled this for a whole year in 1986 and we were just absolutely very frustrated, because we didn't feel that anyone listened to us -- that we did

have a drainage problem. We knew we had a drainage problem before they even came in. In 1983, our neighbor across the street took a canoe down Colonial Gardens Road from the Eagle's Country Club. It was closed off. So we do have drainage problems there. But my main concern is the retention pond. And I am going to allow some of the other neighbors to talk who are in the subdivision; but a lot of them could not come today and a lot of them are very angry with the problems of the drainage and with the water. But I really feel that if he would clean this up before he continues on - and, also, who is going to enforce this? Because for three years it has been sitting there. Also, when they start Phase III (and, as he said, the driveways and all that is not a problem) I could not get in Colonial Gardens Road. I live at the very end. The trucks were not supposed to use Colonial Gardens Road. This is a dead end. They were supposed to come in a designated way. They came in Colonial Gardens Road, cut across designated area (which, Colonial Gardens Road, our neighbors built Colonial Gardens Road) and some of their land extends past Colonial Gardens Road -- and we went round and round as to whether this was a County Road or if it wasn't. But my main concern, too, and this doesn't concern drainage -- but I want to be able to get to my home. And his building trucks were supposed to come in off a designated road -- so we've had all of this. It has all been 'this will be' and it hasn't been. So it is very discouraging. But I really feel that that pond or whatever it is called should be cleaned up before anything is done."

Mr. Owen asked if there are other comments briefly -- so we can move forward?

Mrs. Brown responded in the affirmative.

Mr. Ed McClanahan of 2331 Shady Hollow Trail said he purchased a lot approximately three years ago and there is nothing in his deed that says anything about a neighborhood association. Now, who is to maintain this retention basin? It is full of cattails, willows, weeds; the embankment is sliding in and at times when we have a heavy rain, Squire Lane, Shady Hollow Lane, the water is more than running-board high -- standing for a period of time. Now I don't know who is to maintain this thing, but it is not in my deed and I never heard anything about it when I purchased that lot. Somebody has slipped somewhere. There are also problems other than drainage out there and that is the entrance into the subdivision. You have two -- Country Lane and you have to go into Mimosa Lane to get onto Rose Lane. Mimosa Lane is deteriorating. It is not wide enough. There are approximately 36 houses in there now and you would say that each house has two cars. That is 72 cars. And in Phase III there are 44 lots to be developed. When those 44 lots are developed and with two cars to each home, that's 88 cars on top of the 72 cars. So we have to have some kind of entrance on Mimosa to get into Rose Lane. I suggest that it be widened and I understand that is a County road or lane. But this running-board high water at the "V" in the center of the road, something is not working. I don't know where it is -- whether it is a small sewer or the retaining basin not accepting the water or what -- but that should be checked into."

The Commissioners thanked Mr. McClanahan for his comments and asked if there is anyone else who wishes to speak.

Ms. Rose Wathen of 2730 Shady Hollow Trail was recognized and said she has seen the water like Mr. McClanahan mentioned. When we have a heavy rain, it does get running-board high. In fact, one lady on Squire Lane has had her shrubs washed out about once a year by the water there. Her question is, "If this association you're talking about, if one should be formed -- we're to maintain all of this? Or is this County maintained?"

Commissioner Owen said, "My understanding is (and I believe Mr. Cummings will speak to this) from what I am hearing is that there may have been some discussion at some point of an association but, in fact, as it ended up, the pond was actually deeded to the two properties that it sits on rather than an association. Therefore, there is no association and it is to be maintained and operated by those individuals who own that property regardless of whether it is a corporation or individuals or whoever it is -- whoever owns that property is to maintain it."

Ms. Wathen asked, "But is the drainage in the subdivision maintained by the County? Is that correct?"

Commissioners Borries and Owen simultaneously responded, "No." Mr. Borries continued, "You see, what we have to do here is to predict the future and that is basically what the Surveyor's office is doing here from a standpoint. We are here to look at a plan -- to say if the plan will work. I am not going to get into all the predictions, because I am not one, for example, who believes the predictions on December 3rd, okay? But what happens is that if the inspection and everything does not proceed according to plan, then something may not work. And there are all kinds of other intangibles. You can't plan for a 25 year event or a 50 year event sometimes. If we have a 100 year storm -- everything may be flooded. It is not just going to be yours -- it could be everything. But there are some concerns here. Sometimes if things are done properly (and you have to predict the future) you would hope that the drainage would improve, if the drainage plan is put out as recommended and installed properly. But sometimes that is the unknown. The recourse you have is in the Courts. Unfortunately, the County does not have -- nor do you pay with tax dollars from that standpoint -- any kind of a sewer department, as such, like you have within the City limits of Evansville, where, for example, tax dollars are set aside and used for maintenance of sewers. Then if there isn't enough there they have to sell a bond to do that. But the County doesn't have any tax rate in terms of doing that and the swales behind the homes are (and, again, if done properly) are used to channel drainage -- a swale is a low point -- but they are not maintained by the County. That is not County property. That is the dilemma."

Commissioner McClintock asked, "Mr. President, may I make a suggestion? Clearly we are not going to settle this problem this evening -- even if we stay here until midnight. We know that the County Engineer is supposed to inspect this and that the County Surveyor's Office, by Ordinance, is not responsible for that. I am not satisfied with voting on any part of this issue tonight without the involvement of the County Engineer. What I would suggest is that the Engineer needs to set up a meeting with the interested parties involved and see -- even though I know we cannot become involved monetarily in any kind of solution -- if there is some compromise solution that would be beneficial to all parties. And then have the Engineer come back and report to the Drainage Board following that meeting."

Commissioner Owen said, "That is fine."

Mr. Tony Clements said, "I don't think we're being treated fairly. We've been here twice and both times been approved. We've done everything and it's a beautiful subdivision."

Mr. Jeffers said he is going to have to leave in a few minutes; therefore, he'd like to answer a couple of concerns voiced here tonight and emphasize something. Addressing those residents of Country Trace Subdivision and the affected area he said, "First of all, you can expect water to be in your streets for a period of time after abnormally heavy rainfall. The storm sewer is designed for a 25 year storm; anything that exceeds a 25 year storm, whether it exceeds it in 30 minutes (like a flash flood) or

whether it exceeds it over a 24 hour period, in a 24 hour period that would be in excess of 5-1/2 inches of rain. In a 30 minute period, if you have 2-1/2 inches or 3 inches or rain, you are going to have water in your streets. The Ordinance that we operate under allows water to exceed curb height in a five year storm. So we're talking about -- I could empty out my swimming pool and flood your street for a few minutes. The Ordinance allows you to flood the streets in a five year storm. I would expect there would be water at times two or three feet deep at those low spots.

And I want to emphasize that the earth that was used to build the houses up above the 100 year flood plain was acquired in these swales and in the streets. It was dug out of the area where the streets are. The streets were designed to hold water in flash flood situations. That is to protect homes. You can expect water up on your driveway. If you see a flash flood warning on T.V., you'd better get your car out of the street. And I imagine if you look at the restrictions in the covenants you will find there is no on street parking anyway. The driveways that are going into these houses, there are two of them right now and maybe somebody on Colonial Garden will try to build a driveway. Okay? They are outlaw drives. APC said they didn't want them. EUTS said they didn't want them. And, again, in the covenants of the subdivision it says all driveways must be paved with Asphalt or concrete. So the two drives that are there are outlaw drives -- they are not paved. So let somebody else enforce it -- whoever wrote the covenants.

And I want to emphasize that this man has been up here twice and been approved twice on this drainage plan. The drainage plan will work; it is working in a 25 year event. Granted, the basin (and pardon my language, Tony) looks like hell and it needs to be cleaned up. And you do own it -- or your corporation does own it and, therefore, are responsible for maintaining it. But, whether or not it is cleaned up, it should be cleaned up and it should be reshaped and seeded and protected from erosion. But I want to emphasize that the Ordinance says he may elect Plan A or Plan B -- and he did elect Plan B and he did pay for it and he has had approval and our recommendation remains the same.

Commissioner McClintock commented, "But you are saying that has nothing to do with maintenance, Bill. He did Plan B..."

Mr. Jeffers interjected, "He elected Plan B and there is money in that account to the tune of \$1,011.50. He paid that money and you accepted his check."

Ms. McClintock asked, "But you can't use that to maintain it?"

Mr. Jeffers said, "No; he must maintain it as long as he owns it and if he succeeds in selling those two lots to two individuals, then they must maintain it and that is Plan B."

Ms. McClintock continued, "Here's my point. You say you've been up here twice. I know one -- because it is here in your notes. And I'm looking for two --"

Mr. Jeffers interjected, "October 22nd this year."

Ms. McClintock continued, "Okay; at 8/18/86 note was made in a presentation to the County Commissioners that maintenance of the basin would be by a neighborhood association."

Mr. Jeffers commented, "Correct."

Ms. McClintock said, "So there's one boom -- I wasn't even here; but these people here were told something different from what has happened."

Mr. Jeffers said, "That was before the Ordinance was passed. Then the Commissioners asked the Homebuilders to draft an Ordinance for maintenance of detention basins because we're having problems with them. And the Ordinance that was drafted was proofed by the County Attorney and passed by the Commissioners -- and that is noted in there. And after the Ordinance was passed, Mr. Clements asked the Commissioners to allow him to go to Plan B and the Commissioners consented and accepted his check and deposited that money with the Auditor and, thereby, I would say, accepted the finished product."

Ms. McClintock continued, "Okay; but what these people are worried about -- and I don't blame them -- I don't think probably that we need to approve the drainage plan again -- it's been done twice."

Mr. Borries said, "If we're going to talk about being treated fairly, can't we do something about that? When can we do that? You say you're not being treated fairly -- and we've tried to work here treating the homebuilders fairly; and I'm going to go on record and ask what you're going to do to treat the residents fairly in relation to getting this thing done and maintained? I mean that now -- fair's fair."

Mr. Clements said, "When we put in Section III, part of the dirt that is slipping all comes out of that drainage to shape it and part of it to raise it above flood level. We have to do that to get it approved. We've got inspection and approval procedures in the Ordinance by the County Engineer. We can't get anything accepted until we do that. But we haven't done Section III and part of that is Section III -- and that is, drain it out and clean it out. We've done everything in that subdivision -- I think I've got pictures. This all goes back to...."

Mr. Borries interrupted, "You've got two subdivisions. The records show Country Trace and this is Lakeside Terrace."

Mr. Clements pointed to map and said this is where the thing started. It started in the big field of Plaza Meadows -- it was never dedicated to anybody. Mr. Clements pointed to area in Lakeside Terrace and said he built and sold four of those houses and they sold first -- because they own all this ground -- because these people for \$11,000 are going to get half an acre of ground and maybe a little more.

Ms. McClintock asked, "What does that have to do with this?"

Mr. Clements said, "That is the reason that was done -- to put that in -- because it was a way to maintain it. There was no way to maintain it."

Ms. McClintock said, "Here is my other problem with what you are proposing now. You've got two lots that are supposed to maintain all this and I agree that you're never going to sell those lots. So what is going to happen to those lots?"

Mr. Clements said, "I'm a salesman -- I can sell them. I can sell the lots, because they are going to get almost three times the lot for the same price. These people then can buy a lot three or four times the original lot size for the same money? In a New York minute -- because they get all that ground for nothing; their kids can play on it, etc."

Mr. Borries said, "I'm still confused about the drainage basin, which was part of your original plan. Now you're saying it is part of this plan coming up."

Mr. Clements said, "It was part of the original plans to install it. It was planned for these underground pipes to come into this drainage basin."

Mr. Borries continued, "Again, to be treated fairly -- what can you do at this point to make sure that this thing is working and maintained properly?"

Mr. Clements said, "We'll have to do it if we're accepted in Phase III -- the Engineer will require it."

Mr. Borries asked, "Why wouldn't you have to do it now to get approval for Section III? I mean, fair's fair from that standpoint -- if it's there. That particular thing is already there -- it's not something that is on a piece of paper."

Mr. Clements said, "We need the dirt out of it to for the final section. It takes so much money to do. We've done everything in the rest of it that we said we'd do. We don't have any choice. We got drainage plans approved twice and I don't know why we keep having to come back again."

Mrs. Brown said, "I have the minutes right here when you all approved -- and you all approved the Homeowner's Association."

Ms. McClintock said, "We're not going to get this solved tonight -- I'm telling you that right now."

Mrs. Brown said, "It's right here in the minutes that it was approved with the Homeowners Association. Also, Mr. Clements stood up and was recognized by the Chair. He asked if Commissioner Willner said he would like for the amount of the Homeowners' dues to be set up at \$5.00 per month on the developer's lot, payable every year -- to be set up in escrow. Okay, these people are telling us nothing was set up when they purchased their lots. The Homeowner's Association that was to be never was."

Mr. Borries said, "But it's an either or according to the way the Ordinance read at that point. You have the option of doing that. But that is another matter. The matter is, who should maintain it? And as far as I am concerned that is Mr. Clements' responsibility. To me fairness is a two-way street. Again, I can't predict the future. I don't know what is going to happen on December 3rd or what is going to happen tomorrow -- I try to do my best. And housing is needed -- I don't debate any of that. But I also know that if somebody says on paper that this is the way it is supposed to be, that is the way it is supposed to be and that's fair from that standpoint. So I think fairness is a two-edge sword here. It just seems to me that some maintenance needs to be done here per what the County Engineer would say, pending approval for Phase III. I have no comment on that. I don't know what the stages are -- but I would assume this means they are going to open up another stage of development, I guess."

Ms. McClintock said, "Well, it says in the Surveyor's recommendations that the drainage plans for Country Trace remain approved; that the various persons, corporations, boards and agencies responsible by Ordinance for the installation, inspection acceptance and maintenance of the drainage plan proceed with the project in a timely and appropriate manner. And I guess I'm asking that we figure out who all the corporations, pesons, boards and agencies responsible are, get them together and figure out what the plan is going to be and you come back here with a plan and I will vote to approve it."

Mr. Clements said, "It's already approved."

Ms. McClintock said, "Well, you're back here -- held up -- so you must be here for a reason."

Mr. Bill Nicholson of Veach, Nicholson, Griggs Associates said he got in on the tailend of this through Mr. Clements' asking him to take over. He has checked over the complete drainage plan, but he has not gone through and checked it to see if it was installed properly in the first two phases, because he wasn't involved in that. The only comment he would have on the lake is that from his observation -- and he's taken some elevation shots -- that if the cattails were cleaned out in front of the outfall pipe there, this thing would drain properly. Now it's going to be a maintenance problem keeping cattails and the willows and growth there is in there out. Otherwise, it should work and there is no problem with it. The grading of the bottom of the lake -- if it is seeded properly -- once it is seeded with the proper grass, even if the water stood on there for a couple of days it still wouldn't kill it off, because when the water goes down the grass would still be there. There shouldn't be any problem with it. But he would say that until they get into Phase III construction and get it done properly (all the dirt out of there and that thing shaped properly and keep the cattails and the willows out of there) he thinks it will work all right.

Mrs. Brown approached the podium and said, "I do want to say I think you all are really listening to us tonight and it is such a relief. It really is. He's in there. We're not objecting; there isn't anything we can do. He's in there with a subdivision. We just want things done properly -- what was promised and that taken care of. He said it will work properly. Well, for three years why didn't they go in and take care of it the first year? Now he not only has the people on Colonial Gardens Road, he has his own property owners that are having problems with the mosquitoes and it is a mess. But I really feel that you all are listening -- I really do. Thank you."

Commissioner Owen asked Ms. McClintock what she wants to do.

Ms. McClintock said, "I want to get these people together with the County Engineer (all these persons, corporations, agencies, and the like) and have them come back with a plan as to what they are going to do with that lake; what they are going to do to repair it, etc."

Commissioner Borries said it appears the Board can't make a decision tonight. A Special Meeting of the Drainage Board can be called if we can get these details worked out. But we do need to address the problem as to whether or not this retention is working; what it is going to take to work; whether or not that is part of this third phase, and, again, I think the issue of fairness here and the clarity as to who is supposed to do what and how this works in the future will have to be discussed. "I will assure you that I have some growing concerns about the way this Ordinance is working. I've always tried to be fair to homebuilders, I know they are a very important part of our community and deservedly so. But I can also say that there should be some fairness according also to those persons who buy the homebuilders' products. And it seems to me we need to address this issue here on this lake -- particularly, a retention pond. I think if we can arrange a meeting as quickly as possible with the County Engineer and Mrs. Cunningham, then we will move forward as quickly as we can arrange a meeting and gain a settlement from that standpoint."

Mrs. Barbara Cunningham said the APC meeting is a week from Wednesday. Do the Commissioners wish this to be on the agenda? Have the Commissioners given drainage approval?

Mr. Borries said the Board has not given drainage approval today.

Commissioner McClintock interjected, "We've given approval twice; why do they send it back to us?"

Mr. Borries said it is a third section.

Ms. Cunningham remarked, "In essence, this is coming brand new. What happened is that the deadline was not met at the time to record, so it had to be re-submitted as a new plat. And I think Dan (Hartman) found the drainage plan to be acceptable."

Commissioner Borries interjected, "And I'm not taking pot shots at that either. Again, they have to work on what will work on paper and predict the future from that standpoint -- and that is all they can do. To see if the calculations will work and see if this will work for a 25 year event. But I would say that if all parties want to get together this week to work out an agreement, perhaps a special meeting could be set up for Monday, December 3rd. And that puts a little urgency in the whole situation at that point. So maybe something can be worked out this week in terms of meeting with the County Engineer's office and put them on notification. And, again, we need to get a list of understandings as to how this retention basin is to be maintained now and in the future depending, again, on Part III

Upon motion made by Commissioner McClintock and seconded by Borries, a Special Drainage Board Meeting was called to discuss the drainage plan for Country Trace Subdivision, Section III. So ordered. She said, "You need to call Mr. Curtis, first thing in the morning. He's leaving town either Wednesday or Thursday. Perhaps you can get something set up for Thursday or Friday. Bill, if you can just have one representative, contact Mr. Nicholson. He can give you his telephone number before you leave tonight."

RE: CLAIMS

Mr. Chris Kern of the Surveyor's Office submitted the following claim for approval:

Evelyn Paul: A claim in the amount of \$958.74 for maintenance on Wallenmeyer Ditch.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved for payment. So ordered.

RE: MIDWEST PARTNERS - REQUEST FOR RELAXATION IN SET-BACKS ON LEGAL DRAINS/BURKHARDT RD.

Mr. Dan Hartman said Mr. Mike Tressler is present and has a request to be approved by the Commissioners.

Mr. Tressler identified himself and said his company is called Midwest Partners. He was here on June 25, 1990 and Commissioners McClintock and Willner were here. No formal action was taken, but he thinks everybody was on the same wave length. He said he is here tonight to ask for a relaxation in a set-back requirement for a legal drain. There are three legal drains on the subject site -- a drain running from the east side of Burkhardt Rd. (East Side Urban) and a legal drain on the east property line.

Mr. Borries asked where I-164 is?

Mr. Tressler said the Expressway is about 1,500 ft. North of here and Oak Street is about 200 ft. to the South.

Ms. McClintock queried Mr. Tressler as to why he needs the relaxation of the set-back requirement.

Mr. Tressler said there are three legal drains here. On the 25th, Commissioners McClintock and Willner decided that they'd like to maintain their own side of the ditch on all three sides.

Ms. McClintock asked, "And you have pictures?"

Ms. McClintock said these other communities really have nice looking developments.

Mr. Tressler said they need permission to locate a drainage pipe in the legal drain on designated side in specific location. He believes he needs to ask permission to do that. He'd like to do the same in a second designated area. He's been working with EUTS, and he will be at Subdivision Review Committee and the APC Meeting on December 11th about the curb cut and work with EUTS in designing it. There will be a 21 inch pipe in designated culvert and he'd like to cover the ditch and that will be their access on Burkhardt Rd. So he's asking permission to put a pipe in there.

He is also asking permission to discharge water from the detention basin into designated ditch. Because they are maintaining the property themselves to the center of the ditch on the three sides, they'd like to ask that the relaxation of the set-back requirement be 25 ft. from a structure to the top of the bank, the reason being they'd like to change the slope of the designated ditches -- the one on the North and the one on the far West side.

Mr. Borries asked, "Change the slope to what?"

Mr. Tressler continued, "Say 3:1 or 4:1. They are closer to vertical right now. These people are going to be used to it. They are going to pay \$60.00 every month and they expect to get a lot for it. The reason my engineer used some measurements from the center addition -- Mr. Hartman told me that is not correct, you always need to measure from the top of the bank. But the distance from the center will never change. This is the present top of this bank; but if we change from the 3:1 to 4:1, this would probably come back 10 or 12 ft. In designated area we are 25 ft. from the top of the bank and we don't want to touch that ditch."

Mr. Borries asked if the pipes have been sized.

Mr. Hartman said he hasn't sized any of the pipes at all.

Ms. McClintock asked Mr. Hartman if he has approved any of this and he responded in the negative.

Mr. Tressler said that the City Engineer, Mr. Williams, has looked at his drainage plan and conceptually approved it -- because it is in the City.

Ms. Cunningham said the legal drains are in the County and the drainage plans are in the City.

Ms. McClintock said that's fine and the Commissioners think Tom is a grand guy and he is smart -- but the County Surveyor needs to look at this and make a recommendation.

In response to query from Commissioner Borries, Mr. Tressler said he got the pipe size from the City Engineer. Mainly, what he is asking for is to locate a residence within 25 ft. of a legal drain. He is maintaining everything himself and this will be included in the agreement or the covenant.

Mr. Cletus Muensterman pointed out that it is the responsibility of the County to clean the ditch along Burkhardt Rd.

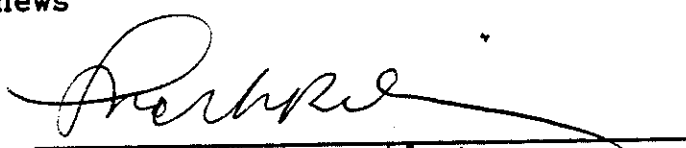
Commissioner McClintock again noted that the Commissioners have to have the County Surveyor's office look at this and make a recommendation and she asked that Mr. Tressler return to the Special Drainage Board Meeting next Monday and that he be put on the agenda before Country Trace III Subdivision.

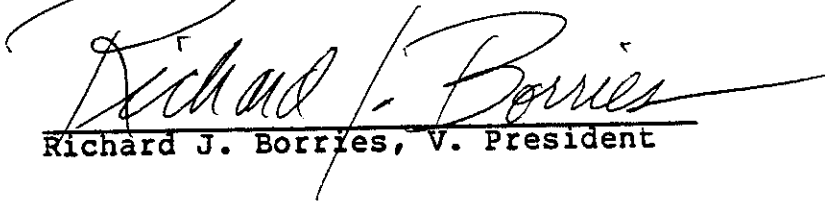
There being no further business to come before the Board at this time, President Owen declared the meeting recessed at 6:15 p.m.

PRESENT:

Mark R. Owen, President
Richard J. Borries, Vice President
Curt John, County Attorney
Carolyn McClintock, Member
Cindy Mayo, Chief Deputy Auditor
Cletus Muensterman, County Highway Supt.
Barbara Cunningham, Area Plan Commission
Bev Behme, Area Plan Commission
Jerry Riney, Commission Office
Dan Hartman, Chief Deputy Surveyor
Bill Jeffers, Surveyor's Office
Lana Brown
Ed McClanahan
Rose Wathen
Tony Clements
Mike Tressler, Midwest Partners
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Mark R. Owen, President


Richard J. Borries, V. President


Carolyn McClintock, Member

MINUTES
SPECIAL DRAINAGE BOARD MEETING
DECEMBER 3, 1990

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MINUTES
SPECIAL DRAINAGE BOARD MEETING
DECEMBER 3, 1990

The Vanderburgh County Drainage Board met in session at 4:10 p.m. on Monday, December 3, 1990 in the Commissioners Hearing Room, with President Mark Owen presiding. The meeting was opened by Sheriff Clarence Shepard, who declared the Commission in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the minutes of November 26, 1990 were approved as engrossed by the County Auditor. So ordered.

RE: DRAINAGE - SPEAKER ROAD & SKYLINE DRIVE

Commissioner Owen said the first thing on the agenda is regarding a drainage problem on Speaker Road and Skyline Drive. Mr. Fred Deweese is here to speak on this.

Mr. Fred DeWeese, Broker Associate with Emge Realty, said he has recently listed a property on Skyline Drive, which is an extension of Speaker Road, located in the subdivision called Westlake Hills. This specific piece of property is located on the westside of the road. In looking at the ground, prior to the listing with the owner of the ground, he found there is about a 20' drain running underground from the eastside of the road to the westside and this spills directly, almost in the dead center, of this lot. He presented a rough sketch and proceeded to explain same to the Board. After discovering the drain, he talked to Area Plan and they suggested he see the County Engineer. He talked to David Franklin in the Engineer's office and both he and Mr. Franklin went out to look and it was agreed that someone goofed because this drain spills directly into the center of the property which seriously affects the sale value. If it were not for alot of brush and young trees growing in that area, that ground would be severely eroded. Mr. Franklin's idea was to deepen the ditch on the eastside, extend it so it would pass, not only the property in question but the adjoining property to the south, and eliminate alot of the water running into the property in question. He followed their procedures and contacted two property owners, the first of which agreed to the expense of less than \$200.00. The second property owner, after much difficulty in contacting him, found that was money he did not want to spend. So, he is up against a stone wall. We have not established a price on the property, pursuant to a decision on what can be done about this drainage problem. It's Mr. Franklin's suggestion that he contact the County Commissioners to see if they have any suggestions on how to proceed and correct this problem.

Commissioner Borries said one of his suggestions to contact the Surveyor's office about this and Mr. DeWeese said he had talked to Dan Hartmann.

Mr. Hartman said he didn't even know where the property was until Mr. DeWeese pointed out it a few minutes ago. He said he has no idea what the problem is because he is listening for the first time himself.

Commissioner Borries said he has presented this and they are going to have to refer this matter to the Surveyor's office to Mr. Hartmann to get some further information. He thinks a site visit would be appropriate. He asked if there was a drainage plan for this subdivision and was told Mr. Hartmann had no idea if one existed. He said it is going to be difficult for the Commissioners to react. Normally, there is a drainage

water will flow and how it will be retained, if necessary. He then explained the process of the drainage plans for approval.

Mr. DeWeese said Mr. Franklin told him the simple way to do this is to get the property owners on the far side (the eastside) of Speaker Road to agree to the expense of the culvert. One has agreed but the second has not.

Commissioner Borries said that would be important, however, he asked if Skyline was an accepted road to which everyone seemed to agree that it is accepted. Sometimes, if it's a county accepted road, and if the property owners wishes to purchase the pipe, the County will install the culverts. The county will do that if it's on county accepted roads.

Commissioner McClintock asked Mr. DeWeese if his property owner would purchase the pipe to which Mr. DeWeese indicated they would but only under duress.

Commissioner Borries commented if its his property, he is entitled to the use of it. The procedure is that the County Highway will be able to install a pipe if it's on county right-of-way, through a drive-way. The rule of thumb has always been that the property owner purchase the pipe.

Mr. DeWeese questioned why the drain is crossing the road and dumping water right in the middle of a development.

Commissioner McClintock said the Board does not know why.

Commissioner Borries explained that without a drainage plan, it's going to be tough to do. If this subdivision is thirty five to forty year old, it could adjoin. The Board's rule of thumb is that whoever has the drainage plan presented to the Board, they must present a plan approved through the Surveyor's office to handle their water.

Mr. DeWeese asked if he gets an approval from the seller, the owner of the property in question, to install the pipe for the gentleman across the road, can he proceed with the ditching on the eastside of the road.

Commissioner Borries said if it's along County right-of-way and if there is available county right-of-way, we can take a look at that.

Greg Curtis, County Engineer, said it is his understanding was the problem can be resolved except the gentleman that owns the property won't buy the pipe. He says he can't afford it and that's the only thing holding up the plan Mr. Franklin and Mr. DeWeese discussed. So, if someone else buys the pipe, then he would say it will be solved. The water would be put exactly where it would naturally flow.

Commissioner McClintock said he needs to find out if his property owner will buy the pipe.

Commissioner Borries agreed and added the County will install the pipe but the County will not pay for the pipe.

RE: RELAXATION IN SET-BACK REQUIREMENT FOR LEGAL DRAIN - MIKE TRESSLER

Commissioner Owen said Midwest Partners has requested a set-back of the requirements for legal drains.

Mr. Mike Tressler said he is here to represent Midwest Partners. He said he didn't think they could take formal action tonight because it is complicated. The site is in the City and is surrounded by three legal drains. He wasn't been aware that his formal drainage plan needed to be introduced when he asked for this variance but he is aware of that now. He has gotten his drainage plan and has a memo from Tom Williams, City

Engineer, stating that, conceptually, he agreed with Mr. Tressler's drainage plan but the problem is we can't finish the plan until he gets a temperature reading from the Drainage Board about feelings on this variance on the relaxation of the set-backs. What he is asking is to locate these within the 75' set-back from the legal drain. He has drawn it to where they are all, on all three sides, 25' from the top of the present bank. He will not have a retention pond or anything structure within 25' from the top of the bank. When he was here on June 25, Commissioner McClintock and Commissioner Willner said they felt that if he agreed to maintain from the center of the ditch all the way through the 25', that we could locate something through there because brining tractor or something through is his problem and not the County's. So he really can't go full steam ahead and present a formal drainage plan until he at least gets a temperature reading on how the Board would feel about locating 25' from the top of that, knowing that he is accepting responsibility on the maintenance. He said it's a relatively up-scale development. He has been involved in these in other communities and everybody knows when you have a condominium, you pay your association fees and it's not something that is in limbo or made to come about but it is the intricate part of living in a condominium. So, it's landscaped area and it needs to be maintained well and he doesn't think the community would want it cut just one or two times a year or whatever the County does, anyway. They are going to want to maintain it. So, it's his responsibility to maintain the property. Mr. Williams has seen what the plan is in real basic terms. Half the site is going to drain into the retention basin and 25% of the site would drain into a legal drain through a pipe and 25% into another drain also through a pipe. That's his theory but he needs to know if they will relax. He said they would never change the slope of the ditch so that the new top of the bank will be within 25'.

Commissioner Borries asked if the other side of the ditch was on City property to which Mr. DeWeese confirmed. Commissioner Borries added they will have to maintain that side.

Mr. DeWeese asked if he could take it from the center line to his property, on all three sides, he wanted to know if somebody was going to be responsible from the center line to the property he doesn't own.

Commissioner McClintock commented that he maintains half that the County would normally would have to maintain.

Commissioner McClintock made a motion to relax the set-backs in the legal drain to 25 feet at all three locations, with the stipulation that the property owner will maintain the part that is being relaxed (measured from the center of the creek) and was seconded by Commissioner Borries. So ordered.

COUNTRY TRACE SUBDIVISION - SECTION III:

Mr. Greg Curtis said as the Commissioners requested at the last drainage board meeting, he did meet with the property owners that morning. It is his understanding, from reading the minutes, that there is an approved drainage plan and a re-approved drainage plan since the time to record the plat expired for the third section. It was re-approved in October. He told the people at the meeting that all that he can see that his options are as County Engineer is to enforce the drainage plan. The facilities are installed however, he can require that the detention basin be repaired. There is a letter of credit that is required for all developments when they platted their subdivision. Part of that letter of credit can be for repairing that retention basin. Some concerns were raised about two lots maintaining the retention basin. Whether it be

two lots or more than that is something that is in the Commissioners control and the Area Plan Commissions control. However, until such time as those lots are sold, the developer is aware that he is owner of those lots and so therefore he is responsible for maintenance of that retention basin. He told them, other than what he just repeated to the Commissioners, he doesn't see that there is anything that can be done differently other than the Board changing the drainage plan. In looking through the records in his office he knows there are no record of the County Engineer having inspected the drainage facilities. He apologizes for that but it was before his employment with Vanderburgh County. He assures the Commissioners it will be inspected during construction of phase III.

Ms. Lana Brown, 3011 Colonial Gardens Road, approached the podium. Her husband brought a letter with the property owners signatures and their concerns were expressed. She said Mr. Curtis has the letter. They still feel that there should be a more realistic plan than the last two lots taking care and maintaining it. She wants to have this all cleaned up before the development continues and to have it enforced. The retention pond maintained, enforce the mosquito control, this is what they want. They don't want another three years of the same. It sounds like to her, that's what they are going to get.

Commissioner Owen commented the drainage plan does say that it was approved with the stipulation that the County does not maintain the retention pond, that the owners of the property will maintain that pond. So, that has been done and they just need to see that is enforced.

Ms. Brown asked who will do that.

Commissioner McClintock said the County Engineer just got through telling the Board that he is going to do that.

Mr. Curtis said he is not the one that can physically enforce that but he is the one that will bring that to the Commissioners if it is not being enforced.

Mr. Jack Davis, President of Summit Corporation which owns Country Trace, said they accept responsibility for this. They will take care of it and it will be taken care of to the County Engineer's specifications. He said he doesn't know what else they can do. It's part of Phase III and it will be done as the Board requested.

Commissioner Owen asked if anyone else wanted to speak on this matter. There were no replies.

Bev Behme, Area Plan Commission, said on October 22, 1990, the Drainage Board approved the drainage plan with the stipulation that the County does not have to maintain the detention pond and the owners of certain lots will maintain it.

Commissioner Owen asked Ms. Behme if there was further action needed today.

Bev Behme said the Area Plan Commission was confronted with these problems at their meeting and they wanted it discussed in this meeting and she thinks this morning's meeting with Mr. Curtis agreeing to check on the maintenance satisfies ...

Commissioner McClintock interrupted to clarify that this Board doesn't need to take further action.

Ms. Behme agreed.

Commissioner McClintock added the question in the homeowners minds is that if this is approved by Area Plan Commission, when can these neighbors expect to see construction and improvement of that retention

pond.

Bev Behme said they have 18 months, from the time Area Plan Commission approves it, to record the subdivision and they won't be able to build any houses until after it's recorded. Usually, they take that time to put the improvements and streets, sewers and the drainage. So, that will be going on in that time frame.

Mr. J. Davis said they will be doing that this spring. They intend to starting as soon as possible, or as soon as the money is available.

There being no further business before the Board at this time President Owen declared the meeting adjourned.

PRESENT:

Mark R. Owen, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
Jeff Dodson, County Attorney
Sam Humphrey, County Auditor
Greg Curtis, County Engineer
Dan Hartmann, Surveyor's office
Jerry Riney, Commission Office
Lana Brown
Mike Tressler, Midwest Partners
Jack Davis, President Summit Corporation/Country Trace
Others (Unidentified)
News Media

(Taped and transcribed by Karen Hadfield
for J. Matthews, who is on vacation.)


Mark R. Owen, President


Richard J. Borries, Vice President


Carolyn McClintock, Member

DRIND

MINUTES
DRAINAGE BOARD MEETING
JANUARY 28 1991

I N D E X

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Carneal Commercial Subdivision Section I Drainage Plan (Approved)	1
Copperfield Subdivision Section II Drainage Plan (Drainage Plan Approved, with a Detention Basin)	1
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(Scheduled March 25th at 6:00 p.m. @ Auditorium)	
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Agreement w/Legal Counsel for Drainage Board	6
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Resolution re Drainage Board Meeting Dates	6
Meeting Recessed at 5:00 p.m.	

MINUTES
DRAINAGE BOARD MEETING
JANUARY 28, 1991

The Vanderburgh County Drainage Board met in session at 4:40 p.m. on Monday, January 28, 1991, with Commissioner Hunter presiding.

RE: SANIBEL HILLS SUBDIVISION

Chief Deputy Surveyor Dan Hartman said he has drainage plans which have been submitted by Three I Engineering. He thinks Area Plan has approved the plans pending...

Ms. Behme interrupted by saying it has not been to the Area Plan Commission.

Mr. Hartman continued, "They have not approved the plans yet, but I have reviewed these plans with Three I Engineering and the drainage is adequate and satisfactory. It is his recommendation the plans be approved."

Commissioner Hunter said he would also like for the Soil Conservation Service to see these plans.

Ms. McClintock said the plans could be approved pending their review, and Mr. Hunter suggested it be done that way.

Ms. Behme said it can't go before the APC anyway until March, as it has to be advertised.

Upon motion made by Commissioner McClintock and seconded by Commissioner Hunter, the drainage plan for Sanibel Hills Subdivision was approved, pending the approval of the Soil Conservation Service. If there is a problem, the Drainage Board can see Messrs. Hartman and Broerman in February. So ordered.

RE: CARNEAL COMMERCIAL SUBDIVISION SECTION I

Mr. Hartman said Morley & Associates has also presented a drainage plan to the County Surveyor concerning Carneal Commercial Subdivision Section I.

Upon motion made by Commissioner McClintock and seconded by Commissioner Hunter the drainage plan for Carneal Commercial Subdivision Section I was approved. So ordered.

RE: COPPERFIELD SUBDIVISION SECTION II

Mr. Hartman said he has a set of drainage plans for Copperfield Subdivision Section II.

Mr. Rice of the Soil & Conservation Service said he feels this plan needs to be revised to include some water retention storage.

A brief discussion ensued, the major portion of which was inaudible because Mr. Keith Poff of Morley & Associates, Mr. James Morley, Mr. Hartman and the Commissioners were conversing among themselves and not speaking into the microphone.

Addressing Mr. Poff, Ms. McClintock asked, "He is saying it is going to flood -- is it going to flood? What provisions are you making so it doesn't flood."

Mr. Poff's comments were, for the most part, inaudible. He did say, however, that they propose to design the streets so they will not be inundated by a 100 year flood.

Mr. Rice said he did not think there should be any basements.

Again, Mr. Poff's remarks were inaudible until he commented they have proposed flood protection grades. The houses will be 2 ft. above the 100 year flood.

Mr. James Morley interjected, "I'd like to offer a comment on that and my comment is if we're going to deal with cutting every piece of flood plain development land in the county out, we'd better look very seriously at what we just did on Highway 41 North and everywhere else and propose it as an Ordinance -- don't bring it up as a comment every time. The Federal Flood Insurance Management Agency says that a "flood plain" and a "floodway" are differentiated. A "floodway" is a point where if you fill there you are going to make the water go higher. A "flood plain" is an area outside of that limit in which it doesn't make the water go higher, because that is the definition of the floodway. And if we're going to pass an Ordinance, we'll have to do so and I really don't think we should hear every time someone stand up and say 'I'm going to be against this'. Let's do it by Ordinance; let's don't do it by individual."

Commissioner Hunter commented, "I'm sorry, but he's doing this at my request. I have no control over what occurs on Highway 41 North and I do agree there are major drainage problems out there. But I know I'm going to have these people standing in front of us in two or three years saying they got taken to the cleaners."

Mr. Morley said he agrees; he doesn't disagree at all. What he is saying is, "Let's don't get it down to an individual argument on this. If we're going to do something -- for your information, Henderson County has done just such a thing. They have declared that there will be no development in any flood plain area and they don't do that. Now, they don't. But that is not what FEMA law says and that is not what the laws say. And by Indiana's option (not all the other states -- just Indiana) Department of Natural Resources, they said, "Let's be sure -- let's go 2 ft. more than the 100 year flood and let's make that it. And FEMA says, 'Okay, if you say that, Indiana, we'll go along with it.' So in Indiana we go 2 ft. above that. We've got lots of safety involved in what is going on here. And the point that I am trying to make here is that, you know, you might decide we aren't going to develop flood plain ground in all of Vanderburgh County. But, put it in the form of an Ordinance, not as comments that might be decided one way one time and another way another time. That is what I am trying to get to here -- is understand the difference between a "floodway" and a "flood plain" -- according to the definition of the Corps of Engineers. I just want you to consider it carefully and I don't want to defend one at a time or have you say okay on this subdivision and have some other engineer walk in with another subdivision and then you shoot it down for the reason he brought up the comment. Please consider very carefully what he is saying. And if you're going to do it, then do so by Ordinance."

Brief discussion took place between the various parties, but comments were again inaudible. Commissioner Hunter continued, "I think we do need to develop a drainage ordinance and we need to look at the development that has taken place in the past and what we want to do and I would like the developers, people from the Planning Commission, the Building Commisison, etc., involved in developing a drainage ordinance that will fit both the City and the County. We need to form this group and sit down -- perhaps on a monthly basis -- to work out some of these problems. During

my time of sitting in on these meetings I saw person after person come before this Board with mud in their driveways and mud in their garages, simply asking for help. And in many cases the builder was long gone -- gone out of business or had died, or what have you -- and I said one of the things I would try to put the clamps on was this type of thing.

Mr. Morley said, "In defense of all of this, to my knowledge I don't think there are any homes that have been built ever since Vanderburgh County undertook this flood ordinance that have flooded. I'm not aware of any."

Ms. McClintock asked, "What about Old Petersburg?"

Mr. Hunter asked, "When was this ordinance enacted?"

Mr. Morley said in 1982 -- about eight years ago.

Commissioner McClintock interrupted, "Mr. President, I set an Executive Session for 4:00 p.m. and I promised the Sheriff -- if we're not going to get this settled today, let's defer it. I mean, I don't think we're going to get this settled today."

Mr. Hunter responded, "No, we're not. But if we approve this subdivision, I would like to see some storm water retention..

Ms. Behme interrupted, This is scheduled to go to the APC on February 6th. Plan Commission will not hear a subdivision until it has an approved drainage plan.

Ms. McClintock asked, "Can we approve it without seeing the drainage retention?"

Mr. Hunter asked, "Are you not willing to work with him on this?"

Mr. Morley responded, "I am willing to work with him. I'm not necessarily willing to agree without hearing his comments and everything he might say. I've been involved in this drainage for a long, long time; I understand the FEMA regulations; I understand our County Ordinances; and I don't want to say that I agree without an opportunity to have a say in what is involved here. Now, you know, he just now made a comment that this should have detention. And if we do everything detention in the County, we delay things. The upper reaches of all basins should have detention. If you're right down next to the creek, don't detain -- because then you're falling in when the other headwaters get there. This site was designed so that the part right next to the creek didn't do detention and right above it is the subdivision we worked right above it and it has detention. I mean everything is a complicated process that needs to be very carefully thought out. And a quick shot at "detain everything" is not necessarily the right answer. You detain in all your upper regions and if you're right next to the creek, you don't detain there. It is my professional engineer's opinion that detention is not the correct solution for the drainage plan here.

Mr. said, "With the drainage ordinance that has been accepted in other counties they are requiring detention on any subdivision that goes in."

Mr. Morley said, "That is a very head-in-the-sand attitude that does not involve sound engineering practices. What we're talking about is making sure that the flood crest in the creek does not go higher and to do so, you have to balance where you detain and where you don't detain. You can see that we have some fundamental differences that have to be covered very carefully between us here, so that we have a clear understanding of the ground rules and I don't expect you up there to make a quick blanket judgment that either I'm right or Darrell is right."

Ms. McClintock asked, "So we should defer this for a month?"

Mr. Morley said, "If you defer it for a month, we can't go to Plan Commisison."

Ms. McClintock asked, "Is it against the law to go to Plan Commission without Drainage Board approval?"

Mr. Morley responded, "It is against policy."

Ms. McClintock asked, "It's just that they don't like to do it?"

Mr. Morley responded, "No, they won't do it."

Ms. McClintock said, "I'm not willing to vote on this today, so we're just dragging this on and on -- and I don't know why."

Mr. Morley said, "If he desires it, the developer probably would do the detention and not really have a problem with it. As an engineer, I've got a problem with that. I think that is the wrong answer. But the developer would do it, because he actually planned on borrowing dirt down there. So if what you say is that everything is all right except the detention and if he says it has a detention basin, then I am here to tell you it will have a detention basin and he can have a detention basin. But as an engineer, I'm telling you that is probably not the right solution.

"Ms. McClintock asked, "What is the solution then?"

Mr. Morley responded, "It really doesn't matter. For this drainage plan it really doesn't make any difference. If Darryl wants it to have a detention basin, there is room; there is a location; it can have a detention basin. If that's a condition for the approval, fine. Just say it is approved with a detention basin. The developer will put it in."

Mr. Hunter asked, "So if we accept it, you are saying that you would guarantee that the area designated in 'orange' would have no drainage problems, no water problems of any kind? The cross basins would be dry and their basements would be dry?"

Mr. Morley said, "There are no basements in those low areas."

Mr. Hunter said, "The word basement was used in there."

Mr. Morley said, "Right, it was used in there to tell people they can't build basements unless they get specific approval."

In response to query from Mr. Hunter if he would guarantee that no one out there would have a wet cross basin, Mr. Morley responded, "No sir, I would never make a guarantee like that. We are talking about two different things here. One is a crawl space and another is flooding from a 100 year flood plain. Let's don't mix the two. There are sources of water other than the 100 year flood. What we are saying is, "If you approve this drainage plan here, what you have in front of you is a sewer layout in which all the sewers have been calculated for the 25 year storm (which is the County's criteria -- that you have all home elevations listed at at least 2 ft. above the 100 year flood elevation, which is required in the State of Indiana - and they are shown on the plat. And, further, that if Darryl determines a detention basin is right, that the builder will put in a detention basin."

Ms. McClintock asked, "And that is what you think we need? A detention basin? Now you're saying we can make this motion and approve it if you put in a detention basin and he approves it?"

Mr. Morley responded, "Yes."

Upon motion made by Commissioner McClintock and seconded by Commissioner Hunter, the drainage plan was approved, with a detention basin.

RE: REQUEST FOR MEETING RE RELOCATION OF LOCUST CREEK

Mr. Hartmann said he has a letter from Attorney Shively of Noffsinger, Price and Bradley. They would like to set up a meeting with the Drainage Board regarding the relocation of Locust Creek out at the Landfill. This meeting is to bring in all the big horses because of the environmental studies, etc.

Ms. McClintock asked to set that meeting for March 25th.

Mr. Hartman asked if that would be a regular meeting or a special meeting?

Ms. McClintock said she thinks it will have to be a special meeting in a location such as the City Council Chambers or the Auditorium. It's a regular meeting date for the Drainage Board -- but they can do that first and then whatever else they have to do.

Mr. Hartmann asked if the place is to be determined at a later date?

Ms. McClintock asked where Mr. Hunter wants to have the meeting, saying all the C.O.L.E. people will be here.

Mr. Hunter responded, "The largest place we can get our hands on."

It seemed to be the opinion of the Board that perhaps the meeting should be held in the Auditorium.

RE: CLAIMS

Upon motion made by Commissioner McClintock and seconded by Commissioner Hunter the following 29 claims were approved for payment:

Big Creek Drainage Assn.: \$1,817.55 for work on Buente Upper Big Creek Ditch.

Evelyn Paul: \$169.19 for work on Wallenmeyer Ditch.

Union Twp. Drainage Assn.: \$334.80 for work on Kamp Ditch.

John .F Maurer: \$557.10 for work on Hoefling Ditch.

Albert J Steckler: \$861.25 for work on Baehl Ditch.

Big Creek Drainage Assn.: \$2,432.23 for work on Pond Flat Main.

Ralph R. Rexing: \$743.54 for work on Pond Flat Lat. "A".

Ralph R. Rexing: \$391.58 for work on Pond Flat "B".

Big Creek Drainage Assn.: \$433.73 for work on Pond Flat "C".

Ralph R. Rexing: \$641.06 for work on Pond Flat "D".

Big Creek Drainage Assn.: \$43.39 for work on Pond Flat "E".

Union Twp. Drainage Assn.: \$835.80 for work on Barnett Ditch.

Asplundh Tree Experts: \$272.14 for work on Harper Ditch.

Asplundh Tree Experts: \$578.29 for work on Harper Ditch.

Union Twp. Ditch Assn.: \$716.61 for work on Cypress Dale-Maddox.

Union Twp. Ditch Assn.: \$461.85 for work on Edmond Ditch.

Union Twp. Ditch Assn.: \$380.94 for work on Helfrich-Happe Ditch.

Big Creek Drainage Assn.: \$1,482.39 for work on Maidlow Ditch.

Big Creek Drainage Assn.: \$53.33 for work on Rusher Creek.

Eugene Rexing: \$269.50 for work on Singer Ditch.

Asplundh Tree Experts: \$3,236.26 for work on East Side Urban South Half.

Asplundh Tree Experts: \$63.75 for work on Keil Ditch.

Asplundh Tree Experts: \$727.94 for work on Sonntag-Stevens Ditch.

Asplundh Tree Experts: \$1,530.00 for work on Eagle Slough.

Asplundh Tree Experts: \$1,249.16 for work on East Side Urban North Half.

Asplundh Tree Experts: \$204.82 for work on Keil Ditch.

Asplundh Tree Experts: \$292.40 for work on Aiken Ditch.

Asplundh Tree Experts: \$523.80 for work on Kolb Ditch.

Asplundh Tree Experts: \$122.40 for work on Aiken Ditch.

Upon motion made by Commissioner McClintock and seconded by Commissioner Hunter the claims were approved for payment. So ordered.

RE: REORGANIZATION OF DRAINAGE BOARD

Attorney Ziemer advised that the Commissioners need to reorganize the Drainage Board and elect officers.

Upon motion made by Commissioner McClintock and seconded by Commissioner Hunter, Commissioner Hunter was elected President of the Drainage Board. So ordered.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, Commissioner McClintock was elected Vice President of the Drainage Board. So ordered.

RE: AGREEMENT WITH LEGAL COUNSEL FOR DRAINAGE BOARD

Upon motion made by Commissioner McClintock and seconded by Commissioner Hunter, the agreement with Ted Ziemer and Jeffrey Wilhite as Legal Counsel for the Drainage Board was approved. So ordered.

RE: RESOLUTION RE DRAINAGE BOARD MEETING DATES

Upon motion made by Commissioner McClintock and seconded by Commissioner Hunter the Resolution re Drainage Board Meeting Dates for 1991 was approved. So ordered.

There being no further business to come before the Board, President Hunter declared the meeting recessed at 5:00 p.m. Commissioner McClintock announced the scheduled Executive Session will convene immediately.

PRESENT:

Don Hunter, President
Carolyn McClintock, Vice President
Rick Borries (Absent)
Ted Ziemer, Jr., County Attorney
Sam Humphrey, County Auditor
Jerry Riney, Commission Office
Margie Meeks, Commission Office
Dan Hartman, Chief Deputy Surveyor
Jim Morley, Morley & Associates
Danny Leek
Keith Poff, Morley & Associates
Bev Behme, Area Plan Commission
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Don Hunter, President


Carolyn McClintock, Vice President


Rick Borries, Member

MINUTES
DRAINAGE BOARD MEETING
FEBRUARY 25, 1991

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened at 6:45 p.m.	1
Claims (1990 Ditch Maintenance)	1
Bid Specs for 1991 Annual Ditch Maintenance (approved)	1
Authorization given to advertise for Bids for 1991 Annual Ditch Maintenance (Bid Opening 3/25/91)	2
Request for Special Drainage Board Meeting on 4/1/91 (To award 1991 Annual Ditch Maintenance Bids)	2
Burkhardt Center (Drainage Plan approved)	2
Meridian Subdivisiion Drainage Plan (Deferred action until 3/25/91; D. Hartman to work on this with Jim Farney of Morley & Associates and bring it back to the Board.	2
Sanibel Hills Subdivision (Drainage Plan approved)	5
Discussiion re Special Drainage Meeting April 22, 1991 re Locust Creek (Meeting has not yet been advertised and will not be until further instruction from the Board)	5
Approval of Minutes of February 25, 1991 Deferred until Commissioner Borries' return	8
Meeting recessed @ 7:30 p.m.	8

MINUTES
DRAINAGE BOARD METING
FEBRUARY 25, 1991

The Vanderburgh County Drainage Board met in session at 6:45 p.m. on Monday, February 25, 1991 in the Commissioners Hearing Room, with President Hunter presiding.

The meeting was called to order by Commissioner Hunter, who subsequently recognized Ms. Linda Freeman of the County Surveyor's Office.

RE: CLAIMS

Ms. Freeman submitted the final claims for 1990 Ditch Maintenance, as follows, saying she believes that all of the 1990 ditch contracts have now been completed:

Eldon Maasberg .(Kneer Ditch).....	\$303.60
Asplundh Tree Experts (Kolb Ditch)	\$ 92.44
Asplundh Tree Experts (Aiken Ditch)	\$ 21.60
Asplundh Tree Experts (Keil Ditch)	\$ 36.14
Asplundh Tree Experts (Aiken Ditch)	\$ 51.60
Asplundh Tree Experts (East Side Urban N. Half).....	\$220.44
Asplundh Tree Experts (Eagle Slough)	\$270.00
Asplundh Tree Experts (Sonntag-Stevens)	\$128.46
Asplundh Tree Experts (Keil Ditch)	\$ 11.25
Asplundh Tree Experts (East Side Urban S. Half)	\$571.10
Asplundh Tree Experts (Harper Ditch)	\$148.02
Asplundh Tree Experts (Harper Ditch)	\$102.05
Big Creek Drainage (Barrs Creek)	\$527.03
Eldon Maasberg (Maasberg Ditch)	\$154.42

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter all of the claims were individually approved as presented. So ordered.

RE: 1991 ANNUAL DITCH MAINTENANCE BID SPECS

Ms. Freeman then submitted the 1991 bid specs for annual maintenance of legal drains in Vanderburgh County for approval, and requested permission to advertise for bids.

In response to query from Commissioner Borries, Ms. Freeman said that we had an aerial sprayer up until last year. Last year we tried to have Parrish (who put in a bid) come in, but apparently they didn't have time for Vanderburgh County. So we don't have anyone that we know of who can aerial spray, so we don't have aerial spraying included in the bid specs. So we might be looking for more money for some of the ditches, especially Eagle Slough -- because there is nobody out there who is interested in doing aerial spraying. Bill Heppler retired and sold everything and Parish (out of Mt. Vernon) is apparently overworked now and he just didn't have time. We've advertised and called -- Asplundh is from out of town -- and the farmers tried to sub-contract with Parish in 1990 to have some of the ditches sprayed which they'd had Green Grasshopper Company spray. Parish didn't follow through for them either. It is more cost effective than going out there spraying by hand and the farmers have probably looked as hard as anybody for somebody to aerial spray.

Ms. McClintock is not here this evening, but she was inquiring about the Maidlow Extension. The Surveyor's office has added that 2,200 ft. (It is in the very back of the Special Provisions section.) They added a section for the Maidlow Extension to be cleaned, to be mowed, and for removal of all undesired vegetation and trees that are up to six (6) inches in diameter. We will have that cleaned so we can go in and look at it a little closer, rather than going in now and doing any surveying on it. If we go in now we might miss something. We need to go in and check on any potential problems we might have.

In response to query from Commissioner Borries, Ms. Freeman said we only have one ditch in the red, and we've probably made that up now with collections from last year. A single ditch can be in the red, as long as we're in the black in the overall ditch account itself, we're okay. We're way out in front on that, because we're collecting a pretty healthy sum from the City since they declined to maintain the legal drains that are within the City limits. We bill them at \$22.50 per acre on the east side -- so the overall ditch account is pretty healthy.

Mr. Harry Elpers approached the podium and asked, "Part of Maidlow is part of our legal drain, too. Are you talking the ditch starting possibly Boonville Highway and heading downstream, which would be north?"

Ms. Freeman said, "The 2,200 feet has been added south to the road."

Mr. Elpers said, "At one time there was a big argument as to how that would be handled, because if that were opened up -- in case of a major dredge, that would create a flood problem downstream -- and that is not it?"

Ms. Freeman responded, "No, hopefully we'll get competitive bids on that and it's strictly vegetation removal at this point. If reconstruction or additional work needs to be done then we'll be able to see it once they get the vegetation and other stuff out of the way."

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the bid specs were approved and permission was given to advertise for bids, with bid opening scheduled for the regularly scheduled Drainage Board Meeting on Monday, March 25, 1991.

RE: REQUEST FOR SPECIAL DRAINAGE BOARD MEETING

Ms. Freeman said the bids could be opened and taken under advisement on March 25th, with a Special Drainage Board Meeting be called on Monday, April 1st, and award the contracts so work can commence on April 15th.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, approval was given to advertise the Special Drainage Board Meeting for April 1, 1991. So ordered.

RE: BURKHARDT CENTER DRAINAGE PLAN

Following a brief presentation by Mr. Dan Hartman, upon motion made by Commissioner Borries and seconded by Commissioner Hunter the drainage plan was approved. So ordered.

RE: MERIDIAN SUBDIVISION DRAINAGE REPORT

Mr. Hartman said a representative from Morley & Associates, Mr. Jim Farney, is here to explain this report to the Board.

Mr. Farney said he is present to speak on behalf of this drainage plan and among his comments were the following: The development is on Fuquay Road adjacent to the new I-164 spur (the northwest corner of the intersection of Fuquay Rd. and I-164)-- adjacent to Chickasaw Park. The subdivision is planned to have 70 ft. by 107 ft. lots and developer is Koester Contracting Co. Retention is being asked for, so they have provided a series of dry basins to handle the retention for the site. There is an accumulation of six (6) basins. None of the water is expected to rise more than one foot in any of the basins during a 25 year occurrence. The idea is basically not to give the appearance of having a basin on the site, but rather to accumulate the waters in spread out areas so the ponding will maximize. At most, they expect 1 ft. during a 25 year storm. The water will leave the site in two directions. There is an existing pipe at the southwest corner of the subdivision and this pipe is a 3-1/2 ft. diameter pipe. The outfall pipe is only 15" in diameter -- but the pipe has plenty capacity to handle any run-off.

Following Mr. Farney's comments the Board raised several questions. Mr. Borries asked who will maintain these?

Mr. Farney said, "Again, it is the resemblance of a swale or a drainage swale and we do have this on the plat -- they will become official drainages by way of the plat."

Mr. Borries asked where the pipe empties into on Fuquay Rd.? Is Mr. Farney aware that right across the street there are some very deep borrow pits?

Mr. Farney said none of the storm sewers as far as he knows go into those borrow pits. The storm sewer goes on down to Pollack Avenue, which is just the other side of the Interstate, and then into the river. Same thing with the other pipe. It goes across the Interstate into Kolb Ditch. It would intercept Kolb Ditch at Pollack Avenue and Fuquay Rd. The storm sewer was in place before the borrow pits were there. (Further comments by Mr. Farner were inaudible, because he was not speaking from the podium, but rather from in front of the Commissioners' table.) He does not think the State rerouted any of the storm sewers to go into those basins.

Mr. Borries asked if Mr. Farney has checked that and Mr. Farner acknowledged that he has not personally checked that. He said he would like for Mr. Farney to look at this. He asked if Mr. Hartman has checked this out and he said he has not.

Commissioner Hunter asked if there is any way to make sure that once this is done that the folks who buy these lots won't decide they don't like this swale and fill it in and cover it up?

Mr. Farney said, "Basically, that is stated on the plat -- that none of those swales are to be filled in. Those requirements are always included on the plats."

Commissioner Borries said if Mr. Farney is talking about a 25 year event on this -- he asked if Mr. Hartman has sized all this?

Mr. Hartman said that he has sized all of this.

Mr. Farney said they have experienced problems with SIGECO, etc., wherein they try to place their transformers, etc. inside the detention basin. They set aside separate easements for utilities.

Mr. Hunter said his concern with this is that there is no way to enforce keeping these drainage areas intact once the homeowner buys and moves in. If he wants to fill in -- there is no Ordinance of any kind to stop him. Is that correct?

Mr. Farney said there are requirements on the plat. Basically in the past it has been up to the Building Commissioner to see that they adhered to the requirements.

Following very lengthy further discussion, the Commissioners determined there is a lot of water here -- and they are concerned that the residents in the area do not wind up with water in their crawl spaces and basements. The Board indicated they want additional information and want to explore this matter further prior to approving the drainage plan submitted.

In response to query from Commissioner Borries as to what kind of streets the developer plans to install, Mr. Farney said he believes they plan to install asphalt pavement with curbs and gutters.

Mr. Hunter asked if #36 on the plans indicates a lot to be sold, and Mr. Farney said this is correct. Mr. Hunter asked if the "blue" indicates water? Mr. Farney said it indicates 25 year storm. A 25 year storm hardly ever happens around here, but he has it designed for that because that is the County requirement. But you have to look at grades, too. For instance, Basin #1, the estimated rise in a 25 year storm is elevation 386'. The outfall is at 385'. The shaded area only represents 1 ft. rise in water.

Mr. Borries said he is not sure how well he understands the whole thing. He has some problems. Most of the time when you have a retainage basin, you have a set up in which there is a specified area that is designated for large retention. Water off that interstate is going to run down on designated lots. And that is going to place more of an impact in designated area which is literally right in a hole.

Mr. Farney said there is a highway inlet and that may go into the borrow pit -- but that is off site highway drainage which is being handled and picked up before it comes onto the subject property. Anytime the State Highway designs a highway they handle their own drainage.

Mr. Borries said they handled it on those borrow pits and they didn't handle it right. Those borrow pits are ridiculous.

Mr. Hunter cited the Lloyd Expressway drainage problems.

Mr. Borries said that again this is an unusual plan. He asked that Mr. Hartman check to see what impact from the interstate will affect the property.

Mr. Hartman said that from experience he can say that the interstate takes care of itself as far as drainage is concerned.

Mr. Hunter said his fear is that we will have people coming in here jumping up and down saying their backyard is under water and wanting to know what we're going to do about it.

Mr. Farney proceeded to make further lengthy comments concerning various aspects of the drainage plan.

It was the final determination of the Board that this matter is to be deferred for one month and that in the interim additional information should be gathered concerning designated areas on the plans (as pointed out by Commissioner Borries to Mr. Farney). Mr. Hunter said he would also like to see more contour lines on the plans. He thinks that would be helpful. The Commissioners also mentioned the possible construction of a berm in designated area to redirect the water.

Mr. Hartman said he and Mr. Farney will work together on this and bring it back to the Board next month.

RE: SANIBEL HILLS SUBDIVISION

Mr. Hartman said Area Plan is awaiting approval so they can proceed to let the subdivision be built. Mr. Hunter suggested we approach Mr. Darryl Rice for his input and he has given his approval (Copy attached hereto.) Mr. Hartman said it is his recommendation that the Board approve the drainage plan for Sanibel Hills Subdivision.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the plan was approved. So ordered.

RE: SPECIAL DRAINAGE MEETING/APRIL 22, 1991

Commissioner Hunter asked if the Special Drainage Meeting scheduled for April 22, 1991 is still on.

Mr. Hartman said Attorney Jerry Evans, representing Browning Ferris Industries is present and he will let him comment on that.

Mr. Evans said they have filed no Petition and have no notice or knowledge of a meeting set by the Drainage Board for April 22, 1991. Seeing it on the agenda presented to him by Mr. Hartman was the first he knew of anything official on that date.. He did have some indication that the Board had done something to set a hearing in March, but nothing in April -- until just a few minutes ago. And he is not sure what the March meeting is about.

Commissioner Hunter asked why this meeting was set up?

Mr. Hartman said this meeting was suggested by Ms. McClintock to iron out the differences between the people objecting to this change in the stream of Locust Creek and the people who are operating the landfill.

Mr. Borries said, "With all due respect to Ms. Vickie McBride (and she has her time here in the sun) -- is there a plan or something? What are we supposed to do, except hear reasons? What are we to look at?"

Mr. Evans responded, "At this point we have no approval from DNT on anything yet, right?"

Mr. Borries said he did not attend the last meeting, so he cannot comment in terms of what went on here.

Mr. Hunter said nothing was mentioned.

Mr. Borries said, "Somebody set a meeting."

Mr. Hunter said, "I did not -- no."

Mr. Borries said, "Well, you were there. It was in the minutes that you set a meeting. You talked about a large place."

Mr. Hunter said, "I had March 22nd on my calender and nothing about April 22nd."

Joanne Matthews, secretary, said there were questions and Ms. McClintock said to delay it -- and it has not yet been advertised.

Ms. McBride approached the podium and stated, "From what Mr. Hartman was saying, it kind of sounded to me like he was saying that this hearing or drainage review meeting was going to be conducted because a problem existed between the residents who lived out there and BFI as an operator -- or something along those lines. That is not true. The reason this drainage review board hearing was scheduled was at the mandate of Marion Hite, Chairman of the Board of Zoning Appeals, April 5, 1990 hearing. And that is the whole point."

Mr. Borries aid, "Well, I am aware. But you can't have a hearing if you don't have a plan. Everything that has to go through this has to go through the DNR."

Ms. McBride interrupted, "Yes sir; and there most certainly is a plan."

Mr. Borries, "There has not been a plan forwarded to this office by the DNR."

Ms. McBride said, "Mr. Hartman has a copy of the program."

Mr. Borries asked, "Has it been approved?"

Ms. McBride asked, "By the Surveyor's office? Certainly."

Mr. Borries continued, "From the DNR, Ms. McBride. Yes or No?"

Ms. McBride responded, "No, it has not."

Mr. Borries continued, "Then I don't feel we should have a hearing if we don't have something to hear."

Ms. McBride said, "Well, according to the minutes of the BAZ Hearing, it was the fact that the drainage review board was to conduct its hearing during the time that the application was before DNR. It didn't say anything in there about pending final determination by DNR."

Mr. Borries continued, "Ms. McBride, you have every right to demonstrate -- and you do a very effective job of demonstrating your grievances. But the point is, Ma'am, there is nothing to conduct a hearing on other than to hear what you've already gone through here if we don't have a plan that has been submitted or approved from DNR. That is the purpose of the hearing. That is to allow us, as local officials, to them make a judgment based upon something that has come from the DNR. If they (meaning the landfill operators) have not submitted anything, then what is there to hear?"

Ms. McBride stated, "They have submitted to DNR. They submitted in December."

Mr. Borries asked, "Has it come back?"

Ms. McBride responded, "No. Final determination has not."

Mr. Hunter asked Attorney Evans if he has heard anything from DNR?

Attorney Evans responded, "A drainage plan has been prepared by BFI and it has been submitted to DNR. The time schedule we were on and in keeping with the zoning requirements was to first go to DNR, get DNR's approval, and when we have DNR approval we will bring the drainage plan to you. There is opportunity for input formally built into the DNR process for the EPA and for the Corps of Engineers, and for public comment and all of that. And rather than subjecting the County Commissioners to that before it was done, what we were doing was doing with DNR first and when that was finished we were going to do this. As a courtesy to all the local people, we also made a copy of our drainage plan available to the U. S. Soil Conservation Office, the County Engineer, and the Surveyor's Office so that this plan was not sprung on them at the last moment -- so that they had opportunity and I suggested there be a communication with the local people to explain what is going on -- so if they had any questions to address to the DNR, an opportunity to participate in a public hearing -- but we had not anticipated nor had we filed anything with the County Drainage Board at this time -- not until we've

gone through the other loop first. But as I said, as a courtesy to local people -- so it is not something we've done in Indianapolis without local input or opportunity for local review, courtesy copies were provided simultaneously to these three local people with engineering and drainage background. That is where it is, and then we started hearing some rumors that the County Commissioners were doing something and we weren't sure what it was. So I thought it would behoove me to attend this meeting and clear the record.

Commissioner Borries asked, "Mr. Evans, are you aware that at this meeting when the BZA approved your original plan, that the provision was made to conduct a review by the Commission even though this wasn't a legal drain? You were aware of that?"

Mr. Evans responded, "Yes, it's not a legal drain -- we are aware of that. We're also aware that ultimately it requires County Commissioner approval acting as the Drainage Board. The procedure we were following was to do the other first. We need both and we can't do anything without both."

Mr. Borries asked, "I have a simple question then. Will you, if you receive DNR approval, will you follow the dictation of the Board of Zoning Appeals and we'll hold a public hearing? (If you don't receive approval, it's a moot question.)"

Mr. Evans responded, "Absolutely. Then we'll file it here and ask for a public hearing."

Mr. Hunter asked when Mr. Evans anticipates hearing from DNR?

Mr. Evans said he does not yet know. The last report he had, they were trying to work it in in March for a public hearing. But he has no knowledge that it has been set by DNR yet.

Mr. Hunter asked, "So we can keep the April 22nd date on the calendar at this point? At what point do we have to cancel that if we're not going to have the hearing?"

Ms. Matthews again stated the hearing has not yet been advertised.

Mr. Evans said he has no objection to the date -- but he would prefer to officialy file something with the Drainage Board and know for certain when the meeting is.

Mr. Borries said, "We certainly know that Ms. McBride is going to oppose regardless of whatever it is. I mean, she is going to..."

Ms. McBride interrupted, "Mr. Borries, I resent the kinds of comments you've been making all evening."

Mr. Borries continued, "You know, I fully appreciate your position and what I am saying here is, you've voiced your objections -- were you aware at all that a meeting had been called by BFI or this Board?"

Ms. McBride responded, "I was told by a friend, Mr. Dick Lythgoe. He was down at the Civic Center and saw a group of people in a room looking at something and when he asked them what they were looking at they said something about the landfill-- he copied down the date and called her -- that is how I was informed."

Mr. Borries asked, "Who initiated the hearing then? You did not initiate or request a hearing?"

Ms. McBride said, "I did not."

Mr. Hartman said, "Carolyn McClintock suggested I make arrangements."

Mr. Borries asked, "Was there a letter from anyone who requested this? Are there minutes?"

Mr. Hartman said it was all verbal -- there was no letter.

Mr. Borries said it was his understanding from reading the minutes that Mr. Shively (did Mr. Shively represent you?)"

Ms. McBride said, "I believe Mr. Shively had sent a communication."

Mr. Borries asked, "Does Mr. Shively represent you?"

Ms. McBride responded in the affirmative.

Mr. Borries asked, "Then he might have requested this via Ms. McClintock or Commissioner Hunter?"

Mr. Hartman said, "Yes, he did write a letter. And I did get a letter from Carolyn McClintock stating that she wanted the meeting changed to April, rather than March."

RE: APPROVAL OF MINUTES

Since Commissioner McClintock was not present today and Commissioner Borries was not at the January 28th Drainage Board Meeting, approval of said minutes will be deferred to the February meeting, at which time Ms. McClintock will be back.

There being no further business to come before the Board at this time, President Hunter declared the meeting recessed at 7:30 p.m.

PRESENT:

Don Hunter, President
Richard J. Borries, Member
Ted Ziemer, Jr., County Attorney
Cindy Mayo, Chief Deputy Auditor
Dan Hartman, Chief Deputy Surveyor
Linda Freeman, Surveyor's Office
Jim Farney, Morley & Associates
Harry Elpers
Fomer Buente
Vicki McBride, C.O.L.E.
Jerry Evans, Attorney for BFI
Others (Unidentified)
News Media

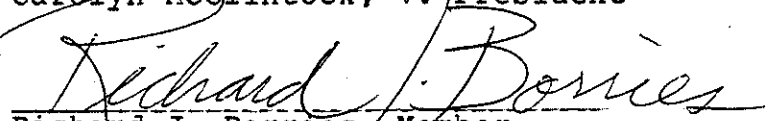
ABSENT:

Carolyn McClintock, Vice President

SECRETARY: Joanne A. Matthews


Don Hunter, President

Carolyn McClintock, V. President


Richard J. Borries, Member

MINUTES
DRAINAGE BOARD MEETING
MARCH 25, 1991

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened at 6:30 p.m.	1
Approval of Minutes (Deferred)	1
Authorization to Open Bids for Annual Ditch Maintenance ...	1
Brookview F Subdivision/Drainage Plans	1
Ridge Subdivision/Request for Vacation of Easement	1
Meridian Subdivision/Drainage Plan (Approved with Proviso)	1
Hunters Ridge Subdivision/Drainage Plans (Deferred; need additional information)	4
Request for Permission to Remove Temporary Crossings in Eagle Slough	4
Special Drainage Board Meeting (to award 1991 Ditch Maintenance Contracts)	4
Special Meeting re Landfill & Relocation of Locust Creek ..	4
Reading of Bids for 1991 Annual Ditch Maintenance	5
Meeting Recessed at 7:05 p.m.	

MINUTES
DRAINAGE BOARD MEETING
MARCH 25, 1991

The Vanderburgh County Drainage Board met in session at 6:30 p.m. on Monday, March 25, 1991 in the Commission Chambers with Vice President McClintock presiding. (Commissioner Hunter was absent.)

RE: APPROVAL OF MINUTES

Since Commissioner Borries was absent at a previous meeting and Commissioner Hunter is absent today, approval of previous Drainage Board minutes was deferred until such time as Commissioner Hunter returns.

RE: AUTHORIZATION TO OPEN BIDS FOR ANNUAL DITCH MAINTENANCE

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Attorney Wilhite was authorized to open the bids received for annual maintenance of legal drains. So ordered.

RE: BROOKVIEW F SUBDIVISION - DRAINAGE PLANS

Mr. Jack Alles of Morley & Associates, representing developer William "Bud" Bussing, presented the drainage Plans for Brookview F Subdivision. Following brief discussion, upon motion made by Commissioner Borries and seconded by Commissioner McClintock the plans were approved, as presented. So ordered.

RE: RIDGE SUBDIVISION/REQUEST FOR VACATION OF EASEMENT

Mr. James Morley of Morley & Associates said they have an easement for a sanitary sewer that has a sanitary sewer within it. But on the subdivision plat it was called a public utility easement. Therefore, theoretically, all utilities in the County for drainage would have the right to use that. That portion of the sanitary sewer is being relocated to allow Bill Thomas to build a house that extends over a portion of that. To clear all of the records, he is asking the Board's approval from a drainage standpoint for the release of that easement. Currently we have nothing in it. There is nothing in that easement but a sanitary sewer. But because of the language on the plat they needed the Board's confirmation that it is all right to release that easement. There is no drainage in it for storm nor will there will be any in the relocated easement. This area is being relocated for sanitary sewers only.

At the recommendation of Chief Deputy Dan Hartman of the Surveyor's office, upon motion made by Commissioner Borries and seconded by Commissioner McClintock the request for vacation of the subject easement on Lot "A" in Ridge Subdivision was approved. So ordered.

RE: MERIDIAN SUBDIVISION/DRAINAGE PLAN

Mr. Hartman noted that we asked for additional cross sections to be included on the plan to more clearly illustrate the flow of water and the lay of the land. Previously we were worried about the water backing up in the homes, etc. Mr. Hartman proceeded to submit the detailed plans to the Board for their perusal.

Mr. Jim Morley said Commissioner Borries also had questions about a borrow pit on the other side of Fuquay Road. Has Mr. Borries had an opportunity to satisfy himself that this drainage does not go into that pit?

Mr. Borries said he has not. There is standing water on a designated plot of land and that is why he has some concerns. This plan is somewhat different from those usually submitted. Could Mr. Morley explain why?

Mr. Morley responded that in this particular subdivision we are dealing with an area where the site does not drain to one end or the other. Furthermore, there is no deep ditch at one end or the other end where they can create such a type of drainage. In order to develop this site two things have to happen. One, they have to create a way to store the excess storm water within the project. Secondly, they have to create drainage to go off both ends of the project and they have to haul in fill material. More land has been excavated from this property than is suitable for the final construction. Therefore, it is necessary to actually haul some fill back to the site to create a drainage situation. Right now in the center of the site there is an area that ponds water. It looks to be about 10" deep. Yet, the center of the site has to be the highest part of the site. It's got to go both directions. There is a ditch that is a tributary of Kolb Ditch that is along Fuquay Road and there is another ditch that runs through a storm sewer underneath I-164 at the west side of the project. Therefore, it is necessary to turn and split it. Thus, there was not the ability to come down and decide they were going to do a pond. It was necessary to create an arrangement and this arrangement involves some recommended paved swales so they retain the flow line in these ditches. He thinks the final solution is one that they will not be creating a permanent pond or pool of water. But they will be providing drainage on the site that does not currently exist. If the Board were to examine the cross sections, they would see that some of the areas with as much as 30" of fill on the home sites. The solid line on the plans represents the soil as it will be on the project when it is completed. It is a very complex and involved drainage plan and does require a significant amount of earth work.

Mr. Borries said there is a subdivision immediately to the north and part of Chickasaw Park is immediately to the west. Is Mr. Morley also saying that this subdivision will have no impact on those two subdivisions?

Mr. Morley stated that with the detention provided on this project, it will have no adverse impact on those two subdivisions. There is essentially detention all over the subdivision in small amounts -- in very minor amounts -- in most cases a matter of a very few inches. The maximum depth anywhere on the site at the 25 year storm would be, he believes, 18" at the maximum point. And that is the point where it enters the sewer.

Mr. Borries asked if one of the paved swales would be in designated area. If so, where?

Mr. Morley replied that there will be. All of the swales will be paved. The reason for that is not because concrete is necessary, but because they have seen problems develop when a landscaper comes in on this man's lot and he partially fills it in and then this man says water sits here and he gets mosquitoes. Mr. Morley said he doesn't want that to happen and the only way to guarantee that it doesn't happen is, when you construct it to the proper grade originally -- you put a paved swale bottom right down through there. They've had two or three instances in the County where problems developed where they had grass bottom swales on flat slopes -- East Side Industrial Park, Lant Manor, Old

Petersburgh Place, etc. This plan is for a paved line. It's not that it makes the water flow, it preserves the grade and you never have to worry about someone inadvertently blocking somebody else's drainage. Mr. Morley continued by explaining the flow of water in this project, noting that approximately 1/3 of the site goes into the existing 6 ft. diameter sewer that flows down and under I-164. The other 2/3 flows into the existing 24 inch sewer in designated area, and also under I-164. He believes they have a very workable plan and would encourage the Board that as they consider a new Drainage Ordinance to consider making it a requirement that in all subdivisions that involve flat drainage swales to add this paved bottom -- so that they are able to preserve the grade. He is proposing to the Board that this is a commitment as part of this drainage plan -- all of those drainage swales have paved bottoms.

Commissioner McClintock asked Mr. Hartman if he is recommending approval and he responded in the affirmative.

Mr. Morley said he thinks this is the most refined shallow drainage plan they've ever come up with. The other on-site shallow drainage swales that he mentioned have come up with some problems -- not because the original concept was wrong, but because the people as they move in and hire a landscaper -- that they had problems develop.

Mr. Borries asked if Mr. Morley's office will inspect this? He said he has some obvious concerns. He likes the concrete swales -- he thinks that will at least solve some problems. If this drainage plan doesn't work, he knows the Board will certainly hear about it.

Mr. Morley said that before the Board votes on this, he would suggest that perhaps right at this moment they might take the time to offer their suggestions as to exactly what vehicle they would wish to use in the form of guaranteeing that this happens. As consultants, they have problems in that they may go out and set stakes on something and if no one follows up to inspect -- to him the Board has several ways they could go about that. Perhaps the inspection could be done by the Surveyor's Office, if that is the agent of the Drainage Board. Or perhaps the County Engineer, through the Commissioners, could be the agent. Or perhaps as a condition for the approval of this drainage plan the want to receive a certified set of as-built drawings with his signature on them, certifying that he has, in fact, inspected the final version of this -- and make that a commitment of approval of the drainage plan. At this moment in time he does not know that this Board officially does any of those. If they wish to make that a part of them, then obviously the developer would be required or would follow through and then he would do those duties. He doesn't mind accepting that responsibility. But until the Board asks for that, he is not going to volunteer if the Board feels they wish to have their own staff. But if they don't have the staff, they can make it a part of it right now. However, currently the Board doesn't do that. They don't ask the consultants to do it and they don't voluntarily do it, because the developers don't want to pay them to do things that the County didn't ask for.

Commissioner McClintock said, "Let's include that as part of our motion. The whole other issue we are not going to discuss tonight because we've already asked our County Attorney to look into who needs to inspect, etc., so it can come back to this Board for full discussion -- which we will have at some point. But we don't know the law."

Ms. Freeman of the Surveyor's office said, "If he is willing to submit certified as-builts, if that would put the liability on them then, of course, that would relieve a lot of different -- if that is a possibility for this particular plan, maybe we could

look into that. Because it is going to get to the point where we are going to be holding up potential development. It's definitely been a big problem. We can go out and we spot check to see if they have the different structures in. But unless you do a full blown survey or something, then you are not sure."

Commissioner Borries said, "Based on our discussions then, I would move for approval of the drainage plan for Meridian Subdivision, with the proviso that because of some unique features in the drainage plan for this subdivision I would request as-built plans from the consulting engineer (Mr. Morley's office) to accompany those when the plan is completed."

A second was provided by Commissioner McClintock. So ordered.

RE: HUNTERS RIDGE SUBDIVISION/SECTION I/DRAINAGE PLAN

Mr. Hartman said when these plans were first submitted to the Surveyor's Office they were predicated on a 10 year storm sewer. He requested that the consultant place a 25 year storm sewer in there. He got this material last Wednesday or so and has not had enough time to review the whole thing. He does have questions concerning the fact that the post construction run-off exceeds the proposed run-off. He hasn't run across that in this tenure yet and there are some slopes of the drains, etc., which he would like to have, as well as the location and size of some of those ditches. He does not feel this is yet ready for approval.

Mr. Kuester said he will consult with Mr. Hartman to determine exactly what he needs.

Approval of this drainage plan was deferred.

RE: REQUEST TO REMOVE TEMPORARY CROSSINGS/EAGLE SLOUGH

Ms. Freeman said Traylor Bros. has requested permission to remove temporary crossings of Eagle Slough. Actually, she thinks they have removed same, but wants the Drainage Board to say they have been removed without damage to the legal drain. (They put pipes in Eagle Slough to enable them to get their equipment across same.) Bill Jeffers has been down to view the site, but it is under water.

At the recommendation of the Surveyor's Office, this matter will be deferred.

RE: SPECIAL DRAINAGE BOARD MEETING/APRIL 1, 1991

In response to query from Ms. McClintock, Ms. Freeman said a Special Drainage Board Meeting is scheduled next week immediately subsequent to the Commission Meeting for purposes of awarding the 1991 annual maintenance contracts for legal drains.

RE: SPECIAL MEETING RE LANDFILL & RELOCATION OF LOCUST CREEK
(APRIL 22, 1991 - GOLD ROOM)

Mr. Hartman asked if the subject meeting is still on the agenda.

Ms. McClintock said that as of now we are awaiting a determination from the Department of Natural Resources. The Board will make a decision next week as to whether they need to postpone this meeting or keep the scheduled meeting date.

Commissioner Borries agreed, saying that the Board knows that as per the Board of Zoning Appeals they have to hold a hearing -- even though it is not a legal drain; even though it doesn't really impact on this Board -- that is what the BZA set up. That is what the Drainage Board will do -- but only if they get the information.

Mr. Hartman said there are certain interested parties here who have gotten the inside track and to be on the safe side he aroused Ms. McClintock's curiosity and did what he was told. He reserved the Gold Room for April 22nd and he will take that into account and delay confirmation of the meeting if he can.

RE: READING OF BIDS FOR 1991 ANNUAL DITCH MAINTENANCE

Attorney Wilhite said he had reviewed the Statutes and they say specifically that the bids are to be read out loud. He proceeded to read the bids, as follows:

<u>Bidder</u>	<u>Ditch</u>	<u>Amount</u>
Evelyn Paul	Wallenmeyer	\$ 1,169.70
John Maurer	Hoefling Ditch	\$ 557.10
Albert Steckler	Baehl Ditch	\$ 861.25
Eugene Rexing	Singer Ditch	\$ 269.50
Eldon Maasberg	Kneer Ditch	\$ 303.60
	Maasberg Ditch	\$ 154.42
Ralph Rexing	Pond Flat "A"	\$ 743.54
	Pond Flat "B"	\$ 391.58
	Pond Flat "D"	\$ 641.06
Union Twp. Ditch Association	Happe-Helfrich	\$ 380.94
	Edmond Ditch	\$ 461.85
	Cypress Dale-Maddox	\$ 716.61
	Kamp Ditch	\$ 334.80
	Barnett Ditch	\$ 835.80
Big Creek Drainage Assn.	Buente Upper	\$ 3,433.15
	Maidlow Extension	\$ 3,300.00
	Pond Flat "E"	\$ 361.60
	Maidlow Ditch	\$ 2,470.65
	Pond Flat Main	\$ 8,476.00
	Pond Flat "C"	\$ 903.60
	Barr Creek	\$ 4,133.60
	Rusher Creek	444.40
Asplundh	East Side Urban North Half	\$ 10,470.24
	and	\$13,325.76
	Sonntag-Stevens Ditch	\$ 2,355.10
	and	\$ 2,676.25
	and	\$ 762.50
	and	\$ 1,691.25
	Keil Ditch	\$ 662.64
	and	\$ 662.52
	Harper Ditch	\$ 840.42
	and	\$ 960.48
	Eagle Slough	\$ 16,221.60
	Aiken Ditch	\$ 432.00
	and	\$ 2,378.64
	Kolb Ditch	\$ 2,002.78
	East Side Urban South Half	\$ 4,041.40
	and	\$ 4,959.90
	and	\$ 4,165.00

DRAINAGE BOARD
March 25, 1991

Page 6

Terry Johnson	Kolb Ditch	\$ 1,613.78
	Aiken Ditch	\$ 1,873.18
	Keil Ditch	\$ 631.01
	Harper Ditch	\$ 878.44
	Eagle Slouth	\$ 50,317.00
	Sonntag-Stevens	\$ 1,921.55
	East Side Urban	
	(South Half)	\$ 12,826.04
	East Side Urban	
	(North Half)	\$ 4,023.03
Henry Ditch	\$ 778.86	
Chem-Trol Chemical Co.	Harper Ditch	\$ 293.00
	Keil Ditch	\$ 293.00
	Sonntag-Stevens	\$ 610.00
	East Side Urban	
	(South Half)	\$ 2,950.70
	East Side Urban	
	(North Half)	\$ 1,065.46

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the bids are to be taken under advisement by the County Surveyor's Office and a recommendation made for awarding of contracts at the Special Drainage Board Meeting scheduled for Monday - April 1, 1991. So ordered.

There being no further business to come before the Board at this time, Vice President McClintock declared the meeting recessed at 7:05 p.m.

PRESENT:

Carolyn McClintock, Vice President
Richard J. Borries, Member
Jeff Wilhite, County Attorney
Sam Humphrey, County Auditor
Dan Hartman, Chief Deputy Surveyor
Linda Freeman, Surveyor's Office
James Morley/Morley & Associates
Jack Alles/Morley & Associates
Others (Unidentified)
News Media

ABSENT:

Don Hunter, Commissioner

SECRETARY: Joanne A. Matthews

Don Hunter, President

Carolyn McClintock

Carolyn McClintock, Vice President

Richard J. Borries

Richard J. Borries, Member

MINUTES
DRAINAGE BOARD MEETING
APRIL 22, 1991

The Vanderburgh County Drainage Board met in session at 6:47 p.m. in the Commissioners Hearing Room, with President Don Hunter presiding.

The meeting was called to order and Mr. Dan Hartman of the Surveyor's Office said copies of the agenda had been distributed, but the three Commissioners indicated they had not seen an agenda.

RE: REPLAT OF LOTS #15 TO #21 OFF OLD STATE RD. NORTH
OF BROWNING ROAD

Mr. Hartman discussed the replat with the Board, saying they have divided designated lot into two lots. The run-off is the same. The only thing he requests is that when the architect or contractor wants to build on Lot #2, he is asked to submit to the Building Commissioner a drainage easement or determine what to do with the water that does run off.

Commissioner Hunter asked if we've already approved a drainage plan for this particular subdivision.

Mr. Hartman said this particular subdivision has been approved. But this is a replat and he is cutting designated lot into two sections or two lots.

Mr. Hunter said the reason he asked is that he had a potential buyer call him and say there is one lot out there they think could be a potential problem in terms of drainage. Apparently it is on a hill.

At the recommendation of the Surveyor's Office, upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the replat was approved.

RE: BROOKVIEW SUBDIVISION/CONSTRUCTION PLANS

Mr. Hartman said he has been awaiting a set of working plans and now has same. Mr. Scott Gartner of 405 Brookview Drive said all of the neighbors on Brookview Drive are having water problems.

Ms. McClintock asked if Mr. Kercher can go out to view the drainage on Brookview Drive.

Mr. Kercher of the County Engineer's office said he is going to bring street plans next week for approval.

In response to query from Commissioner Hunter, Mr. Hartman said Bud Bussing was the developer of Brookview Subdivision.

RE: AMERIGUAL EXPANSION

Mr. Hartman said Amerigual is expanding and Professional Consultants, Inc. is doing the drawings for them. They have had to construct a holding pond and a relief pipe. He has gone through the computations and has agreed with the computations. He recommends approval. He has also talked with Darrell Rice of Soil Conservation re this matter and he is in complete agreement.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the expansion at Ameriqua was approved.

RE: REMOVAL OF TEMPORARY CROSSING - EAGLE SLOUGH

Mr. Hartman said the Board had previously approved removal of temporary crossing in Eagle Slough (a legal drain) by Traylor Bros. We cannot inspect this because of the high water.

Mr. Hunter asked, "Is there any reason Traylor Bros. can't re-seed this, since they are the ones who messed it up?"

Mr. Borries said, "They would, if the Surveyor tells them to."

Motion to approve the request was made by Commissioner Borries and seconded by Commissioner McClintock. So ordered.

There being no further business to come before the Board at this time, President Hunter declared the meeting recessed at 6:55 p.m.

PRESENT:

Don Hunter, President
Carolyn McClintock, Vice President
Rick Borries, Member
Dan Hartman, County Surveyor's Office
Gary Kercher, County Engineer's Office
Scott Gartner
Margie Meeks, Commission Office
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Don Hunter, President


Carolyn McClintock, V. President


Rick Borries, Member

MINUTES
DRAINAGE BOARD MEETING
MAY 28, 1991

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened at 4:30 p.m.	1
Introduction of Staff & Pledge of Allegiance	1
Lincoln Point Subdivision/Drainage Plan	1
Acorn Trail Subdivision	1
Locust Creek Industrial Park/Drainage Easement	1
Eagle Slough/Removal of Temporary Crossings	1
Claims/Annual Ditch Maintenance	2
Old Business	2
Approval of Minutes of 4/22/91	
New Business	2
Eagle Crest Construction Sign	
(Attorney to prepare Resolution & Agreement	
and bring back to the Board)	
Meeting Recessed at 5:12 p.m.	4

MINUTES
DRAINAGE BOARD MEETING
MAY 28, 1991

The Vanderburgh County Drainage Board met in session at 4:30 p.m. on Tuesday, May 28, 1991 in the Commissioners' Hearing Room, with President Don Hunter presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President Hunter called the meeting to order and introduced the following members of the County Staff: Ted Ziemer, Legal Counsel; himself; Commissioners McClintock and Borries; Cindy Mayo, Chief Deputy Auditor; Joanne Matthews, Secretary to the Board; Margie Meeks, Commission Office; and Dan Hartman, Surveyor's Office. Mr. Hunter then asked the meeting participants to stand for the Pledge of Allegiance.

Mr. Hunter asked if there is any individual or group that wishes to address the Drainage Board at this time, but do not find themselves on today's agenda. There was no response.

RE: LINCOLN POINT SUBDIVISION/DRAINAGE PLAN

Mr. Hartman said that Morley & Associates did the drainage plan and Keith Poff did the actual design. Mr. Hartman said he has checked the design and computations and find same very accurate and it would be his recommendation that the drainage plan be approved.

Following brief comments by Mr. Poff, upon motion made by Commissioner McClintock and seconded by Commissioner Hunter the drainage plan was approved. So ordered.

RE: ACORN TRAIL SUBDIVISION

Mr. Hartman said Morley & Associates also did the drainage plan for this subdivision, which is located on Kembell Drive just off Old State Rd. Mr. Poff said this is a 2-lot subdivision which was going to be a minor subdivision, but the extension of Kembell Drive pavement and right-of-way required that it be a major subdivision.

Following brief comments by Mr. Poff and at the recommendation of Mr. Hartman, upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the drainage plan was approved. So ordered.

RE: LOCUST CREEK INDUSTRIAL PARK - DRAINAGE EASEMENT

Following comments by Mr. Bill Nicholson of Veach, Nicholson & Griggs and at the recommendation of the Surveyor, upon motion made by Commissioner McClintock and seconded by Commissioner Borries, permission was given to relocate the 25 ft. drainage easement, contingent upon the Board seeing the drainage plan within the plot plan. So ordered.

RE: EAGLE SLOUGH - REMOVAL OF TEMPORARY CROSSING

Mr. Hartman said the Board granted permits to Traylor Bros. in February 1988 for temporary crossing for the construction of Highway I-164. They have now removed these crossings and restored the Eagle Slough to its original condition. The Surveyor's Office could not inspect Eagle Slough until the waters receded. Mr. Jeffers has now gone out and inspected same and it is his

could not inspect Eagle Slough until the waters receded. Mr. Jeffers has now gone out and inspected same and it is his recommendation that the removal of the temporary crossing be approved.

Motion to this effect was made by Commissioner McClintock, with a second from Commissioner Borries. So ordered.

RE: CLAIMS

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the following claims with regard to annual ditch maintenance were approved for payment:

Terry Johnson	\$1,633.32 (Sonntag-Stevens)
Terry Johnson	\$ 350.37 (Aiken Ditch)
Terry Johnson	\$ 536.36 (Keil Ditch)
Terry Johnson	\$ 746.67 (Harper Ditch)
Terry Johnson	\$1,371.71 (Kolb Ditch)
Terry Johnson	\$6,413.02 (East Side Urban S. Half)
Terry Johnson	\$ 816.40 (Harper Ditch)
Terry Johnson	\$ 337.97 (Aiken Ditch)

RE: OLD BUSINESS

Approval of Minutes: Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of April 22, 1991 were approved as engrossed by the County Auditor. So ordered.

RE: NEW BUSINESS

Eagle Crest Construction Sign: Mr. Hartman submitted elevations and plans for Eagle Crest construction sign. The Surveyor's Office has reviewed same and recommends that since the structure itself did not clear the ditch by the 25 ft. minimum, that the Board not approve the plans as presented. We need that minimum 25 ft. easement for maintenance purposes.

Attorney Ziemer said notwithstanding the practicality of the Surveyor's wishes, the developer still feels that this is the best location to erect the sign. He has checked Indiana law in this regard and the Commissioners may authorize the construction of this monument within the right-of-way. If the Commissioners desire to do that to accommodate the developer, then he recommends a Resolution which would establish conditions on this, those conditions being that:

- 1) The developer would assume all liability to anyone during construction of the monument.
- 2) The developer would grant right-of-way to the County around the monument so that this could be maintained.
- 3) The developer would waive any right to damages from the County going on the developer's property, if necessary to maintain the ditch.
- 4) If, for any reason, the County ever determines that the monument should be moved, the developer will move it at the developer's sole expense.

Attorney Ziemer said that if the Commissioners are interested in a Resolution to that effect, then if the Resolution were adopted the developer would be asked to sign an agreement to that effect prior to commencing with construction of the monument.

In response to comments by Danny Leek of Morley & Associates,

Attorney Ziemer said it ought to be on record that it is the opinion of the County Surveyor that in time (and nobody knows when) it will be necessary in order to properly maintain that ditch to have this moved. If at any time in the future the County Surveyor would indicate the necessity for moving this monument and recommend that to the Drainage Board, it would be the intention of the Commissioners to say "Move it" and that is the only thing the Surveyor said seems a bit impractical to him that you go to the expense of putting it there now, knowing that it may have to be moved in the future.

Mr. Leek stated he relayed all of this to Mr. Dunn prior to this meeting. But at this point he is in the process of selling lots to develop the subdivision. Once that subdivision is developed (a year or ten years from now) -- after the point at which the lots are sold and the subdivision developed, he really does not need the sign. If at that time he would want to relocate the sign to some other location in the subdivision, he'd go ahead and do that. But Mr. Dunn does understand at this point that if he does erect the sign in this location he would be subject to having to remove it at his own cost -- at any time. It is a large monument but relatively inexpensive for what it is -- and easy to move.

Mr. Hartman said that primarily the Surveyor is interested in who and how that ditch will be maintained.

Mr. Leek said the County will still maintain the ditch and if Mr. Dunn has to give a temporary ingress/egress easement he doesn't think he has a problem with doing that.

Mr. Hartman said perhaps the Commission could include in the agreement that the developer would maintain the ditch around the sign.

Mr. Leek said that Lot #6 would be under the scrutiny of the owner's group and they would be responsible for maintenance of same. But as the ordinance or statute goes, they are not allowed to go into a legal County drain to make any kind of alterations without County approval. For this 15 ft. wide strip they would be asking permission to build in, he thinks it would be just as easy for the County to go ahead and if they need to widen the ditch at that point -- to go ahead and widen it out. Mr. Dunn understands they have the right to get in there to maintain the ditch, and Mr. Hartman said it will cost the County more money to maintain this area. He also urged the Commissioners to bear in mind that other contractors may want to do the same thing in our drainage areas.

Ms. McClintock asked what if a provision were added to the Resolution that if, for some reason, the County encounters additional expense in taking care of that area that the additional expense be reimbursed by the developer and Mr. Hartman said that would be satisfactory.

Attorney Ziemer asked who would determine the difference? It was his understanding in talking to representatives of the developer that if this is granted they understand that it is at no cost whatsoever to the County and no inconvenience to the County. If there is inconvenience they will move it. If there is extra cost, they will pay for it. You would adopt this Resolution and they would sign an agreement agreeing to the terms of the Resolution before construction.

Following further discussion and comments a motion was entertained.

Motion was made by Commissioner McClintock and seconded by Commissioner Borries that the request be approved, with the stipulation that a 5th provision be added to the Resolution that

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the developer will pay any additional cost for maintenance incurred as the result of this sign being there. Further, the County Surveyor's office was requested to contact the company maintaining the ditch to notify them that this is going to be happening and request that they get at least the first mowing of this ditch done prior to installation of the monument.

Attorney Ziemer said he would also suggest a 6th provision, that the developer will sign a written agreement acknowledging this.

Ms. McClintock said she will add that to the motion. Seconded by Commissioner Borries. So ordered.

Attorney Ziemer is to bring the signed written agreement back to the Board for approval.

There being no further business to come before the Board at this time, President Hunter declared the meeting recessed at 5:12 p.m.

PRESENT:

Don Hunter, President
Carolyn McClintock, Vice President
Richard J. Borries, Member
Cindy Mayo, Chief Deputy Auditor
Ted Ziemer, County Attorney
Dan Hartman, Surveyor's Office
Keith Poff, Morley & Associates
Danny Leek, Morley & Associates
Bill Nicholson/Veach, Nicholson & Griggs
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Don Hunter, President



Carolyn McClintock, Vice President


Richard J. Borries, Member

VANDERBURGH COUNTY AUDITOR
208 CIVIC CENTER
1 N.W. MARTIN LUTHER KING JR. BLVD.
EVANSVILLE, IN 47708-1880

MEMORANDUM

NOVEMBER 17, 1995

TO: PRESIDENT COMMISSIONER PATRICK TULEY
FROM: SUZANNE M. CROUCH 

ATTACHED PLEASE FIND MINUTES FROM THE DRAINAGE BOARD MEETING OF AUGUST 28, 1989, DECEMBER 18, 1989, JUNE 24, 1991 AND NOVEMBER 25, 1991.

WHILE ORGANIZING DRAINAGE BOARD MEETING MINUTES OF THE PREVIOUS COMMISSIONER'S SECRETARY WE FOUND TAPES THAT WERE NOT TRANSCRIBED. THESE MINUTES HAVE BEEN SOLEY TRANSCRIBED FROM THE TAPES SINCE NO OTHER NOTES OR RECORDS HAVE BEEN FOUND.

WE WILL BE SUBMITTING THESE MINUTES AT THE NOVEMBER 27, 1995 DRAINAGE BOARD MEETING FOR MR. RICHARD BORRIES APPROVAL AND SIGNATURE. MR. BORRIES IS THE ONLY COMMISSIONER THAT CAN APPROVE AND SIGN THESE MINUTES. THE OTHER TWO DRAINAGE BOARD MEMBERS ARE NO LONGER IN OFFICE. AFTER BEING ACCEPTED AND SIGNED, WE WILL THEN PLACE THEM IN OUR PERMANENT RECORD BOOKS.

THANK YOU FOR YOUR TIME AND CONSIDERATION IN THIS MATTER.

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JUNE 24, 1991

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Clarification of Minutes	1
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MINUTES
DRAINAGE BOARD MEETING
JUNE 24, 1991

The Vanderburgh County Drainage Board met in session on June 24, 1991, in the Commissioners' Hearing Room 307, with President Don Hunter presiding.

Commissioner Hunter: "Let's call the Drainage Board Meeting to order. Mr Hartman, you're on. I think we only had one item on the agenda, which was the only one from your office."

Dan Hartman: "Well, I think we may have two here with your permission. With your permission I have two."

Commissioner Hunter: "Okay."

RE: REQUEST PAYMENT OF BLUE CLAIMS-MAINTENANCE:

Dan Hartman: "My name is Dan Hartman. I am from the Surveyors Office, and I am representing Bob Brenner. With your permission I'd like to submit to you this blue claim from Asplundh Tree Work."

Commissioner Hunter: "Okay. Then your recommending this be paid?"

Dan Hartman: "Yes, this be paid."

Commissioner Hunter: "Okay."

Commissioner Carol McClintock and Commissioner Richard Borries approve the payment of the blue claim for Asplundh Tree Work.

Commissioner Hunter: "So ordered."

Dan Hartman: "That is all I have. You guys have something else that was submitted to you."

Jeff Wilhite: "First of all I'm Jeff Wilhite, County Attorney that's corresponded with you. This is all really new, and you need to refresh the Commissioners memory. So if you could start with a bit of history on where we started here."

RE: CLARIFICATION OF MINUTES:

Ron Jourdan: "My name is Ron Jourdan. I'm the supervisor of the Right-of-way in the land department for Southern Indiana Gas & Electric Company. I'm here to seek a clarification of minutes. This is not an adversarial thing. In April of 1990, the Drainage Board apparently granted some sort of relaxed easement to part of the Sonntag Stevens Ditch as it crosses the property of what now is the Sports Park, out on Bergdolt Road. Sigeco owns the property immediately to the south of the Sports Park. The first time the issue was brought up, there's two pages, 8½ x 14 of verbatim minutes, give or take about what the Commissioners wanted and what the Commissioners didn't want. And then it all came down to motion, Commissioner Willner moves that Mr. Breivogel's request be approved. So what I really would like to do is get a clarification that the Sports Park proposed to relocate part of Sonntag Stevens Ditch located on their property further south, to make room for their ball diamonds and their proposed improvements. And at the same time to avoid throwing the easement on the seventy-five (75) foot legal drain easement that's statutory, to avoid throwing a portion of that easement onto Sigeco's property. They requested the Drainage Board relax that easement to thirty (30) feet on the south, and twenty-five (25) feet on the north. They constructed that ditch this spring, and I have confirmed that the top edge of the ditch is in fact thirty (30) feet off our property line. So that's one of the issues that I would like confirmed, that it was in fact, that the south Right-of-way, the north one is on their property. That the south Right-of-way is, the south legal drain easement has been relaxed to thirty (30) feet, and does not

encroach on Sigeco's property. Then the other issue was the maintenance of the south ditch bank. There were questions about who would maintain it. I think Commissioner Willner at that time thought that if the Right-of-way was relaxed below fifty (50) feet, then the Sports Park should maintain the south bank. But Mr. Jeffers from the Surveyors office pointed out that that would require them to cross our property to get to that bank, so he was leery of doing that, forcing him to do that is an agent of the county, or just how that arrangement would work. And then the minutes from April 2, said that Mr. Dan Breivogel appeared before the Drainage Board, introduced himself, and said that he is the architect with Adicon Architects located at 4915 Lincoln Avenue. He said he has conferred with his client on this matter, and their excavating contractor who would be responsible for doing ditch maintenance for his company, and it is their feeling (and I don't know who all these "they's" and "theirs" are. That's one of my problems) it is their feeling that the Drainage Board is in agreement with a thirty (30) foot and the twenty-five (25) foot right-of-way as proposed, that they will accept the maintenance of the ditch as it passes through their property. So that's what I would like to know. I'd like to confirm that the easement doesn't in fact encroach on Sigeco's property, and are those people going to be crossing our property to maintain the south part of the ditch?"

Jeff Wilhite: "Can you tell from those minutes, anything there?"

Ron Jourdan: "No."

Jeff Wilhite: "Does anyone here remember anything about this a long time ago?"

Commissioner McClintock: "That was a many of Drainage Meetings ago."

Ron Jourdan: "April of '90, and it was just constructed this past spring."

Jeff Wilhite: "On your first issue, it sounds pretty clear to me that back then the intent of the Board was to go to 30' to 25', and that's seems pretty easy in terms of who's going to maintain it."

Commissioner McClintock: "Okay. So it's your. So you don't believe we have a problem with that?"

Ron Jourdan: "Right. So if you want a confirmation, that's fine if someone would move...."

Commissioner McClintock: "Do you want a maintenance? Do you want to know who's suppose to maintain it?"

Ron Jourdan: "Well, that's one issue. The first issue of course is that the Drainage Board intended to relax the easement on the south side of Sonntag Stevens Ditch, on the Sports Park property to thirty (30) feet, none of which encroaches on Sigeco's property, because the ditch is thirty (30) feet off of the property line."

Commissioner McClintock: "Okay."

Ron Jourdan: "And then the second is this ditch cuts all the way across their south property, so they have no way of getting to it crossing from north to south. They have to come from Hitch Peters Road down to get to it. All of which is Sigeco property. So that's the other thing."

Commissioner McClintock: "Okay. Do you have a problem with this?"

Ron Jourdan: "No, I just would like to have it confirmed."

Commissioner McClintock: "Okay, I was just going to see if you did."

Ron Jourdan: "In other words if somebody gets hurt crossing Sigeco's property to get to the south side of the ditch, I don't want it to be Sigeco's problem."

Commissioner McClintock: "Right. Okay."

Commissioner Borries: "Do you know if anyone has maintained it, or has there been any mowing or any maintenance on that south side at this point?"

Ron Jourdan: "I haven't been out there in the last month or so, so I don't know. At the time that I was out there it looked really nice. I don't know if it had just been done."

Commissioner Hunter: "Would Sigeco have a problem with maintaining the south side of it? Then no one would have to cross your property."

Ron Jourdan: "Then we would be on the Sports Park property maintaining a legal drain."

Commissioner McClintock: "It sounds to me Mr. President, it sounds to me like we're not going to be able to get this resolved without having the Sports Park people here, and working with the County Surveyor. I know that's not your fault."

Ron Jourdan: "It's no emergency. Other than Commissioner Willner moved that Mr. Breivogel's request be approved. Commissioner McClintock second the motion, so ordered. You know there was no legal advertising on this, and probably didn't have to be, because you didn't really take any additional right-of-way. But, I just don't have anything I can put in my property files indicating why that legal drain now is thirty (30) feet off of our property. And is there a statutory easement upon us, and is our transmission line that's constructed in that property in danger, and that type of thing? I just want something clear that I can put in my files, and get this file off of my desk and go on to the next file."

Commissioner McClintock: "Okay. I'll make a motion Mr. President that Mr. Hartman work with Ron, and contact the Sports Park representatives, sit down and work out what's going to be an equitable fair agreement to Sigeco and to the Sports Park people, and come back so that we can get it into the record."

Commissioner Hunter: "Is there a second?"

Commissioner Borries: "Second."

Commissioner Hunter: "So ordered."

Ron Jourdan: "Thank you."

Commissioner McClintock: "Thank you for bringing this to our attention."

Jeff Wilhite: "Thank you."

Commissioner McClintock: "Because twenty years from now somebody would have been trying to figure that out."

There being no further business the meeting was adjourned.

PRESENT:

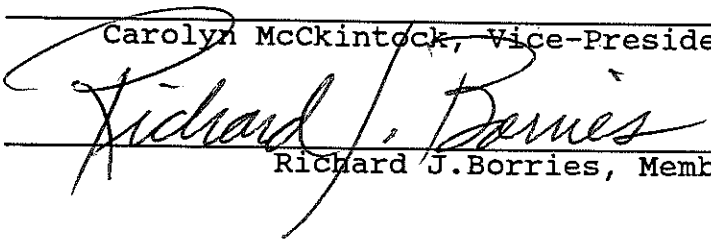
President Don Hunter
Vice-President Carol McClintock

Drainage Board Meeting
June 24, 1991

Member Richard J. Borries
Sam Humphrey, Auditor
Dan Hartman, Surveyor's Office
Joanne Matthews, Secretary
transcribed, jah

Don Hunter, President

Carolyn McCKintock, Vice-President


Richard J. Borries, Member

MINUTES
DRAINAGE BOARD MEETING
AUGUST 26, 1991

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened at 5:35 p.m.	1
Request for Approval re Removal of Temporary Construction Crossing of Eagle Slough	1
Cross Pointe Subdivision/Section #2 Basin Reconfiguration approved	1
SIGCO/Relocation of Sonntag-Stevens Ditch	2
Meeting Adjourned at 6:00 p.m.	2

MINUTES
DRAINAGE BOARD MEETING
AUGUST 26, 1991

The Vanderburgh County Drainage Board met in session at 5:35 p.m. on Monday, August 26, 1991 in the Commissioners Hearing room with President Don Hunter presiding.

President Hunter called the meeting to order and recognized Dan Hartman of the County Surveyor's office.

There was confusion due to the fact that no one had an agenda, despite the fact that Mr. Hartman said he gave Mrs. Meeks an agenda at noon last Thursday. Ms. Matthews said no one had provided her with an agenda.

RE: REQUEST FOR APPROVAL RE REMOVAL OF TEMPORARY CONSTRUCTION CROSSINGS OF EAGLE SLOUGH

The meeting proceeded with President Hunter reading the following letter from Mr. Dan Hartman of the Surveyor's Office into the record:

"The Vanderburgh County Surveyor has inspected all three temporary construction crossings of Eagle Slough, a regulated drain in Vanderburgh County, which crossings were permitted by your Board to be maintained by Traylor Bros., Inc. between 1985 and 1991 for the purpose of moving equipment and material across said drain during the construction by said company of a portion of I-164 by and between the southern extension of Lodge Avenue thence west to a point 500 ft. west of Kentucky Avenue.

The Vanderburgh County Surveyor finds the crossings to be removed in accordance with the terms of the permits and waterway of said drain to be left by Traylor Bros., Inc. in a condition equal to or better than the condition existing prior to the project. The Vanderburgh County Surveyor recommends that the Vanderburgh County Drainage Board release Traylor Bros., Inc. from all claims of damage regarding said crossings and said drain with regard to the Indiana Department of Transportation Contract No. R-17111, JVI Job #8719.

Mr. Hartman stated these were signed by Robert Brenner, Surveyor, and William Jeffers, Inspector, the 25th day of this month.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the request was approved and signed. So ordered.

RE: CROSS POINTE SUBDIVISION

Mr. Jim Farny of Morley & Associates said he is submitting a drainage plan for Cross Pointe Subdivision that due to the trend in marketing they decided to market the lots differently. The original plan approved was for the entire forty-eight (48) acres. Due to the change in marketing they have taken Section #2 and reconfigured the basin and they're asking for approval of the basin as now seen on the plans.

Mr. Borries asked how it is reconfigured.

Mr. Farny said the lots are larger. The owner had come to them and told them that the trend in the sale of lots seemed to be that the potential buyers were wanting to cover more of the lot with impervious surface. The initial plan accounted for 55% of the lot

DRAINAGE BOARD MEETING
August 26, 1991

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being covered with pavement and rooftops and the plan, as submitted now, has increased that to 80%. So basically that is the reason the lake has been enlarged.

Mr. Hunter asked if this will, in any way, alter the existing drainage system -- or will it remain pretty much the same?

Mr. Farny said it should be exactly the same as it was; as he said, they have increased the size of the basin and it will actually hold more water. It was constructed in Phase I according to the Phase I drainage plan and is already in place. Therefore, they will be discharging at the same point as that approved in the initial drainage plan. The discharge rate was 20% runoff of the site. It's calculated to hold a 25 year storm. It does exceed the required capacity. Another thing designed into this basin is that they're holding the runoff to a 5 year pre and 25 year post runoff. He's incorporated that into this plan and that is another reason the lake is enlarged. In other words, they decreased the allowable runoff and they dropped it back down to a 5 year storm, which will slow the runoff even more than the plan originally approved. And then they put the capacity in the lake to hold it.

Mr. Borries asked if he's going to do this as as-built now that's there been a change? We've talked about this on other developments Mr. Morley's done. Is he willing to do that on this one?

Mr. Morley said, "For the record, what you are asking for is to have the final configuration of the lake as it is finally constructed filed with your office to show that we have, in fact, put those pipe sizes into the lakes. You had asked for that previously on another project and we responded. And certainly we could provide record drawings of the drainage. It would, he thinks, protect the County in the future to acknowledge the fact that it did get built that way. We certainly don't have any problem with that if the owner has no problem with it. I think it's a good follow through to say 'give me an as-built when it's finished'. The as-builts give you the guarantee on the record that it did happen. From that standpoint I certainly can't fault that request -- it's a good request."

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: SIGECO/RELOCATION OF SONNTAG-STEVEN'S DITCH

Mr. Ron Jourdan of SIGECO said he would like the Board to confirm his letter on the six points on the relocation of the Sonntag - Stevens regulated drain. He sent Mr. Wilhite a letter on July 22nd containing the six points he felt ought to be clarified and he, in turn, forwarded same to the Commissioners by July 29th -- and Mr. Jourdan was told the matter would be considered at this meeting.

Commissioner Hunter entertained a motion to approve.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

There being no further business to come before the Board at this time, President Hunter declared the meeting adjourned at 6:00 p.m.

PRESENT:

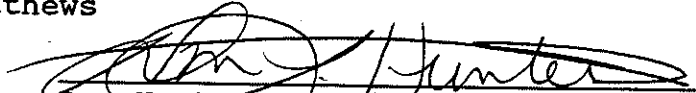
Don Hunter, President
Carolyn McClintock, Vice President
Richard J. Borries, Member
Gary Price, Acting County Attorney
Sam Humphrey, Auditor
Dan Hartman, Surveyor's Office
James Morley/Morley & Associates

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DRAINAGE BOARD MEETING
August 26, 1991

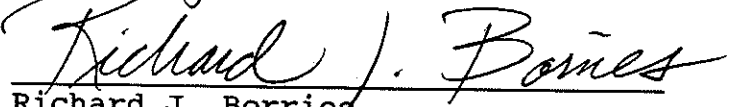
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Jim Farny/Morley & Associates
Ron Jourdan/SIGECO
Lou Wittmer/Supt., Co. Bldgs.
News Media

SECRETARY: Joanne A. Matthews


Don Hunter, President


Carolyn McClintock, Vice President


Richard J. Borries

MINUTES
DRAINAGE BOARD MEETING
SEPTEMBER 23, 1991

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened at 5:45 p.m.	1
Replat of Lot #2 in Lon-Kin Valley Subdivision	1
Replat of Lot #10 in Highland Ridge Estates	1
Cross Pointe Subdivision/Drainage Plan /.....	1
BFI Laubscher Meadows Landfill Site Improvements	2
Claims	3
Meeting Adjourned at 6:10 p.m.	3

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**MINUTES
DRAINAGE BOARD MEETING
SEPTEMBER 23, 1991**

The Vanderburgh County Drainage Board met in session at 5:45 p.m. on Monday, September 23, 1991 with President Don Hunter presiding. Commissioner McClintock was absent, having left the Commission Meeting early.

Commissioner Hunter called the meeting to order and directed the group's attention to the printed agenda, containing four items.

RE: REPLAT OF LOT #1 IN LON-KIN VALLEY SUBDIVISION

Mr. Bill Nicholson of Veach, Nicholson, Griggs & Associates noted he has a replat of this subdivision (rearranging some lots) which doesn't affect the runoff at all. The subdivision is located on Hoing Rd., east of Darmstadt Rd.

In response to query from Commissioners Borries and Hunter, Mr. Dan Hartman of the County Surveyor's Office said their office recommends approval.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: REPLAT OF LOT #10 IN HIGHLAND RIDGE ESTATES

The next items concerns a Replat of Lot #10 in Highland Ridge Estates, located on Mohr Rd. west of Darmstadt, also requested by Mr. Bill Nicholson of Veach, Nicholson, Griggs & Associates.

In response to query from the Commissioners, Mr. Hartman said it is the recommendation of the Surveyor's Office that the foregoing be approved.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: CROSS POINTE SUBDIVISION/DRAINAGE PLAN

Mr. Morley said this is similar to a project of Charter Hospital which the Board saw about a year and a half ago. The entire area where the hospital is being located is being raised above the existing ground approximately two (2) ft. This is an eight acre site and the drainage from the site is to the east to the Nurrenbern Ditch. The flow out there -- they have utilized a lot of open swales and lakes in order to be able to handle and hold all the storm runoff. He thinks that long go we had all mutually agreed to use a very restrictive existing runoff factor of .2 and then they have come up using the roofs, the walks, and the parking lot associated with this -- a runoff factor for the developed site of .59. Therefore, from this basin they are capturing the difference in the runoff from this eight acres site. The storage volume required for this lake is 27,312 acre feet and they are capturing it all in a lake at the northeast corner of the eight acre site. On the lake outfall, there will be a permanent pool to the lake and, he believes, down in the lower right hand corner there is a permanent pool to the lake which is at least 5 ft. deep and then the storage is all above that permanent pool. The permanent pool would extend to a 387.75 elevation to provide that peak storage on this site. The capacity on the outlet from the project is controlled by a rectangular concrete weir that is used and mathematically calculated to control the runoff rate at this pre-existing condition of .2 runoff. They did include computations on that rectangular weir flow. Other things that the Commissioners might like to know about the project -- they have pick-up points

from the parking lot that pipe around to that lake. Those pipes are submerged. There would be water in the pipes because of the flow -- so they essentially equalizer pipes -- they would not flow rapidly unless the lake were dropped for some particular reason. But the pipes have been sized to adequately carry that flow in a submerged condition. In other words, they calculated pipe size, head of the water in the parking lot versus head of water in the lake and that is the way the pipes were sized. The minimum size is 12 inches and some of them are 18 inches. They have done a run-through in the computations on what happens both in the 5 year and the 25 year and the 100 year storm. The plan is essentially identical to a previous plan approved for this site for Charter Medical. As stated previously, the out fall goes to the Nurrenbern Ditch. They essentially don't count on Nurrenbern Ditch for much, because they know it gets full -- so they have the storage within the lake. Jim Farny of his office is here should the Board have questions that he (Morley) didn't cover.

In response to query from Commissioner Borries concerning a 100 year storm, Mr. Morley said the one hundred year event would mean that the water would rise about three (3) additional inches. The 25 year event doesn't even come into the parking lot. The 100 year event would basically come to the parking lot. Only those areas below the 388 elevation would be flooded in a 100 year storm. The building is at 390.25 or 2-1/4 ft. above the ponding level of the 100 year flood.

Mr. Hartman said it is the recommendation of the Surveyor's Office that this drainage plan be approved.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: BFI LAUBSCHER MEADOWS LANDFILL SITE IMPROVEMENTS

Mr. Morley said at the BFI site on Laubscher Rd. there are two areas of improvement that are being proposed here and at the Site Review Committee the Area Plan Commission requested that the drainage for these sites come back to the Drainage Board for their review (which Morley has done). The two improvements are a Scale House located on Laubscher Rd., which does involve some paving and improvement. The second improvement is a truck/wheel wash and deceleration lane in the other area of the site. In each of the sites they have made computation of the runoff. The change in runoff is not a great deal, because the sites are so small relative to the existing runoff out there. But what they have designed at both locations is a detention basin that is essentially very similar to a farmer's field terrace -- a parallel terrace -- ion which they have a dry basin (not a permanent pond) and in this dry basin there is a perforated pipe in the bottom of it, a berm area to contain the water, and in the bottom of the perforated intake pipe the orifice is sized so that the runoff from this developed area will not be any greater than runoff from the site in a pre-existing condition. The numbers on this are really very small. They come down to a 6 inch pipe and 4 inch orifice and there are details shown in the upper right hand corner of exactly what that looks like -- of the perforated pipe. In this instance, the manner in which they have designed this, while their stated purpose for being here is **detention** for storm flow control, they do also get a side benefit of erosion or sediment capture in these basins and slotted inlets, so essentially these storm detention basins also provide sediment control from the site as well.

Mr. Hartman said it is the recommendation of the Surveyor's Office that these plans be approved.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

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DRAINAGE BOARD MEETING
September 23, 1991

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RE: CLAIMS

Mr. Hartman submitted the following claims for approval, with the recommendation that they be paid:

Chemi-Trol Chemical Company (East Side Urban North Half)	\$ 905.64
Chemi-Trol Chemical Company (East Side Urban South Half)	\$2,508.09
Chemi-Trol Chemical Company (Sonntag-Stevens Ditch)	\$ 518.50
Terry Johnson Construction Co. (Keil Ditch)	\$ 631.01
Terry Johnson Construction Co. (Sonntag-Stevens Ditch)	\$ 288.23
Terry Johnson Construction Co. (Henry Ditch)	\$ 662.03
Terry Johnson Construction Co. (Harper Ditch)	\$ 808.71
Terry Johnson Construction Co. (Aiken Ditch)	\$1,664.43
Terry Johnson Construction Co. (East Side Urban South Half)	\$3,237.08
Terry Johnson Construction Co. (Kolb Ditch)	\$1,613.78

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the claims were approved for payment. So ordered.



There being no further business to come before the Board at this time, President Hunter declared the meeting adjourned at 6:10 p.m.

PRESENT:

Don Hunter, President
Richard J. Borries, Member
Jeff Wilhite, County Attorney
Sam Humphrey, County Auditor
Lou Wittmer/Supt., Co. Bldgs.
Margie Meeks, Commission Office
James Morley/Morley & Associates
Jim Farny/Morley & Associates
Dan Hartman/Surveyor's Office
Bill Nicholson/Veach, Nicholson & Griggs
Others (Unidentified)
News Media

ABSENT: Carolyn McClintock, Vice President

SECRETARY: Joanne A. Matthews


Don Hunter, President

Richard J. Borries, Member

MINUTES
DRAINAGE BOARD MEETING
OCTOBER 28, 1991

I N D E X

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MINUTES
DRAINAGE BOARD MEETING
OCTOBER 28, 1991

The Vanderburgh County Drainage Board met on Monday, October 28, 1991 at 5:35 p.m. in the Commissioners Hearing Room, with President Don Hunter presiding.

President Hunter called the meeting to order and recognized Dan Hartman of the Surveyor's Office.

RE: CLAIMS

Mr. Hartman submitted claims to President Hunter for approval, as follows:

Terry Johnson Construction Co.	\$12,154.17
Terry Johnson Construction Co.	\$ 3,419.58
Terry Johnson Construction Co.	\$ 94.65

Mr. Hartman confirmed that the work for the foregoing claims has been satisfactorily completed and was inspected by Chris Kern (Surveyor's Office) and it is their recommendation that the claims be approved for payment.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: COPPERFIELD SUBDIVISION DRAINAGE PLAN

Mr. Hunter said the Copperfield Subdivision drainage plan was approved January 28, 1991, which provided for a detention plan. This detention plan is now being presented by Morley & Associates for approval.

Mr. Jim Morley asked, "What would the County Drainage Board like for the subdivision plan to contain relative to the easement around a detention or retention basin? They can place upon the plat language something to the effect that they have that says lot owners will maintain all of that. But do we call it a utility easement? It is his understanding that what the Drainage Board wishes to do is to see that everything is in place, yet have it clearly understood that the Drainage Board does not go out and maintain any eroded slopes, mow grass, unplug pipes -- that is the responsibility of the owners of the property on which that facility exists. That is what he has gathered from the responses of the Commissioners in the past.

Mr. Hunter commented, "That is the traditional method, as I understand it."

Mr. Morley continued, "So, do we call it a drainage easement or do we create a new name for this thing where it's a function of the subdivision that we are to have detention or retention? Is it a public utility type drainage easement? Or is it some kind of a reservation? I don't know what language to put on the subdivision plat to correctly convey -- and that's an attempt at it right there."

Mr. Borries asked, "Are these going to be dry basins?"

Mr. Morley said, "No, those are wet basins -- entirely in individuals' back yards."

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Mr. Borries commented, "Then I think it has to be conveyed to those individual property owners because, as you well know, we are not dealing with County property. The County cannot maintain something that is on private property. This is not County property so it belongs to someone else. It must be conveyed to whomever. Unless you have a Homeowner's Association and some kind of covenant there, then I don't think any other individual property owner would have the responsibility of maintenance on that."

Mr. Morley said, "Of course, I can hand you a drainage plan. But that is not a legal entity and a subdivision plat is. It is my opinion that the correct language that we want to use for that ought to appear upon the recorded subdivision plat. And perhaps you would have your attorney review that statement as a beginning point, reflect on any changes, and then I can get them on the subdivision plan. I would be happy to do whatever language -- but I have been concerned as to whether or not we are property conveying this need for individual homeowners to maintain so that they don't come back like they did on Old Petersburg Place when the utility company tore it up and they came down here to you and asked you to clean it."

Mr. Hunter said, "Yes -- and we're still fighting that, as of today. I do agree we need to do something."

Mr. Borries said it needs to be in very strong language, clearly understood by that potential property owner that that is his/her duty and obligation to maintain.

Mr. Morley said he doesn't disagree and he would like for the County Attorney to help him come up with the proper language. The Area Plan Commission tells him that they never enforce covenants. They only enforce what is on the plat or in the minutes of the Drainage Board.

Mr. Hunter said, "This language is strong and I think it is good. But do you or Rick have any suggestions as to how we can best convey this to the person who is buying this piece of property, so they don't come back later and say, 'Gee, I didn't know that'."

Mr. Morley responded, "Probably the best thing that I can do is that kind of bold statement and, I suppose, on each individual lot owner that is affected we could put some special notation that refers him to that statement. That was our attempt to come up with a statement. We tried to come up with a relatively strong statement. If the Attorney will finish it out, I will put it on the plat then. I don't like things that come back, Rick, like it did on Old Petersburg Place -- where property owners don't seem to know."

Commissioner Borries said, "I think there is a lot of confusion and, of course, if the wording is on there it ultimately is the responsibility of the real estate person who sells the property to inform that potential buyer."

Mr. Morley said, "The plan is the official recorded document -- and anything beyond that is official. Well, the covenant is official, but neither the Area Plan Commission nor any other agency he is aware of will enforce any part of it. That is the Plan Commission's position -- they do not enforce the recorded covenants. They privately enforceable by lawsuit by any person within the subdivision. But they are not enforceable, generally, by the public body. So the APC requests that anything we want to be official go on the plat."

Commissioner Hunter said he guesses what he is really thinking about is that the person who buys the lot is going to see this. But say they build the home and then they sell it -- the second person moves in -- and his concern is how do we do this so that the number

two person is also aware of it?

Mr. Morley said the only place where that could occur would be if we could recreate things in the State of Indiana where the deed had to include the exhibit of the plat. But currently that is not true. They transfer a document and do not have to give the owner a copy of the plat.

Mr. Hartman said he has reviewed these plans with Mr. Keith Poff, the designer from Morley & Associates, and agrees with the contents therein. He further recommends the Drainage Board approve the drainage plan, as is.

Mr. Borries asked how deep these basins are going to be and Mr. Morley said they will be 5 ft. from normal pool. That is the depth they go to keep cat tails and weed growth down. Normal pool is about 4 ft. below the top.

Mr. Borries said, "So you're doing a 25 year storage?"

Mr. Morley said, "We truly have well beyond that in actual capacity -- the way it is designed it is almost double that -- probably 35% to 40%."

Mr. Borries asked what kind of a berm are we talking about in terms of a bank there?

Mr. Morley said there is no berm. There is one little ravine that gets filled in and the rest of it is completely excavated. That fact is important as you look at the plans and note it gets close to what is shown in the floodway on the County drawings. There will be absolutely no obstruction in the flow of water down Little Pigeon Creek.

Motion to this approve the plans was made by Commissioner McClintock, with a second from Commissioner Borries. So ordered.

RE: WESTLAKE SUBDIVISION

Commissioner Hunter said that on October 1st he received a letter from Barbara Cunningham requesting the following subdivision be put on the Drainage Board agenda for consideration: 12-S-91 Westlake Subdivision, part of the Southwest Quarter, Section 3, County of 6, South Range 11 West located on Kasson Drive east of Big Cynthiana Rd. Today Mr. Hartman finally received a set of plans that are less than sensational. He talked to the Soil Conservation Service people about this subdivision and they had received no plans. One of their concerns in the initial meeting on this was that these 2-1/2 acre lots required for a septic system -- part of these lots are in the lake.

Ms. McClintock moved that the Drainage Board get back to the developers and indicate to them that the Board is not going to be in a position to even look at the drainage in this area until they get the plans to the Surveyor's office in a timely fashion -- at least a week in advance of the next Drainage Board meeting. They also need to send a copy to the Soil Conservation Service.

A second to the motion was made by Commissioner Borries. So ordered.

There being no further business to come before the Board, President Hunter adjourned the meeting at 5:50 p.m.

PRESENT:

Don Hunter, President

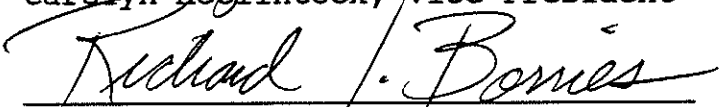
DRAINAGE BOARD MEETING
October 28, 1991

Carolyn McClintock, Vice President
Richard J. Borries, Member
Gary Price, Acting County Attorney
Sam Humphrey, County Auditor
Dan Hartman, Surveyor's Office
James Morley/Morley & Associates
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Don Hunter, President

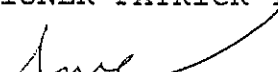

Carolyn McClintock, Vice President


Richard J. Borries, Member

VANDEBURGH COUNTY AUDITOR
208 CIVIC CENTER
1 N.W. MARTIN LUTHER KING JR. BLVD.
EVANSVILLE, IN 47708-1880

MEMORANDUM

NOVEMBER 17, 1995

TO: PRESIDENT COMMISSIONER PATRICK TULEY
FROM: SUZANNE M. CROUCH 

ATTACHED PLEASE FIND MINUTES FROM THE DRAINAGE BOARD MEETING OF AUGUST 28, 1989, DECEMBER 18, 1989, JUNE 24, 1991 AND NOVEMBER 25, 1991.

WHILE ORGANIZING DRAINAGE BOARD MEETING MINUTES OF THE PREVIOUS COMMISSIONER'S SECRETARY WE FOUND TAPES THAT WERE NOT TRANSCRIBED. THESE MINUTES HAVE BEEN SOLEY TRANSCRIBED FROM THE TAPES SINCE NO OTHER NOTES OR RECORDS HAVE BEEN FOUND.

WE WILL BE SUBMITTING THESE MINUTES AT THE NOVEMBER 27, 1995 DRAINAGE BOARD MEETING FOR MR. RICHARD BORRIES APPROVAL AND SIGNATURE. MR. BORRIES IS THE ONLY COMMISSIONER THAT CAN APPROVE AND SIGN THESE MINUTES. THE OTHER TWO DRAINAGE BOARD MEMBERS ARE NO LONGER IN OFFICE. AFTER BEING ACCEPTED AND SIGNED, WE WILL THEN PLACE THEM IN OUR PERMANENT RECORD BOOKS.

THANK YOU FOR YOUR TIME AND CONSIDERATION IN THIS MATTER.

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NOVEMBER 25, 1991

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MINUTES
DRAINAGE BOARD MEETING
NOVEMBER 25, 1991

The Vanderburgh County Drainage Board met in session on November 25, 1991, in the Commissioners' Hearing Room 307, with President Don Hunter presiding.

RE: WEST LAKE SUBDIVISION DRAINAGE CALCULATIONS:

Commissioner Hunter: "The Surveyor's Office recommendation was that we needed more information and hopefully at this point we have received that information, so let's turn it over to you Dan."

Dan Hartman: "Well it was rather involved, but I have written a letter concerning my view points, and I will submit them to the secretary with your permission."

Commissioner Hunter: "Certainly."

Dan Hartman: "Everything is adequate. In fact the final answer, the thirty (30) foot spillway is more than adequate. But, this is adequate for what they're wanting to do with these two areas. These two individual areas. Now, if they revise those areas and make them something else, or revise the complete picture, revise the adjacent areas...if you understand what I mean...they have to resubmit their findings to us. But with that exception I submit those to you. These two pipes here are okay. They're alright. Now then, this spillway was well in these two pipes that you were talking about this morning. This one right here and this one right here, okay? Now then, even though this does spill in this one, this increases the pass in this pipe here, but it's still okay."

Commissioner Hunter: "So it would go from lake A to this?"

Dan Hartman: "No, this one right here."

Commissioner Hunter: "Okay."

Dan Hartman: "The spillway there."

Commissioner Hunter: "There are spillways that go from Lake A to Lake B? Is that what we're looking at?"

Dan Hartman: "Yes. We're alright there too."

Commissioner Hunter: "Okay."

Dan Hartman: "Lake A or Lake B rather drains into that spillway there. That's more than adequate. That's this job here."

Commissioner Hunter: "Alright."

Dan Hartman: "That's more than adequate. But any revision of addition to innovate any Subdivision in the areas here, respected areas, I think they would have to submit a new set of details or confrontations."

Bill Nicholson: "I only have one comment about that. There's an area that is included in that drainage area that we have no control over that is likewise distance as (inaudible). There's twenty-seven (27) acres in there that's innovated, and there's two areas, this area and this area is out of it. There is ten (10)...I don't remember what the figure is...ten (10) to thirteen (13) acres outside the subdivision area that we have no control over."

Dan Hartman: "We'd have to look at them. I mean"

Bill Nicholson: "We take it as agricultural right now, just like you have to look at this property as it is now. But with the fact that our subdivision only has five (5) lots in it, the minimum lot size in two, and half ($2\frac{1}{2}$) acres. Any house they build on there is

not going to change anything."

Dan Hartman: "Right."

Bill Nicholson: "Considering that area outside...."

Commissioner Hunter: "Let me ask a question. Assume for a second that the area outside, and you said; there was one here and one down here."

Bill Nicholson: "Yes."

Commissioner Hunter: "Let's assume for a second that those areas...are they both agricultural now?"

Bill Nicholson: "They are agricultural."

Commissioner Hunter: "Okay. Let's assume for a second that they both become residential. Then do we have a problem with what you have done here?"

Bill Nicholson: "Yes. It would have to be a very dense and very changeable situation, and with the fact that there's no sewers out there, they won't go any less than two and a half ($2\frac{1}{2}$) acres I'm sure, like we were held to, because of the soil condition."

Commissioner Hunter: "Let's assume for a second then that these are two and a half ($2\frac{1}{2}$) acre lots as I guess as a minimum requirement on the state, do we have a problem with this and this, with these two lots?"

Dan Hartman: "I think that we should just look at it when they come in, and we'll just have to look at them."

Bill Nicholson: "If you treat them like you treat us, they're going to have to have some sort of retention themselves. That would have to be addressed at that time."

Commissioner Hunter: "Does that make sense?"

Dan Hartman: "That makes sense. If we treat them, and make those houses the same runoff as a farm field would, or as an existing drain pipe that I suggested, then it will be (inaudible). I thought you had control over these also here."

Bill Nicholson: "Well no, if you look up on the map here, our area is right here. This is an area that stands a little bit outside of our subdivision line. This one, lake A is the one that extends outside of our subdivision boundary, which is..."

Dan Hartman: "Lake A or area A?"

Bill Nicholson: "Well Lake A, which is the area there that we're designating here. That area...this is our subdivision boundary line right here. See this drainage area here, it comes down into this lake from outside of our subdivision boundary. It's treated as agricultural now."

Dan Hartman: "When the subdivisions do come in, they'll have to be treated that way."

Bill Nicholson: "Right. Because of the terrain I don't see any density in that area any greater than two and a half ($2\frac{1}{2}$) acres a lot."

Commissioner Hunter: "But that subdivision, assuming that once it's developed, will be draining into your lake A. Right?"

Bill Nicholson: "That's right."

Commissioner Hunter: "I guess the concern is, could it be late day handled, then they'd have to design their project in order to say retention, detention or whatever."

Bill Nicholson: "Right."

Commissioner Hunter: "Then we have your recommendation based on this letter?"

Dan Hartman: "Right."

Commissioner Borries: "Let me go through this one more time. Who's property are we talking about in addition to this particular subdivision here?"

Dan Hartman: "Who's property?"

Commissioner Borries: "Yes. In other words what your doing Billy, is you're going to be able to keep, as far as you're concerned, they're taking care of their water, which will not be an impact on any other development here. Is that correct?"

Dan Hartman: "No. These areas will impact on this area. But, when they do impact on them greater than what they are now, they'll have to submit their complications and designs in form to the existing conditions."

Commissioner Hunter: "This area and this area currently agricultural, and the current drainage into "A" and "B" is fine as long as they remain agricultural. The problem is if they become something else such as residential."

Dan Hartman: "If they do become more dense and more populated or more runoff, then they would have to conform with the same criteria that we are designing these subdivisions on."

Commissioner Hunter: "Okay."

Dan Hartman: "And these pipe sizes which is shown here....he showed me here and here that are adequate for area two (2) and area six (6)."

Bill Nicholson: "I only had one (1) property owner down here, the other property owner we didn't supply."

Commissioner Hunter: "You haven't marked out your lots on this yet, or even numbered your lots?"

Bill Nicholson: "This is lot 1."

Commissioner Hunter: "Okay."

Bill Nicholson: "This is lot 2 and lot 3. It takes in part of the lake. Lot 4 is in this area and part of this lake, and that's lot 5."

Commissioner Hunter: "Wait a minute. You mean that part of your lots are the lake?"

Bill Nicholson: "Well they extend...yes because of the ownership they all extend into the lake."

Commissioner Hunter: "That's part of the two and a half (2½) acres?"

Bill Nicholson: "No sir. No sir."

Commissioner Hunter: "Okay."

Bill Nicholson: "That's one reason we had to back up a whole month on this thing to get two and a half ($2\frac{1}{2}$) acres minimum in the lot, but there is additional area into the lake that...in other words if the developers sell all of this property, and retain any part of the lake, they won't have any access to it, and they'll be paying taxes on it."

Commissioner Hunter: "Okay."

Bill Nicholson: "So, what you do, we have two and a half ($2\frac{1}{2}$) acres in the lot, plus whatever area is in the lake."

Commissioner Hunter: "Okay, so the minimum is two and a half ($2\frac{1}{2}$) acre a lot for each of these."

Bill Nicholson: "So whenever they sell all of the lots, all of the area that the lake is on will be included in on that part of the price."

Commissioner Hunter: "Okay."

Bill Nicholson: "But not the minimum two and a half ($2\frac{1}{2}$) acres."

Commissioner Hunter: "Okay."

Commissioner Borries: "The potential owners of these lots, it is going to be clearly indicated that it will be their responsibility in terms of maintenance of those lots?"

Bill Nicholson: "Yes."

Commissioner Borries: "You have that provision on it?"

Bill Nicholson: "Subdivision here has that on it, this one here. The Plan Commission has indicated how...I've got an old copy here, I didn't bring a current copy of the subdivision."

Commissioner Hunter: "By the time each one of these sell, then the new owner will receive a copy of this?"

Bill Nicholson: "That's going to be on the plat, it will also be contained in the restrictions of the lots."

Commissioner Hunter: "Okay."

Bill Nicholson: "I don't have that with me, but that is to be put down."

Commissioner Hunter: "Carolyn, Rick, do you have any questions on this?"

Commissioner McClintock: "No."

Commissioner Hunter: "Rick do you have anything else?"

Commissioner Borries: "No."

Commissioner Hunter: "Okay I'll entertain a motion that we accept this West Lake Subdivision Drainage calculations, and the letter is put forth by the Surveyors Office."

Motion was made by Commissioner McClintock, and seconded by Commissioner Borries to approve. So ordered.

RE: REQUEST PAYMENT OF BLUE CLAIMS-MAINTENANCE:

Commissioner McClintock: "Has the Surveyor signed them and approved them?"

Mr. Hartman: "Yes ma'am."

Motion was made by Commissioner McClintock to approve the claims, and seconded by Commissioner Borries. So ordered.

RE: VANDEBURGH COUNTY BRIDGE OVER BIG CREEK:

Commissioner Hunter: "David Savage you're here to talk to us about the Vanderburgh County Bridge over Big Creek, four tenth of a mile east of Bixler Road, on Newman Road as requested."

David Savage: "Good afternoon. We have preliminary plans that have been submitted and reviewed by the Surveyors Office. We have in one of the site plan sheets, there was a small concrete box culvert just a couple hundred feet to the west of the bridge which is being replaced, which is narrow, which is shoved up against the road, which the County Engineer asked us to go ahead and draw up alternating plans for replacement of this box culvert also. Basically in working with the farmers in the area and the Ditch Association, they requested that the bridge accommodates a future three to one slope on Big Creek, which they hoped to have implemented over the next twenty to thirty years. So, we're putting in a three span at 3.2 foot total length of bridge. It will accommodate a twenty-five year design storm without going up on the bridge, or fifty to hundred year storm, if that area that is under water, so it wouldn't continue to flow over the road."

Commissioner Hunter: "Okay."

David Savage: "Without a 40% increase in waterway hoping it will solve the problems (inaudible)."

Commissioner Hunter: "Okay."

Commissioner Borries: "What about the concrete structure down here then, this box culvert?"

David Savage: "That would be replaced by a pipe arch span. There was only a slight increase in size that would meet the difference between twenty-five year, and a hundred year storm, so we went a head and put in pipe that would handle a hundred year storm without going over the top of the road. This is a much smaller watershed, so it wouldn't take a much smaller storm to free that."

Commissioner Hunter: "Have you spoken with the school corporation, and their request on the wider radius here for the emergency?"

David Savage: "They've heard that there was work being done here. The buses apparently come down this way, and maybe turn where there has been some stone put out on this shoulder, because this is squeezed up so close to the road it's difficult for a long vehicle to make a turn. Same thing with alot of the farm equipment. So in accommodating a 2-1 slope, and a standard shoulder over here that pulls it back enough that we could put a thirty foot radius."

Commissioner Borries: "Does the county have enough right-of-way in there?"

David Savage: "There maybe some temporary right-of-way required. They're both legal drains, so they're seventy-five foot easement. As far as relocating this over, this farmer here Mr. Elpers, is very interested and he's willing to do just about anything."

Commissioner Borries: "I bring this up as a point that if you are extending, and I don't necessary have any opposition for that, I just would insist and make sure to call to your witness that we have the right-of-way. Because if we don't have it, we need to purchase it."

David Savage: "That will be the next stage of the design process will be drawn up for needing the description for the permit, and temporary right-of-way that is required. We do have one farmer that the pipe has to move over a little bit from this bridge, which is going to take some of the trees out of the corner of this woods. This property owner is not real pleased about that. We're working with them on what we can do to make them more happy."

Commissioner Hunter: "We don't have any alternatives?"

David Savage: "No, not if we're going to replace the pipe. It would be silly to replace it and put it back where it's at. It needs to be moved over, and there's just no way to do that without taking some of the trees."

Commissioner Hunter: "Okay, any other questions? Rick or Carol? Okay, I will entertain a motion that we approve this preliminary work on this bridge."

Commissioner Borries: "So moved."

Commissioner McClintock: "Second."

Commissioner Hunter: "So ordered."

Commissioner Hunter: "Anything else sir?"

David Savage: "No sir."

Commissioner Hunter: "Meeting is adjourned."

PRESENT:

President Don Hunter
Vice-President Carolyn McClintock
Member Richard J. Borries
Sam Humphrey, Auditor
Dan Hartman, Chief Deputy Surveyor
Joanne A. Matthews, Secretary
Transcribed:jah

Don Hunter, President

Carolyn McClintock, Vice-President


Richard J. Borries, Member

MINUTES
DRAINAGE BOARD
DECEMBER 23, 1991

The Vanderburgh County Drainage Board met in session at 6:30 p.m. in the Commissioners Hearing Room with Commissioner Don Hunter presiding. All Commissioners were in attendance.

RE: 1S92 EDINBOROUGH SUBDIVISION/DANNY K. LEEK

Dan Hartman: On behalf of the Surveyor's Office, I appointed myself to thank you County Commissioners for the very complete Christmas party you all had for us and it was thoroughly enjoyed by all of us.

Danny Leek: For your observations, I have put all of the yellow items on here and it is easier to explain to you the map that we have brought to you. On this subdivision, McCutchan Estates has their approved drainage plan. Their storage space is located on this corner. We are proposing to construct a lake on the very south end of it prior to entering the existing ditch and will have to retain the water.

There are three (3) basic water shed areas and a portion of the water in water shed area number 1 we can't capture because we have a high ridge here and the water is coming back off into McCutchan Estates. We had taken into account previously when we did McCutchan Estates, we had this basin designed at the time to take this portion of water into this water shed and we can't get it here because if we did, we would have to get a ditch about 6 feet deep just to get it below ground, so what we are doing is taking all of the water from here up to the basin. We are going to restrict the flow that currently comes off into the various water shed areas at various rates, anywhere from about 12 up to about 22, so what we will do in this area is bring the water all into the basin and from the basin restrict it so that the outflow is only 6 outflow.

Don Hunter: Is the airport right here?

Danny Leek: The airport is about 4,000 lineal feet away.

Don Hunter: Is this on the glide pass of that north-south runway? And you guys are going to develop a subdivision along....

Danny Leek: That's what our people want to do, yes. This has been before you before.

Don Hunter: You haven't been before me, but I've read an awful lot about it.

Danny Leek: This particular subdivision was before the County Commission about two years ago and the developer at that time (I believe it was Jerry Meece) decided to pull out of it.

Don Hunter: I guess what I started to ask you is, how does this developer react to you dumping water down on him?

Danny Leek: You have to realize that this area is only a 2 acre area, so it is a very small amount of water coming in that direction at all and we are going to get the bulk of everything in here in the subdivision.

Don Hunter: Dan when did you get these plans?

Dan Hartman: Last Thursday.

Don Hunter: did a copy of these go to the Soil Conservation Service as well? When did they get out there?

Dan Hartman: The same day.

Don Hunter: This looks pretty sophisticated to me on what you are talking about doing.

Danny Leek: We know we got the entire flow for the entire subdivision and we know we can't....

Don Hunter: What you are doing is probably wonderful, but I guess my concern is that we are asking the Surveyor's Office and I am asking the Soil Conservation people to drop everything and look at some really sophisticated plans here when they haven't had sufficient time to do it. I am not going to be a party to anything and I don't really feel...and as I understand you were off Friday? So, the only time you have really had a chance to look at these was Thursday afternoon and today. Is there anyway that these could be submitted at least a week, and preferably ten (10) days prior to..before they come up? At this point, we don't have anything like this in writing. After the first of the year I plan to get something like this in writing.

MINUTES
DRAINAGE BOARD
December 23, 1991

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Jim Morley: It is typical. We try to do our best to get them out as soon as we can to see if we are going to have a problem.

Don Hunter: I am just not comfortable asking this man to recommend something when he has had very little time to look at it and today, one day is really not enough. I would like him and I would like Darrell to have had a chance to look at this and kick ideas back and forth. I have to take Dan's word and when he says 'yes,' that is pretty much what we go by, but I guess I am concerned here that we are getting these things too late. What is your reaction to this Dan, you have looked at it?

Dan Hartman: I checked every item in here and made some phone calls to these men and Mr. Morley and we have ironed out all of the items on this map and everything I read on everything here, I have checked all those figures out to the decimal point and these are the items that I end up with and I would like to have the volume or area of this retention basis shown there and with that exception, I recommend that the figures are correct, based on what they have given me.

Don Hunter: Have you talked to Darrell?

Dan Hartman: Just a phone call.

Don Hunter: What was his reaction?

Dan Hartman: He hadn't seen the map.

Don Hunter: Have either of you been out to look at this on the site?

Dan Hartman: No.

Jim Morley: The problem partially here Don, is being created by the way you schedule things. Our Subdivision Review Committee meetings are now formal. They are on the Plan Commission's schedule and we shop up...They are now on the second Tuesday. They were two weeks ago. Darrell was at the meeting. He did not get a copy of the drainage plan on this at that time. The drainage plan doesn't come until after. At the sub-review they withhold or have a right at that time to tell you to change your lot layouts and do things and so we don't normally start drainage until they give us the go ahead on the way we laid the lots out and so, that gives us a two week break in there and if we can get the work done in one week, we can get it to Dan.

Don Hunter: How can we change that to make that easier on you guys?

Jim Morley: You used to have Drainage Board Meetings the last meeting of the month and then you moved it up a week and we usually could meet it, the way Sub Review fell. To some extent, your decision tonight is a decision on something that is not going to come up until the first Wednesday in January. We got to go to Plan Commission on January 8th. I don't know why you need to make a decision tonight that couldn't be made on January 6th, but you moved your drainage board meeting to this. The Drainage Board used to be done one meeting before Plan Commission. I don't know.

Don Hunter: I am open to any suggestions you might have.

Jim Morley: What you are hearing from Dan and us is, 'Boy you guys are squeezing us in there. We do our best, but we got two weeks from the Sub Review on this and we had to finish all of these computations, get them to Dan and we need a decision so we can go in on January 8th. Now, between tonight and January 8th, there ain't a thing being done. It is over and done with and we just sit and cool our heels. As far as all of us having time, if you decide...if your Drainage Board was the 6th or always the Monday before the Wednesday Plan Commission Meeting, it would given Dan and us both more time to work. but, that is the problem.

Don Hunter: You are suggesting that we change the Drainage Board to the first Monday of the month?

Jim Morley: No, whatever the Monday before the Area Plan Commission is.

Don Hunter: so, the Monday before Area Plan? Rick has given me permission to be on Area Plan next year so....

Rick Borries: I have seen in Dan's office sometimes there is a problem when you are doing ditch bids and also claims, because we pay claims once a month and normally the checks are cut on the 15th so it could cause some people to get almost an extra month without getting their checks, so there could be some problems there. I would be happy to work with you in any other way there, but....

MINUTES
DRAINAGE BOARD
December 23, 1991

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Dan Hartman: I could bring the blue claims to the regular meeting.

Rick Borries: No, you can't. It has to be the Drainage Board.

Jim Morley: So, we need to check with Surveyor, Auditor and APC?

Dan Hartman: I have no problems with it. The only thing I recommend is that we put the size and capacity in writing.

Jim Morley: What he is asking for is something new. He is saying, "Take the Drainage Plan which is not a public record, into the Recorder's Office and take the commitment here on the volume of water stored and put it on the sub-plat so that everybody buying a lot in the sub-plat is aware of where the detention is and what volume is on the plat." Lots 26 and 27 will own it and they will have full responsibility.

Don Hunter entertained a motion.

Rick Borries moved that the Edinborough Drainage Plan be approved. Seconded by Don Hunter. So ordered.

RE: HUMMEL ESTATES

Dan Hartman: I have received a delivery plat for Hummel Estates but I have not received any figures on that, so I would have to say no.

Don Hunter: I see no reason to act on that at all then.

RE: BLUE CLAIMS/ DAN HARTMAN

These are on legal drains, as follows:

Terry Johnson (East Side Urban N 1/2)	\$603.45
Asplundh (East Side Urban N 1/2)	\$624.73

Don Hunter: Do you recommend that we accept these?

Dan Hartman: Yes.

Don Hunter entertained a motion to that effect. Rick Borries so moved with a second by Carol McClintock. So ordered.

Being no further business to come before the Board, Commissioner Hunter declared the meeting adjourned at 7:00 p.m.

PRESENT:

Don Hunter, President
Carol McClintock, Vice President
Rick Borries, Member
Sam Humphrey, Auditor
Gary Price, County Attorney
Jim Morley, Morley & Associates
Danny Leek, Morley & Associates
Dan Hartman, Surveyor's Office

Secretary: Joanne Matthews
(Transcribed by Bettye Miles)

Don Hunter, President

Carol McClintock, Vice President

Rick Borries
Rick Borries, Member

*This minutes are accurate -
to my recollection*

MINUTES
DRAINAGE BOARD MEETING
JANUARY 27, 1992

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened at 6:30 p.m.	1
Resolution re Meeting Dates	1
Autumn Hill Subdivision/Section III Drainage Plan (Deferred)	1
Hummel Estates Subdivision Drainage Plan ..(Approved).....	1
Claims for Annual Ditch Maintenance	2
Phoenix Construction/Request for Temporary Crossover on Outer Darmstadt Rd.	2
Willow Creek Subdivision/Section B	3
Meeting Adjourned at 6:45 p.m.	4

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MINUTES
DRAINAGE BOARD MEETING
JANUARY 27, 1992

The Vanderburgh County Drainage Board met in session at 6:30 p.m., January 27, 1992 in the Commissioners Hearing Room 307, with President Don Hunter presiding.

Motion made by President Don Hunter, and seconded by Ms. McClintock to elect Mr. Borries Vice-President. So ordered.

Ms. McClintock: "I make a motion that we pass the resolution to hold the regular Drainage Board meeting at least once a month, on the fourth Monday of each month, immediately following the County Commissioners meeting. If a holiday falls on a Monday then the meeting will be held on the following business day unless otherwise stated by the Drainage Board in an open meeting."

Mr. Borries seconded the motion. So ordered.

RE: AUTUMN HILL SUBDIVISION SECTION III DRAINAGE PLAN

President Hunter: "The first thing on the agenda is the Autumn Hill Subdivision Section III Drainage Plan."

Mr. Hartman: "Sam Biggerstaff was supposed to have been here this afternoon to assist us in discussing his proposals for this subdivision, but he was unable to make it because of his illness."

RE: HUMMEL ESTATES SUBDIVISION DRAINAGE PLAN

Mr. Hartman: "Andy Easley was supposed to have been here this evening but... (inaudible) he only has one area here for retention, and..."

Mr. Borries asks, "Three lots?"

Mr. Hartman answered, "Three lots, yes sir, and we have decided that the area is ok, the volume of water is sufficient to be retained there and the size of the pipe there is ok. I at this time make my recommendation to approve the plans that Andy Easley has submitted."

President Hunter asked if there are any questions.

Mr. Borries: "I guess what concerns me is, I don't know, you can read this better than I can because you are an engineer, but, do you think this is a drainage plan?"

President Hunter responds, "I have talked to Darryl Rice. He has gone out and looked at it along with the Health Department, and he saw no problem with it."

"How big of a basin here are we talking about?" asked Mr. Borries.

Mr. Hartman stated, "Four thousand two hundred and some odd cubic feet."

Mr. Borries: "Which will hold what kind of event here?"

Mr. Hartman: "Twenty-five year storm. It is in essentially the same area except for these three homes. That's the only change--in the run-off."

Motion to accept Mr. Hartman's recommendation was made by Mr. Borries, with a second from President Hunter. So ordered.

RE: REQUEST PAYMENT OF "BLUE CLAIMS" FOR ANNUAL MAINTENANCE

Mr. Hartman explained that the Blue claims are for annual maintenance of legal drains.

1. Asplundh Tree Expert, Sonntag-Stevens Ditch,	253.69
2. BCDA, Rusher Creek,	66.66
3. BCDA, Pond Flat Lateral "E",	54.24
4. BCDA, Pond Flat Lateral "C",	135.54
5. BCDA, Pond Flat Main,	1271.39
6. BCDA, Maidlow Ditch,	495.00
7. John F Maurer, Hoefling Ditch,	83.57
8. Evelyn Paul, Wallenmeyer Ditch,	175.46
9. Ralph R Rexing, Pond Flat Lateral "A"	111.53
10. Ralph R Rexing, Pond Flat Lateral "B"	58.74
11. Ralph R Rexing, Pond Flat Lateral "D"	96.16
12. Asplundh Tree Expert, Eagle Slough,	13788.36
13. Eugene C Rexing, Singer Ditch,	229.08
14. BCDA, Maidlow Ditch,	370.60
15. BCDA, Buente Upper Big Creek,	514.97
16. BCDA, Barrs Creek,	620.04

Mr. Borries: "Have you or Bob Brenner reviewed each one of these and signed those along with the person who did the inspection?"

Mr. Hartman said that was correct.

Motion made to pay Blue Claims for anual maintenance of legal drains by Mr. Borries and seconded by President Hunter. So ordered.

RE: PHOENIX CONSTRUCTION-BRIDGE ON OUTER DARMSTADT RD

Mr. Hartman: "This is the plan view of the Mosquito Road bridge. Phoenix Construction has requested us to put a 'so called' barrier across there and put a forty-eight inch concrete pipe along there--through it rather, so they can cross from one side of the ditch to the other side. I'll show you there."

The Board reviews the prints, with some discussion on the cross-over.

Mr. Hartman clarifies that they (Phoenix) can't get over now with their equipment, much less after the bridge is out of the way. He also explains that this is a thirty day proposition, and they will remove everything, and leave it, according to the way it has been before.

Mr. Borries: "They have to do this for the construction?"

Mr. Hartman: "It is necessary, yes. If there is a sudden deluge, the water can go over the top of the thing completely."

Mr. Borries makes a motion in agreement with Mr. Hartman's recommendation for a temporary barrier over Mosquito Road, President Hunter seconds the motion. So ordered.

RE: WILLOW CREEK SUBDIVISION SECTION B-WARRICK ENGINEERING

Mr. Hartman introduces Mr. Rodney Young, who will explain what will be done with Willow Creek.

Mr. Young comments. (inaudible)

There is a lengthy discussion over the plans trying to pinpoint the exact location.

Mr. Hartman: "What he is doing is just adding the pipes that have not shown up on this plan here, as submitted before. Is that not correct?"

Mr. Borries: "So what are you doing today then?"

Mr. Hartman explained that what he was doing was adding the pipes that have not shown up previously on a set of plans, and the retention pond and things like that which go along with this set of plans has already been approved of in 'A'.

Mr. Young: "I've got a retention pond here, that was also shown on the overall primary, there has been an overall primary plat that was approved last year that went all the way up to the north property...included 'A' 'B' 'C' probably 'D' and this ... it goes on to this quarter line. There is just a little exception up there, a couple acres, that is not a part if you extend those lines up to your half-section."

Mr. Hunter asked, "What happens to the drainage on those two acres? You say it is not a part."

Mr. Young: "I have to really show you what the improved primary plat does, your contours up here are doing some different things..."

Mr. Hunter: "What do you mean, they are doing different things? Draining in a different direction?"

Mr. Young: "Right, on the (inaudible)...."

(Following discussion is inaudible)

Mr. Humphrey: "Let me interrupt, here, just a minute. None of this is being picked up on the microphones. Speak up, or speak to the Mike."

Mr. Borries: "I'm still not clear, I'm sorry. Was there originally a drainage plan approved for this, and so essentially we're modifying the original? We're not modifying the original?"

Mr. Hartman: "No, as I understand, we are just putting pipes in--right?"

Mr. Young: "Right, yes. I don't know why we are here, actually. This was all approved a year ago...the entire project was."

Mr. Borries asked, "So, where did you go in order for someone to send you here-again?"

Mr. Young: "I was called late this afternoon and they said we were on the agenda, and it just worried me not to be here. Earlier in the week, we submitted the final plat to the Area Plan Commission,

and then the Area Plan Commission said they would be ready to record if it met all the requirements of the various agencies. So I suppose at that time they contacted the Vanderburgh County Surveyor Office, and shortly thereafter, I got a phone call from Dan Hartman, and, he suggested I come. So, we're here."

President Hunter: "I don't have any problem with it, I don't know if we need a motion to approve this. Rick? Since there is no change."

Mr. Borries: "In your opinion has there been a change, Dan?"

Mr. Hartman: "No, there has been no change. The only change that has been added are these pipes sizes and so forth. The retention pond and all that is all the same. Yes. I recommend that you pass it."

President Hunter and Commissioner Borries are in agreement that since there has been no change on Willow Creek Subdivison Section 'C' there should be no new motion to approve these pipes.

There being no further business, the meeting was adjourned at 6:45 p.m.

PRESENT: Don Hunter, President
Richard J Borries, Vice-President
Carolyn McClintock, Member
Sam Humphrey, Auditor
Dan Hartman, Surveyor's Office
Mr Young

SECRETARY: Joanne Matthews
transcribed:sbt

Don Hunter, President



Rick Borries, Vice-President



Carolyn McClintock, Member

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MINUTES
DRAINAGE BOARD MEETING
FEBRUARY 24, 1992

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 6:37 p.m.	1
Autumn Hills/Section III at Koring Rd.	1
Fuquay Rd. Street Improvements	1
Request from SIGECO RE Nurrenbern Ditch	2
Claims/Maintenance of Legal Drains	2
Letter on Proposed Improvements to North Green River Rd. ...	3
Replat of Korb Manor Subdivision/Morley & Associates	5
Revised Plan for Brookview Heights/East Portion	5
Adcraft/Request re Sign in Hirsch Ditch/Oak Grove Rd.	6
1992 Annual Ditch Maintenance Specifications	7
Meeting Adjourned @ 7:10 p.m.	7

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MINUTES
DRAINAGE BOARD MEETING
FEBRUARY 24, 1992

The Vanderburgh County Drainage Board met in session at 6:37 p.m., on February 24, 1992 in the Commissioners Hearing Room 307, with President Don Hunter presiding.

RE: AUTUMN HILLS SECTION III AT KORING ROAD

Drainage structure addition to the Secretariat Court Roadway as submitted by Sam Biggerstaff.

Mr. Hartman: "This is a set of plans submitted by Sam Biggerstaff Company. It was a matter of building this road here for this subdivision as I understand it. It is a matter of getting water on one side of the road on to the other side of the road through these two drains. All it amounted to was the sizing of these two drains and the location of the two drains, which I approved of and ..."

President Hunter: "In your opinion the drains are large enough?"

Mr. Hartman: "The drains are large enough to facilitate the water from the one side of the road to the other side of the road, yes. Now that is no way of proving the sections the run off from these various subdivisions."

President Hunter: "Then you understand that we are only dealing with the roadway here and not any subdivision plan just the subdivision itself."

Mr Hartman: "Each one of these subdivisions, or sections must be submitted individually or combined. For instance, there are no instructions each one of these sections (lot) must be..."

Mr. Hunter: "Then all we are dealing with at this point is just the drainage under the roadway, and that the pipes are in the right place, and that they are the right diameter and you are satisfied with them."

Mr. Hartman: "I am satisfied with the prints."

President Hunter: "You're satisfied with them, in that case... Are you satisfied with them?"

Mr. Borries: "Sure."

Mr. Hunter: "Are there any questions? I'll entertain a motion."

Motion was made by Mr. Borries, with a second from President Hunter to approve the Drainage Plan, as submitted. So ordered.

RE: FUQUAY ROAD STREET IMPROVEMENTS

Mr. Hartman: "They are placing some drainage underneath the Fuquay Road itself to get the water from one side of the roadway to the other side of the roadway, to Nurrenbern Ditch. This is a legal drain. And they are building the siphon, so to speak, right underneath the roadway. They have sized it and determined that the structure will function with the demand of the area there."

The Board proceeded to review the plans.

President Hunter: "Will this in any way impact this road up here?"

Mr. Hartman: "No...No."

President Hunter: "So there is no sinking, there is no breaking up of the road? When they put their equipment under here is what I am asking."

Mr. Hartman: "No, no, it just runs off like it is suppose to."

Mr. Hunter: "Will there be a road cut here?"

Mr. Hartman: "There will be a road cut, yes."

President Hunter: "But they will put it back so that it doesn't sink?"

Mr. Hartman: "Absolutely. That is up to the highway engineer, but we will assume that, I guess."

President Hunter: "The reason I am asking I have noticed a lot out in our area, they come in and do a road cut and a few months later the asphalt..."

Mr. Hartman: "There are standards for these road cuts backfill, but ..."

President Hunter: "It is in the city anyway."

Mr. Hartman: "The manintains of these siphon systems and structures will not affect the county here at all."

At recommendation of the surveyor's office, motion made by Mr. Borries and seconded by President Hunter, the plans were approved, as submitted. So ordered.

RE: REQUEST FROM SIGECO ON NURRENBERN DITCH

Mr. Brenner: "The next one is a request by SIGECO on the same ditch, you have a letter in your packet, I believe. What they want to do is put a fence around their property. We clean the ditch from the road-- we do not need the seventy-five foot. We would recommend that we go to the twenty-five foot minimum that the state allows us to do."

Mr. Hunter: "You have no problems with the maintenance of the ditch."

Mr. Brenner: "None what so ever. See, we have the whole road to go down."

Upon recommendation of the County Surveyor, Commissioner Borries moved to relax the easement to 25 ft. on the west side only, with a second from Commissioner Hunter. So ordered.

RE: BLUE CLAIMS-MAINTENACE OF LEGAL DRAINS

Several Blue Claims were submitted for review and signatures. After assurance that all Blue Claims were turned in, motion was made by Mr. Borries to approve claims with a second from Ms. McClintock.

The following Blue Claims were submitted:

1. Union Township Ditch Assoc.-Barnett Ditch 234-008. Annual Maintenance 710.43
2. Union Township Ditch Assoc.-Helfrich-Happe Ditch 234-018. Annual Maintenance 323.80
3. Union Township Ditch Assoc.-Kamp Ditch 234-021. Annual Maintenance 284.58
4. Union Township Ditch Assoc.-Cypress Dale Ditch 234-012. Annual Maintenance 609.12
5. Eugene C Rexing-Singer Ditch. Annual Maintenance 40.42
6. Union Township Ditch Assoc.-Edmond Ditch 234-016. Annual Maintenance 392.57

RE: LETTER ON PROPOSED IMPROVEMENTS TO NORTH GREEN RIVER ROAD

President Hunter: "The next item would be a letter from your office to the Drainage Board requesting the County Engineer, pertaining to drainage and proposed improvements to north Green River Road. Do you know something about this, do you Scott?"

Scott Davis: "The only thing I am aware of, Mr. Kercher has been doing the actual review on that project. The only thing I know is that the approval by the Drainage Board is required to satisfy the State and the Federal authorities. It is one of their requirements they have."

President Hunter: "Well just in reading just the first paragraph of this letter I am kind of assuming here that there may be some suggestions other than what has been proposed at this point."

Mr. Hartman: "Looking at the set of plans here, I see that about half of the present Green River Road design roadway, itself, is under water. Under water to 1961 level that is. We make a recommendation to the County to have this profile grade of the roadway not lower than 384' (feet) above sea level. Presently, half the roadway itself is about five to six feet below this elevation and if you're going to build a four lane highway out there it is going to be rather difficult getting outside help as far as State and Federal monies to subsidize this program."

Mr. Brenner: "I don't know that you can get the seventy-five percent money from the State if you don't put above the hundred year flood."

Mr. Hunter: "Oh, it's not even above the hundred .."

Mr. Brenner: "No. It is like five foot below the .."

Mr. Borries: "What part is that--on section B?"

Mr. Brenner: "Near Hirsch Road."

Mr. Hunter: "Yes, I've had some calls on that."

Mr. Brenner: "John Koch has been in our office and he was quite concerned. We went through the whole thing, laid the hundred year out on here if you would like to see it."

The road profile and photos were reviewed. A lengthy discussion followed, during which time Commissioner McClintock entered the meeting.

Ms. McClintock: "Mr. President, I met with Mr. Koch and the State sent down their engineers and the consultants were down. This was about a week and a half ago-- maybe two weeks ago. Similar information was presented to both the State and the Feds were in and the Consultants. The end result of that meeting was that the consultants were to go back and look at the project and determine what recommended changes they would want to support. What I would suggest is that since there is to forward this letter to the consultants in addition to other information that they have and request that they come back again and hold a special Drainage Board meeting with these gentlemen also present."

Mr. Brenner: "One thing I might point out on here is, the outlets off the street, they're planning on holding water in the two inner lanes-and you can get away with that in the city where you are driving thirty miles an hour. But, this is not a thirty mile an hour road. They're going to be hydro-planing and it's going to be your baby. Because they come down that road forty-five, fifty miles an hour, and they are not going to change. When it becomes four

lanes its going to be faster, if anything. If one lane, the end of the lane is water, we're talking water during just normal rain, we're talking holding it in the gutters and holding it out into the street-that's the way it is designed. It is real good for Walnut, but it won't fly for north Green River Road."

Mr. Hunter: "I have had a call from one of the land owners out there on your fifth item about the Hirsch Road approach to Green River Road being under water."

Mr. Brenner: "We raised Hirsch Road on the other end and we would have raised this end but this project was coming so it dips down, it still dips down, it doesn't stay open as long as it should. It should be as high as Green River Road."

President Hunter: "All of Hirsch Road should be."

Mr. Brenner: "Well, down in the other end you can't, it just fades off to a ditch, and you are never going to get Burkhardt out of the water. There are times that it is going under. When we built Hirsch Road we knew it would go under water. The first time I saw it, it was under water. Because you can't get it any higher than Burkhardt. There is a nice bridge on Burkhardt that sets the tone of what you are going to have."

President Hunter: "Well, might I suggest then, that the County Engineer take these suggested recommendations and submit these to the State Engineer, as well as United Consulting Engineering who is dealing with that out there, and then let's do have a special Drainage Board meeting with the Suveyor and his office, and Mr. Hartman in attendance. Because these are critical issues and once this road is in, we're stuck. And we sure don't want that."

Scott Davis of the County Engineer's office said this is exactly one reason these plans are being reviewed by the Drainage Board--to get...If Mr. Brenner would like, I'll take this information he has presented --get a copy of it -- and present it to the Consultant; and a copy to the INDOT Area Engineer who did the initial review on it and we'll get a Special Drainage Board Meeting set if you would like.

Mr. Hunter said it could just be the next Drainage Board Meeting. We could advertitise it. We've got 30 days to do that in.

Mr. Davis asked, "How about if I get with the Consultant, the InDOT Area Engineer, and the Federal Highway authorities an see what we can work out schedule wise and then present that in the next Commission Meeting to make a final..."

Mr. Hunter: "Why don't you do that. I've had some of the same issues raised on the First Phase of this and was told by United Consulting Engineering that there would be no problems. Dan, I think you've probably been contacted by some of the homeowners out there who do have concerns about it. And each time we address the issue it's just kind of been, 'Oh, no, there'll be no problems.' but, obviously there are going to be problems."

Ms. McClintock asked, "So you'll bring that to the next Commission Meeting?"

Mr. Davis confirmed that he will do so.

Mr. Brenner: "In no way do we mean this to say we are opposed to Green River Road. We want that obvious."

Mr. Hunter said, "If we're going to do it, we want to do it right. We're spending a bunch of money and I don't want to see the cartoons in the paper again like the Lloyd Expressway."

RE: REPLAT OF KORB MANOR SUBDIVISION-JAMES Q MORLEY & ASSOC.

Keith Paff of Morley & Associates: "This is a replat of a subdivision that has four lots originally with a existing house on it. Mr. Donald Keck has purchased the property and wishes to redivide the subdivision to six new building sites excluding the existing structure. He did have Drainage Board Approval for the preliminary previous layout and new layout constitutes a new drainage plan."

President Hunter: "So once you get approval for this replat, then you will submit to us a new drainage plan."

Mr. Paff: "This is the drainage plan."

President Hunter: "Oh, this is the new drainage plan. It has been replatted."

Mr. Paff: "It is being replatted. One of the items that has to be done is the drainage plan approval in order to continue the replatting."

Mr. Hartman: "I have reviewed these items and computations on this replat here and I recommend that the Drainage Board approve it."

Mr. Hunter: "Do you indicate a dry basin on here?"

Mr. Paff: "That is a dry detention basin."

Mr. Hunter: "It will have water in it for what period of time after heavy rains?"

Mr. Paff: "For twenty-five year storm that is required by ordinance, it is only going to be about twenty-five minutes."

Mr. Hunter: "Ok, not very long."

Motion was made by Commissioner McClintock and seconded by Mr. Borries to approve the plan. So ordered.

RE: REVISED PLAN FOR BROOKVIEW HEIGHTS-EAST PORTION

Mr. Paff: "This sheet is called DR1, this is the drainage plan. The east portion of this subdivision is being laid out in a new manner. For example, on seven, this will collect water in a natural way to a ditch and there will be a point here that we will have to design a ditch for. Same thing is true for any of the streets. The water will drain to the street and down to a curb inlet. That's how we size the curb inlets and pipes. This is the old layout and drainage plan as it was approved. He is not pursuing a section of the subdivision at this time. However, with this new layout to continue this street to the north, remove this street, create two cul-de-sacs in this area in order to make the lots easier to build upon, the retention pond, as was approved, is now in the way. He wishes to move the required detention, this is a retention pond, we wish to move it to other property that he owns further south. That is why we are here today. This is the old plan and that is what we would like to do and create a dry basin. We have moved it from this area and moved it to other property, this is for Mr. Bussing."

Mr. Borries: "Which will have what kind of storage-what kind of vent are we going for here?"

Mr. Paff: "Twenty-five, twenty-five, required by ordinance."

Mr. Borries: "What did you design for a hundred year on this one?"

Mr. Paff: "Basically, only at the request of Bill Jeffers. There is no ordinance requirement."

Mr. Hartman: "I have checked the computations and arrived at the same conclusions that Morley and Associates have come up with and I recomend that the County pass it."

Mr. Hunter: "Let me ask one question right here. When water comes down through here does it go underground through some kind of pipe here? Is this pipe diameter large enough?"

Mr. Paff: "Twenty-five year design is what"

Mr. Hunter: "So it won't handle one hundred year."

Mr. Paff: "No. Ordinance doesn't call for one hundred year."

There being no further questions. Ms. McClintock moved for approval, which was seconded by Mr. Borries. So ordered.

RE: ADCRAFT SIGN IN HIRSCH DITCH /OAK GROVE ROAD

President Hunter: "The next item is Adcraft requests permission to place sign in the Hirsch Ditch right-of-way at Oak Grove Road."

Mr. Hartman: "This is the location of the sign itself, it is seven hundred and twenty feet from the intersection. We went out there and located it and drew up a cross-section accordingly and that is the elevation of it looking west."

Mr. Hunter: "Now this is the ditch the legal drain. There is only seven feet. Now does that ..."

Mr. Hartman: "No, that does not offer any problem because our mower goes about five feet up outside the shoulder there for cutting."

Mr. Hunter: "OK, now, let me ask another question. Aside cutting if we had to do maintanence on this ditch, it had to be deepened, it had to be widened, would this be a problem?"

Mr. Hartman: "Certainly, but so are all the other signs along the way here."

Mr. Hunter: "So this is not a unique situation, there are..."

Mr. Hartman: "There are holes and everything else along there..."

Mr. Brenner: "If I saw that-- that was a separate request-- it would never get through. But, these were put in by Neagle with no permit, and the Board elected to not make...you know, we're talking big bucks to put that thing in. So, they are there, so all of a sudden when a another person comes and asks for one in the same area I am hard pressed to turn them down."

President Hunter: "So, this gentleman is come to us and asked for permission as opposed to putting them in without a permit."

Mr. Brenner: "When we did not make this guy take them out, and we elected not to, it came before the board -- we gave up the right to fight with this guy in this same area. I think we would lose, seriously."

Mr. Hunter: "I think you would too."

Ben Shepherd, Representative from Adcraft: "There is one thing I want to add, we are going to drill this hole, this is not going to be dug. This is going to be a forty-eight inch drilled hole and it will be about six feet below the bed of the seven foot drainage ditch...We are going down and put a kicker in."

President Hunter: "Do either of the Commissioners have any questions?"

Mr. Brenner: "Do you remember these, Rick? We would recomend that we have no alternative but to approve it."

Mr. Hunter: "I'll entertain a motion to that effect, that we approve this case."

Mr. Borries: "So moved."

Ms. McClintock: "I second."

President Hunter: "So ordered."

RE: SUBMIT ANNUAL DITCH MAINTENANCE SPECIFICATIONS

President Hunter: "Last but not least, I hope, submit annual ditch maintenance specifications for Drainage Board to look at."

Mr. Brenner: "There are no strangers in there. Everything is standard cutting and spraying."

Ms. McClintock replied, "No strangers. In that case I'll make a motion that we approve the bids specifications for the annual maintenance of regulated drainage in Vanderburgh County to be received by the Auditor until 4:00 on Monday, the 23rd day of March, 1992."

Mr. Borries: "Second."

Mr. Hunter: "So ordered. Is there any other old business?"

Mr. Brenner: "Yes, I thought you would never ask. This is State Statute--We were setting the rates today for the ditches and in so doing I called the Ditch Association and there are several things they would like me to do, in addition to the maintenance which is standard cutting. The State Statute that I handed you is a variance of what we have done in the past, I would like you to look at it and I wish to bring you, I will probably call a special meeting next week. If it can't be done by then I'll do it in two weeks. Pond Plat Main wants to spend about 4,000.00 dollars removing dirt from one bank and building a berm where it is crashing through a set of woods. I will have to write a set a specs. Buente Upper Big Creek, there out there cleaning 5,000' (feet) upstream from the Maidlow intersec, and they wish to clean another 3,000' (feet). They would like us to put the money up. So it would be my proposal, that I draw up a simple set of specs and the Ditch Association whose money it is, wishes to bid and do the work. Look at the statute, it is permitted and I think we should do it for them. They have the money in their funds. I'll bring it back to you when I've got the specs drawn up. That's all I have."

President Hunter: "Any questions--any new business? Well, in that case thank-you gentlemen very much, thank-you all. The meeting is adjourned."

There being no further business to come before the Board, President Hunter declared the meeting adjourned at 7:10 p.m.

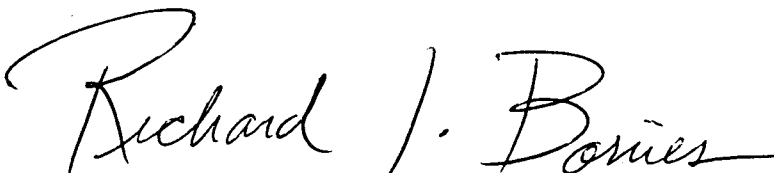
Drainage Board Meeting
February 24, 1992

8

PRESENT: Don Hunter, President
Richard J. Borries, Vice-President
Carolyn McClintock, Member
Gary Price, Attorney
Sam Humphrey, County Auditor
Robert Brenner, County Surveyor
Dan Hartman, Surveyor's Office
Keith Paff, Morley & Associates
Ben Shepherd, Adcraft
Others (unidentified)
News Media

SECRETARY: Joanne A. Matthews
transcribed:sbt

Don Hunter, President


Richard J. Borries, Vice-President


Carolyn McClintock, Member

**AD-CRAFT INC.**

EASTSIDE INDUSTRIAL PARK
P.O. BOX 3872
EVANSVILLE, IN 47737-3872
PH: 812-479-9660
FAX: 812-479-8128

Vanderburgh County Commissioners

Mr. Hartman

Ad-Craft, Inc. would like permission to place a billboard as per the attached drawing. The location is 5007 Oak Grove Road.

Mr. Ray Niehaus is the owner of this property and has leased the property to Ad-Craft, Inc.

Ben Shepherd
Account Executive

Sign Displays
Outdoor Advertising
Erection & Maintenance
Electrical Contracting

GREEN RIVER Rd

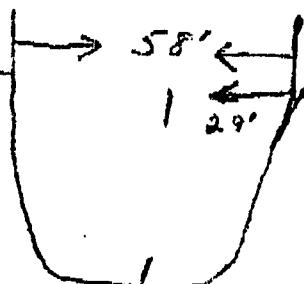
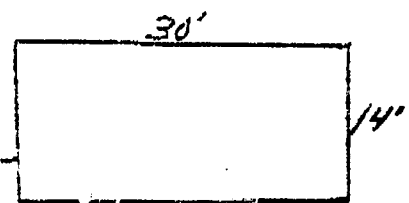
003 165-

OAK GROVE Rd

RAILROAD TRACKS

1/209000 1962

POWER LINES



5007 OAK GROVE Rd.

WILSON

500 ft.

NIEHAUS
PROPERTY.

5007 OAK GROVE
RD.

Mini STORAGE CO

698

COLONIAL BAKING CO

GREEN
RIVER
RD.

OAK GROVE RD.

14' X 30' BILBOARD
15' ABOVE GROUND

RAILROAD

→ 307' ←

MORGAN AVE

WEST



NORTH

EAST

166

MINUTES
DRAINAGE BOARD MEETING
MARCH 23, 1992

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 6:08 p.m.	1
Claims (Approved)	1
North Pointe Estate, Section C Replat of Lots 14 & 6 ...	1
1992 Annual Ditch Maintenance Bids	1
Meeting Adjourned at 6:33 p.m.	3

1.68
DRAINAGE BOARD MEETING
March 23, 1992

MINUTES
DRAINAGE BOARD MEETING
MARCH 23, 1992

The Vanderburgh County Drainage Board met in session at 6:08 p.m., March 23, 1992 in the Commissioners Hearing Room 307, with President Don Hunter presiding.

President Hunter asked for a motion that Legal Counsel open and read bids. So moved by Mr. Borries, seconded by President Hunter. So ordered.

RE: CLAIMS

Mr. Hartman submitted Claims for annual ditch maintenance, saying these have been checked and verified. Claims were as follows:

1. Maasberg Ditch-Eldon Maasberg, annual maintenance, total due 154.42
2. Kneer Ditch-Eldon Maasberg, annual maintenance, total due 303.60.
3. Helfrich-Happe Ditch #234-018-Union Township Ditch Association, annual maintenance, total due 57.14.
4. Cypress Dale Ditch #234-012-Union Township Ditch Association, annual maintenance, total due 107.49.
5. Barnett Ditch-Union Township Ditch Association, annual maintenance, total due 125.37.
6. Kamp Ditch-Union Township Ditch Association, annual maintenance, total due 50.22.
7. Edmond Ditch #234.016-Union Township Ditch Association, annual maintenance, total due 69.28.
8. Baehl Ditch-Albert J. Steckler, annual maintenance, total due 492.06.
9. Baehl Ditch-Albert J. Steckler, annual maintenance, total due 129.19.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the claims were approved, as submitted. So ordered.

RE: NORTH POINTE ESTATE, SECTION C REPLAT OF LOT 14 & 6

Mr. Hartman explains, this was submitted by Mr. Dockery. It involves the North Pointe Estate, Section C. Viewing the old survey plans, Mr. Hartman points out the property lines and shows the triangle of property taken from Lots 14 & 6. This triangle has been added to Lot 15 with no affect to the drainage portion at all.

President Hunter asks, "And you have no problem with this--and it in no way, what we are doing, is going through a formality here so that he can replat this and meet the Area Plan rules?"

Mr. Hartman: "The drainage remains the same as was."

There being no questions, motion to approve was made by Commissioner Borries and seconded by President Hunter. So ordered.

RE: OPEN 1992 BIDS FOR ANNUAL DITCH MAINTENANCE

Mr. Hartman asks permission for his office to accumulate and catagorize the bids, so the Commission can appraise them more evenly. President Hunter agrees.

Mr. Borries: "I think you have to have a voice record, we can take the bids which we would, under advisement but they have to be read into the record, that is the law."

Mr. Hartman: "That is correct."

Attorney Whilite read the annual ditch maintenance bids received March 23, 1992, as follows:

Asplundh Tree Expert Co.

Aiken Ditch	Category #1	468.00
	Category #2	3,468.85
Eagle Slough	Category #2	10,514.00
Harper Ditch	Category #1	1,042.52
	Category #2	1,000.50
Keil Ditch	Category #1	722.88
	Category #2	813.24
Kolb Ditch	Category #2	2,696.05
Sonntag-Stevens	Category #1	2,569.20
	Category #2	3,318.55
	(10,705 1.f.)	
	Category #2	793.00
	(3050 1.f.)	
ES Urban South	Category #1	13,801.68
1/2	Category #2	13,801.68
ES Urban North	Category #1	5,959.90
1/2	Category #2	5,694.70

Shideler Spray Service

Keil Ditch	Category #1	451.80
(Entire Ditch)	Category #2 No bid	
ES Urban N 1/2	Category #1	936.87
	Category #2 No bid	
Sonntag-Stevens	Category #1	545.95
	Category #2 No bid	
ES Urban S 1/2	Category #1	2,427.19
	Category #2 No bid	
Harper Ditch	Category #1	204.10
	Category #2 No bid	
Keil Ditch	Category #1	153.61
(Ditch Bottom)	Category #2 No bid	

Attorney Whilite: "For the record, I am reviewing as I go to make sure the other requirements are being submitted with the bids." The reading of the bids by Attorney Whilite continues.

Chemi-trol Chemical

Eagle Slough	(No bid)	
Aiken Ditch	(No bid)	
Harper Ditch	Category #1	288.14
	Category #2 No bid	
Keil Ditch	Category #1	216.86
	Category #2 No bid	
Kolb Ditch	Category #2 No bid	
Sonntag-Stevens	Category #1	770.76
	Category #2 No bid	
ES Urban S 1/2	Category #1	3,426.62
	Category #2 No bid	
ES Urban N 1/2	Category #1	1,322.64
	Category #2 No bid	

Albert J Steckler

Baehl Ditch	861.25
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Eldon Maasberg

Kneer Ditch	303.60
Maasberg Ditch	154.42

Received in sealed envelope from Lawn Rangers a note stating they will not be bidding on anything.

Leo Paul

Wallenmeyer Ditch	1,211.48
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Eugene Rexing

Singer Ditch	269.50
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Ralph Rexing	
Pond Flat Lateral "A"	743.54
Pond Flat Lateral "D"	641.06
Pond Flat Lateral "B"	391.58

Harry Elpers-Big Creek Drainage	
Pond Flat Main	4,790.76
Barr Creek	4,137.60
Buente Upper	3,433.15
Rusher Creek	533.28
Pond Flat Lateral "C"	1,084.32
Pond Flat Lateral "E"	433.92
Maidlow Ditch	3,130.65

Terry Johnson		
Aiken Ditch	Category #1	412.20
	Category #2	1873.18
Eagle Slough		33,329.38
ES Urban N1/2		4,023.03
ES Urban S1/2		12,826.04
Harper Ditch		878.44
Henry Ditch		823.36
Keil Ditch		631.01
Kolb Ditch		1,613.78
Sonntag-Stevens	Category #1	2,242.70
	Category #2	547.48

Attorney Whilite: "All the bids appear to have been submitted with all the requirements. That's all."

Mr. Borries: "I will move that these bids be taken under advisement and forwarded to the County Surveyor's office, Mr. Dan Hartman is engineer-to review these. Dan, would you be able to construct a chart for us next week--which will have the whole process here?"

Mr. Hartman: "Yes, I will do that for you sir, gladly."

Mr. Borries: "Thank-you."

President Hunter: "I will second that. So ordered. Joanne, I understand the proper procedure, these should be turned over to you tonight, and then Dan, the Surveyor's office should pick those up in morning."

Mr. Hartman: "Ok, fine, I will pick them up tomorrow morning."

There being no further business to come before the Board at this time, President Hunter declared the meeting adjourned at 6:33 pm.

Drainage Board Meeting
March 23, 1992

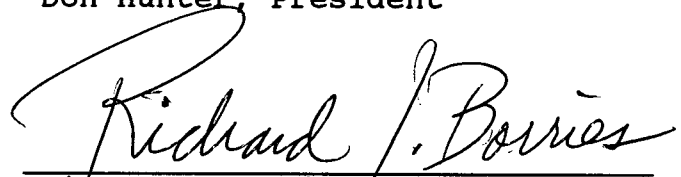
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PRESENT:

Don Hunter
Rick Borries
Carolyn McClintock absent(vacation)
Attorney Wilhite
Sam Humphrey
Dan Hartman

SECRETARY: Joanne A. Matthews
transcribed sbt

Don Hunter, President



Richard J Borries, Vice President

Carolyn McClintock, Member

*These are accurate minutes - to
my recollection.*

MINUTES
SPECIAL DRAINAGE BOARD MEETING
MARCH 30, 1992

The Vanderburgh County Drainage Board met in session at 6:30 p.m. on March 30, 1992, in the Commissioners Hearing Room 307, with Vice-President Richard Borries presiding.

Mr. Borries: "This is a special meeting to consider awarding ditch contracts for the maintenance for certain legal drains throughout Vanderburgh County. County Surveyor is here, Bob Brenner, and I will turn the meeting over to him at this point."

Mr. Brenner: "We have some bids that were inadvertently passed. The Union Township bids were not opened. I hope we would pass them to the attorney and open them. They have never been opened."

Motion made by Ms. McClintock to authorize the attorney to open the Union Township ditch bids. Seconded by Mr. Borries. So ordered.

Mr. Brenner continues with the recommendations of bids for ditch maintainance:

AIKEN DITCH 9911 LF. Recommend Terry Johnson @ 1873.18

AIKEN DITCH Partial Mowing 1800 LF. Recommend Terry Johnson @ 412.20

BAEHL DITCH 6890 LF. Recommend Albert Steckler @ 861.25

BARNETT DITCH 8358 LF. No bids.

BARR'S CREEK 20668 LF. Recommend BCDA @ 4137.60

BUENTE UPPER BIG CREEK 20195 LF. Recommend BCDA @ 3433.15

CYPRESS-DALE MADDOX 23887 LF. No bids.

EAGLE SLOUGH 30040 LF. Recommend Asplundh @ 10514.00

EAST SIDE URBAN N 1/2 18370 LF. Recommend Shideler Spray Service @ 936.87. Recommend Terry Johnson @ 4023.03

EAST SIDE URBAN S 1/2 47,592 LF. Recommend Shideler Spray Service @ 2427.19. Recommend Terry Johnson mow ditch twice. Maximum award of 25652.08. If entire ditch is mowed twice. Pro-rated at 0.2695 per LF if less than 2 complete mowing are needed.

EDMOND DITCH 15395 LF. No bids.

HELFRICH-HAPPE DITCH 12698 LF. No bids.

HARPER DITCH 4002 LF. Recommend Shideler Spray Service @ 204.10
Recommend Terry Johnson mow ditch twice @ 878.44 per mowing.

HENRY DITCH 3179 LF. Recommend Terry Johnson @ 823.36

HOEFLING DITCH 5571 LF. No bids received. Surveyor asks he be allowed to award contract to John Maurer who has mowed the ditch for many years. Mr. Maurer has charged the county \$0.10 per LF for the past 4 years to mow Hoefling Ditch and has expressed his willingness to continue this practice. Recommend John Maurer @ 557.10

KAMP DITCH 11,160. No bids.

KEIL DITCH 3012 LF. Recommend Shideler Spray Service @ 153.61
Recommend Terry Johnson mow ditch twice @ 631.01 per mowing.

KNEER DITCH 3036 LF. Recommend Eldon Maasberg @ 303.60.

KOLB DITCH 7703 LF. Recommend Terry Johnson mow ditch twice @ 1613.78 per mowing.

MAASBERG DITCH 2206 LF. Recommend Eldon Maasberg @ 154.42.

MAIDLOW DITCH 18671 LF. Recommend BCDA mowing ditch @ \$.15 LF per foot x 18671 LF for total of \$2800.65.

POND FLAT MAIN 36852 LF. Recommend BCDA @ 4790.76

POND FLAT LATERAL "A" 5311 LF. Recommend Ralph Rexing @ 743. 54.

POND FLAT LATERAL "B" 2797 LF. Recommend Ralph Rexing @ 391.58.

POND FLAT LATERAL "C" 9036 LF. Recommend BCDA @ 1084.32

POND FLAT LATERAL "D" 4579 LF. Recommend Ralph Rexing @ 641. 06.

POND FLAT LATERAL "E" 3616 LF. Recommend BCDA @ \$433.92.

RUSHER CREEK 4444 LF. Recommend BCDA @ 533.28.

SINGER DITCH 2450 LF. Recommend Eugene Rexing @ \$269.50.

SONNTAG-STEVENSON DITCH 10705 LF. Recommend Shideler Spray Service @ \$545.95. Recommend Terry Johnson mow ditch twice @ \$2242.70 per mowing.

SONNTAG-STEVENSON DITCH PARTIAL MOW 3050 LF. Recommend no award.

WALLENMEYER DITCH 8355 LF. Recommend Leo Paul @\$1211.48.

Motion made by Ms. McClintock to approve the recommendations of the Surveyor with a second from Mr. Borries. So ordered.

(Mr. Borries requests that the information handed out by the Surveyor's office concerning the recommendation of bids be recorded in the minutes exactly as indicated on the handouts.)

RE: HOEFLING DITCH CONTRACT

Mr. Brenner: "We have one anomaly, Hoeftling Ditch. We called Mr. Mauer, we documented as we called him, we called him 6 different times. We were never able to get him. He has bid the same thing for four years. It is possible on a ditch if you give us the approval that we can award the ditch to him, and his bid was \$557.10. You are allowed to, without advertising, which we have normally done in the past. We can advertise this again, he will be the only bidder. It is a waste of our money--but we would request you allow us to award him the bid at the same figure."

Mr. Borries: "Why didn't he bid on it this time?"

Mr. Brenner: "I don't know. He just didn't bid. He wants to do it and he has agreed for the same thing he has done it for the last four years. We are allowed by Statute to award any bid under \$10,000.00. You are allowed to tell the Surveyor to do it and award it to him."

Mr. Borries: "Well, I don't have any problem with that, but, can't we get something in writing then from Mr. Maurer saying that for whatever reason he..."

Mr. Brenner: "You will. You will have a contract from him, the same price he did for four years running and we will bring that

back to you."

Mr. Borries: "At the next Drainage Board meeting will be fine. I would recommend, and ask, that you get something in writing."

Mr. Brenner: "Absolutely. What I wanted was your approval to go out and make the contract with him."

Mr. Borries: "Ok."

Ms. McClintock: "I will make a motion that we authorize the Surveyor to bring back a contract to the next regular meeting with John Mauer for \$557.10 for Hoefling Ditch."

Mr. Borries: "I will second it."

So moved.

RE: NOTORIZING OF BIDS BY COUNTY EMPLOYEES

Mr. Borries continues, "Bob, just one item for you because I'm sure that you don't want, at this point, to get into a situation. Somehow when this was brought out it mentions, and I don't know if this has been a situation that has been done in the past, I'm sure that it is well intentioned on your part; it mentions that apparently there was a employee in your office that .."

Mr. Brenner: "Notarized."

Mr. Borries: "Yes, notarized. I would hope that maybe, I know that you want to cooperate with them, but, it just seems to me that, and in this sense there is no problem in terms of, I think that some of these bidders there was no, no, what-- competition or no competing bids..."

Mr. Brenner: "All of them. Absolutely."

Mr. Borries: "But you might want to get into a situation where that might happen."

Mr. Brenner: "Oh, I did. I went through this and the guy wouldn't pay the Auditor's Office \$5.00 a stamp. Which he shouldn't have to pay any way...for a notary?"

Mr. Borries: "Well, is that for a notary?"

Ms. Matthews: "No one pays the Auditor's Office \$5.00. There is a one dollar notary fee ..."

Mr. Brenner: "I will take that bet!"

(inaudible comments made by several people.)

Mr. Brenner continues, "I agree with you. And if we throw them out, that is why it is noted on there. It is not right...."

Mr. Borries: "I'm not saying at this point that it, I just don't want to get into a situation. In this situation, if there were only a couple of bids where there were no competing bids I don't see any problem, but, I do see a problem if you got into a situation on some of these others..."

Mr. Brenner: "Absolutely. I agree with you. I agree wholeheartedly. And I don't think there should be a notary fee in the county. If somebody comes in and has business with us, we should notarize it and give it to them."

(Inaudible comments)

Mr. Borries: "Is there a \$5.00 fee for that?"

Mr. Humphrey: "Not that I'm aware of. There may be, but..."

Ms. McClintock: "None of these had competing bids?"

Mr. Brenner: "No, the ones that were notarized, no they did not. No they were-- all of them were Dutchmen from up North that ..."

Ms. McClintock: "I mean, I recognized the names."

Mr. Brenner: "No they weren't. And it's wrong, we should not do it. I don't want to see their bids at all."

Mr. Borries: "Ok let me go through these items of business. Well, we need to address that at some point. At least to find out what the charge is."

Mr. Brenner: "Yeah. It shouldn't be anything. If a guy comes in and wants to put a bid in for us, somebody downstairs, I told them to go to the Auditor's, I mean the Assessor's Office. I can get them notarized in Pigeon, or somewhere."

Mr. Borries: "Is BJ a notary?"

Ms. McClintock: "Yes, she is."

Mr. Borries: "It is probably the same though, as the Drainage Board You would probably not want her to do it. There can be some other offices."

Mr. Brenner: "There has got to be somewhere, that they can get it done, I think."

RE: BLUE CLAIMS FOR ANNUAL DITCH MAINTENANCE

1. Baehl Ditch annual maintenance-Albert Steckler 240.00
(Final payment due)

Mr. Borries: "Alright, there is one claim here for annual maintenance, this is a final payment apparently for work done this past year. This is to Albert Steckler, for annual maintenance for Baehl Ditch, final payment. It has been signed by Bob Brenner. Do I have a motion to approve?"

Ms. McClintock: "I move that the claim be allowed."

Seconded by Mr. Borries. So ordered.

RE: APPROVAL OF MINUTES OF FEBRUARY 24, 1992.

Motion made by Ms. McClintock and seconded by Mr. Borries to approve the Drainage Board minutes dated February 24, 1992. So ordered.

RE: REPORT FROM ATTORNEY PRICE

Mr. Price read the bids for annual maintenance of ditches:

1. Happe-Helfrich Ditch, Union Township Ditch Assoc. Inc., 380.94.
2. Edmond Ditch, Union Township Ditch Assoc. Inc., 461.85
3. Cypress-Dale/Maddox Ditch, Union Township Ditch Assoc. Inc.,

716.61.

4. Barnett Ditch, Union Township Ditch Assoc. Inc., 417.90.
5. Kamp Ditch, Union Township Ditch Assoc. Inc., 334.80.

Ms. McClintock: "Is that fine?"

Mr. Brenner: "It's less than a nickle a foot. I would recommend you would accept them all- in a hurry."

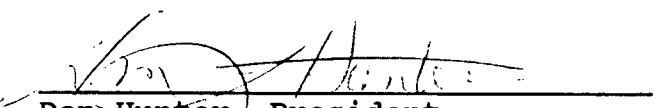
Motion made by Ms. McClintock to accept the bids for annual ditch maintenance by the Union Township Ditch Assoc. Inc. Mr. Borries seconded and asked Mr. Brenner to get some extensions to see if the bids were too low, and verify the figures.


There being no further business, the meeting was adjourned at 6:40 p.m.

PRESENT:

Don Hunter President (absent)
Rick Borries Vice-President
Carolyn McClintock Member
Attorney Gary Price
Auditor Sam Humphrey
Surveyor Bob Brenner

Secretary: Joanne Matthews
transcribed sbt


Don Hunter, President


Richard Borries, Vice-President


Carolyn McClintock, Member

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MINUTES
DRAINAGE BOARD MEETING
APRIL 27, 1992

The Vanderburgh County Drainage Board met in session at 6:28 p.m., April 27, 1992 in the Commissioners Hearing Room 307, with President Don Hunter presiding.

RE: FEHR LANE ESTATES DRAINAGE PLAN

President Hunter stated that there were some major drainage problems in this area. It was decided that this plan was not ready to be reviewed and no action was taken by the board. Deferred to a later meeting.

RE: REPLAT KNOB HILL SUBDIVISION

This was entered on the agenda in error. No action was taken by the board.

RE: BID ON HOEFLING DITCH

Attorney Gary Price read the following bid:

1. John Maurer, Annual maintenance of Hoeftling Ditch, \$557.10

Mr. Price stated that the bid was in order; a check for \$27.87 was enclosed.

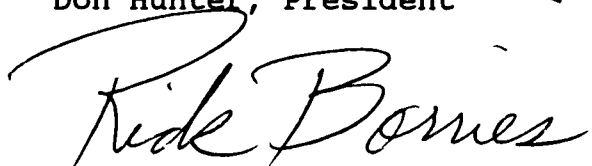
(This was originally entered into the minutes at the March 30, 1992 meeting. At that time the bid was awarded to Mr. John Maurer at the rate of 0.10 per LF, total 557.10, as it has been for the last four years.)

There being no further business, the meeting was adjourned at 6:35 p.m.

PRESENT: Don Hunter, President
Carolyn McClintock, Member
Sam Humphrey, Auditor
Gary Price, Attorney
Dan Hartman
Bill Nicholson-Veech, Nicholson and Briggs

SECRETARY: Joanne Matthews
transcribed: sbt


Don Hunter, President


Rick Borries, Vice President


Carolyn McClintock, Member

MINUTES
DRAINAGE BOARD MEETING
JUNE 22, 1992

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 8:40 p.m.	1
Contract for Repairs to Sonntag-Stevens Ditch with Terry Johnson	1
Buente Upper Big Creek/Drainage Work	1
Acceptance of Check for Maintenance/Storm Drainage Pipe and Storm Drainage Retention Basin in Green River Estates Section D-2/Phil Heston	1
Drainage Plan for Improvements to Green River Rd. (Not: See also attached to these minutes Pages 7 & 8 from the minutes of the Commissioners' Meeting of June 22, 1992 for discussion re Drainage Plan and change in design to elevate 1/2 mi. stretch of Green River Rd.)	1
Approval of Minutes	2
Old Business	2
Christopher Court Drainage Problem/Howard & Marilyn Lampkin	
New Business	2
Meeting Adjourned @ 9:00 p.m.	2

MINUTES
DRAINAGE BOARD MEETING
JUNE 22, 1992

The Vanderburgh County Drainage Board met in session at 8:40 p.m. on Monday, June 22, 1992 in the Commissioners Hearing Room, with President Don Hunter presiding.

Commissioner Hunter called the meeting to order and recognized Dan Hartman of the County Surveyor's office, who proceeded with the following agenda.

RE: CONTRACT FOR REPAIRS TO SONNTAG-STEVENS DITCH
WITH TERRY JOHNSON

At the recommendation of the Surveyor, upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the contract was approved, as presented, in the amount of \$3,199.52. So ordered.

RE: BUENTE UPPER BIG CREEK

Mr. Hartman said we also have some legal drainage work on the Buente Upper Big Creek area. We always send the U. S. Army Corps of Engineers copies of what we're doing on that particular creek. He then presented plans to the Board for their perusal. We will be improving the ditch in 400 ft. designated area.

Motion to approve said improvements was made by Commissioner McClintock, with a second from Commissioner Borries. So ordered.

RE: ACCEPTANCE OF CHECK FOR MAINTENANCE/STORM DRAINAGE PIPE
AND STORM DRAINAGE RETENTION BASIN IN GREEN RIVER ESTATES
SECTION D-2/PHIL HESTON

County Engineer Dave Savage said this work was inspected as part of the road work, which was approved several weeks ago. There is a question as to what maintenance responsibility that the County assumes on drainage easements and retention ponds. He talked with Gary Price about this and it is his recommendation that we accept the work subject to the County code (151.37) making note that at this point the policy of the Drainage Board is that maintenance work is done by the property owners.

Motion was made by Commissioner McClintock that we accept the work subject to the County code, with a second from Commissioner Borries. So ordered. (Check in the amount of \$1,175.00 was accepted, endorsed, and given to Joanne Matthews for deposit into the appropriate account.)

RE: DRAINAGE PLAN FOR IMPROVEMENTS TO GREEN RIVER RD.

Commissioner Hunter said that Dave Savage has already talked about the drainage plan for improvements to Green River Rd. Do the Commissioners have any questions on that? If not, he entertains a motion that the Board accept the drainage plan as presented a few minutes ago.

Motion to this effect was made by Commissioner McClintock, with a second from Commissioner Borries. So ordered.

For purposes of clarification, Joanne Matthews asked that since the plan was discussed in a Commission Meeting rather than the Drainage Board Meeting and some question could come up ten years from now, would the Board like to instruct her to make that portion of the Commission minutes a part of the formal minutes of this Drainage Board meeting for the permanent record.

DRAINAGE BOARD MEETING
June 22, 1992

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Motion to this effect was made by Commissioner McClintock, with a second from Commissioner Borries. So ordered.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of the Drainage Board Meeting of May 26, 1992 were approved, as presented. So ordered.

RE: OLD BUSINESS

Mr. Hartman noted that he was to have contacted Howard and Marilyn Lampkin out at Christopher Court concerning a drainage problem. Mr. Hunter brought this up at the last meeting and he told him he would go out to investigate the problem. He will be going out there this coming Thursday and will subsequently have a report for the Board.

RE: NEW BUSINESS

Commissioner Hunter entertained matters of New Business to come before the Board.


There being none, at 9:00 p.m. a motion was entertained to adjourn.

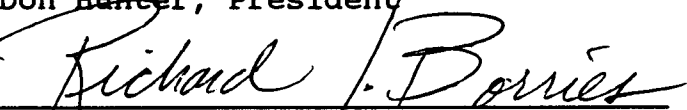
Motion to this effect was made by Commissioner McClintock, with a second from Commissioner Borries. So ordered.


PRESENT:

Don Hunter, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
Sam Humphrey, Auditor
Gary Price, County Attorney
Dan Hartman, County Surveyor's Office
Dave Savage, County Engineer
Phil Heston

Secretary: Joanne A. Matthews


Don Hunter, President


Richard J. Borries, Vice President


Carolyn McClintock, Member

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DRAINAGE BOARD MEETING
JUNE 22, 1992

A G E N D A

- 1) Approval of Contract with Terry Johnson for repairs to Sonntag-Stevens Ditch.
- 2) Acceptance of Check in amount of \$1,175.00 for Maintenance of Storm Drainage Pipe and Storm Drainage Retention Basin in Green River Estates Section D-2 (Phil Heston). (Dave Savage will report on inspection of the storm drainage, etc.)
- 3) Drainage Plan for Improvements to Green River Rd.
- 4) Approval of Minutes for Drainage Board Meeting of 5/26/92
- 5) Old Business
- 6) New Business
- 7) Meeting Adjourned

* * * * *

Note: While not on the meeting agenda, minor maintenance/reconstruction on Buente Upper Big Creek was also discussed and approved.

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1992 LEGAL DRAIN MAINTENANCE CONTRACT

THIS AGREEMENT, made and entered into at Evansville, Vanderburgh County, Indiana, by and between the County of Vanderburgh, Indiana, acting by and through its DRAINAGE BOARD, hereinafter designated as the "BOARD" and
TERRY JOHNSON CONSTRUCTION
hereinafter designated as the "CONTRACTOR".

WITNESSTH THAT

1. Pursuant to resolution properly adopted, Indiana State Statutes and notice given according to law, the Contractor did heretofore, on the 8TH day of JUNE, 19 92, submit its written bid and proposal to the Board covering the following described ditch maintenance to-wit:

**ADDITIONAL MAINTENANCE
SONNTAG-STEVE'S DITCH**

2. That the bid and proposal of the contractor was made pursuant to and in accordance with plans, drawings, profiles and specifications prepared by the Vanderburgh County Drainage Board and on file in the Surveyor's Office, Room 325 Civic Center, Evansville, IN, 47708 for the inspection of the Contractor; and the Contractor does hereby admit full notice of all matters contained in the said plans, drawings, profiles, specifications and any addenda thereto.

3. That the bid and proposal of the Contractor submitted to the Board as hereinabove described was in the amount as follows:

1600 LF X \$1.9997 PER LF = \$3199.52

and was on JUNE 9TH, 19 92, duly accepted by the Vanderburgh County Surveyor as approved by the Vanderburgh County Drainage Board and as directed under State Law.

4. The Contractor does hereby expressly agree to perform all work in the prosecution of the above described maintenance under the supervision of the Vanderburgh County Surveyor, and according to the terms and conditions of the said State Statutes Resolutions and the said plans, drawings, profiles, and specifications and to the entire satisfaction of specifications which are hereby adopted as a part of this Contract and are accepted as such by each of the parties hereto.

5. The Contractor agrees to complete said maintenance as per the contract specifications and to maintain and keep in good repair to the satisfaction of the Board until final inspection and approval of specified maintenance, without cost to the Board or the property holder whom may be assessed for the cost of said improvement. If, at any time during said period the work or any part thereof shall, in the opinion of the Board or of the Vanderburgh County Surveyor require repairs, the Contractor shall, upon notice, immediately make such repairs and in case of his failing to do so within ten (10) days from the service of such notice, the Board shall have the right to purchase such materials as it shall deem necessary and to employ such persons as it may deem proper and to undertake and complete said repairs, collecting the cost thereof from the Contractor and the sureties on his bond, jointly and severally.

6. The Contractor agrees that, in the prosecution of said work, the highest degree of skill and care will be exercised; that the Contractor will properly and fully guard and protect all excavations of dangerous places and will use all due proper precautions to prevent injury to persons or property; that, for and during the time of the making of such improvement and the period for which the same is to be maintained and kept in repair by the Contractor, the County of Vanderburgh and the Board shall be saved harmless from any and all liability whatsoever growing out of any injury, death, or damage to property or persons because of any negligence or fault of the Contractor.

7. It is agreed by and between the parties hereto that the Board shall withhold final payment, hereunder, in an amount equal to fifteen percent (15%) of the contract price for a period up to sixty (60) days after completion of the work by the Contractor; that the Board may make said final payment within sixty (60) days after said completion upon acceptable evidence being presented to the Board that Contractor has paid all laborers, material suppliers, and subcontractors furnishing labor or material hereunder.

8. The Board, acting for and on behalf of the County of Vanderburgh, Indiana, agrees to pay all sums due to the Contractor or to any persons or person furnishing any material whatsoever, and to pay any laborers employed for any work done in the prosecution of said Contract, all in a total sum not to exceed the amount of the Contractors bid and proposal which is herein above set forth.

9. It is understood and agreed that Vanderburgh County, Indiana shall be liable to the Contractor for the contract price of such improvement, whether represented by bond or assessments, only to the extent of monies actually received by said County from assessments or bonds growing out of said improvement.

10. Should the Contractor fail or neglect to prosecute said work with such vigor as, in the opinion of the Board, will permit the completion of the same within the time specified herein then the Board may, in its discretion, declare this Contract to be null and void and adjudge the same to have been abandoned and forfeited, as the Board may elect, and the Contractor and the surety shall be liable for all damages which may accrue by reason of said failure including, but not limited to, the cost of inspection and attorneys fees; and in such event the Contractor shall be entitled to no payment or recovery from the Board or from the property owners for work performed or materials furnished under the Contract.

11. Before entering into any work hereunder the Contractor undertakes and agrees to furnish to the Board the certificate of the Industrial Board of the State of Indiana evidencing the ownership of Workman's Compensation Insurance covering all liability which may accrue by reason of the Indiana Workmen's Compensation Act.

12. The Board reserves the right to waive any and/or all of the requirements herein if the Board should deem such waivers in its best interest.

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IN WITNESS WHEREOF, the parties hereto have hereunto set their
hands and seals at Evansville, Vanderburgh County, Indiana
this 22nd day of June, 1992.

VANDERBURGH COUNTY DRAINAGE BOARD OF VANDERBURGH COUNTY, INDIANA

BY

Donald Hunter
Donald Hunter, President

Richard J. Borries
Richard J. Borries, Vice President

Carolyn McClintock
Carolyn McClintock, Member

ATTEST:

Samuel Humphrey
Samuel Humphrey
Vanderburgh County Auditor

TERRY F. JOHNSON Const.
Contractor

By Terry F. Johnson
STATE OF INDIANA)

COUNTY OF VANDERBURGH)

SS.

Before me, a Notary Public, the day and year below stated,
personally appeared Terry R. Johnson, and acknowledged the
execution of the foregoing instrument to be his free and
voluntary act and deed.

WITNESS MY HAND AND SEAL, this 22nd day of June, 19 92

Linda Freeman
Signed

Linda Freeman
Printed name of Notary

County of residence: Vanderburgh

My commission expires: March 4, 1993

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

(33 CFR 325)

OMB APPROVAL NO. 0702-0036
Expires 30 June 1992

Public reporting burden for this collection of information is estimated to average 5 hours per response for the majority of cases, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Applications for larger or more complex projects, or those in ecologically sensitive areas, will take longer. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act and Section 103 of the Marine, Protection, Research and Sanctuaries Act. These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Information provided on this form will be used in evaluating the application for a permit. Information in this application is made a matter of public record through issuance of a public notice. Disclosure of the information requested is voluntary; however, the data requested are necessary in order to communicate with the applicant and to evaluate the permit application. If necessary information is not provided, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

1. APPLICATION NUMBER (To be assigned by Corps)		3. NAME, ADDRESS, AND TITLE OF AUTHORIZED AGENT Robert Brenner Vanderburgh County Surveyor 1 N.W. Martin Luther King Jr. Blvd Evansville, IN 47708-1833 Telephone no. during business hours 812-426-5210 A/C () 812-426-5210 (Residence) A/C () 812-426-5214 (Office)	
2. NAME AND ADDRESS OF APPLICANT Vanderburgh County Drainage Board 1 N.W. Martin Luther King Jr. Blvd. Evansville, IN 47708-1833 Attn: Surveyor's Office Telephone no. during business hours A/C () 812-426-5210 (Residence) A/C () 426-5211 (Office)		Statement of Authorization: I hereby designate and authorize Robert Brenner to act in my behalf as my agent in the processing of this permit application and to furnish, upon request, supplemental information in support of the application. SIGNATURE OF APPLICANT DATE	
4. DETAILED DESCRIPTION OF PROPOSED ACTIVITY			
4a. ACTIVITY Minor ditch reconstruction/maintenance. Fix areas of the ditch that have slump off and/or eroded. Minor cut and fill of soil. See map for details of area - starting point approx. 893' Northwest of the centerline of Bixler Road and Buente Upper Big Creek thence Northwest approx. 400' to stopping point.			
4b. PURPOSE Legal drain maintenance. Flood hazard reduction. Prevent damage to surrounding crops, woods, property from flooding or erosion. Maintain property values. Work to begin when permit approved. Finish as quickly as possible allowing for awarding contracts, advertising contracts, actual work, weather, board approval			
4c. DISCHARGE OF DREDGED OR FILL MATERIAL No new soil to be used. No soil to leave job site. Dislodged soil will be filled and placed in eroded areas.			

opening on July 20th.

Motion to this effect was made by Commissioner Hunter, with second from Commissioner Borries. So ordered.

Claims: The following claims were submitted by Mr. Savage for approval, with recommendation that same be approved:

American Timber Bridge & Culvert, Inc. re Bridge #55	\$101,642.14
Alt & Witzig Engineering, Inc. re Union Township Access Project	111.10
Chrysler Credit Corp. re Union Township Access Project	586.08

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the claims were approved for payment. So ordered.

RE: GREEN RIVER ROAD IMPROVEMENT PROJECT

Mr. Savage said that he will be bringing a recommendation concerning the final proposal on what we are going to do with the elevation of Green River Rd. On part of that, United Consulting Engineers is asking for an increase to their Design Agreement -- because these changes are being made to the final plans. The plan was previously approved and they are now getting it back to the State and make the changes. The additional design work amounts to \$7,000 and we'll need to have an agreement executed to cover this. In the interim, he'd like approval to proceed with that. Given that the plans have previously been approved and we're going back and asking them to change them, he would recommend the Board do this.

Mr. Hunter asked if this is really a Drainage Board item we're talking about?

Mr. Savage said the Drainage Board approval is where he had planned to discuss the actual changes to the project. But if the Commissioners need to discuss those....."

Ms. McClintock interrupted, "But the Commissioners have to handle the increase in the design agreement."

Mr. Savage said that is correct -- these changes really go hand in hand and need to be addressed tonight.

Mr. Hunter asked if Mr. Savage wants to go ahead and discuss both at this time?

Ms. McClintock said the Commissioners need to go ahead and discuss the \$7,000 increase in the agreement for the design. The rest will be discussed in the Drainage Board meeting.

Mr. Savage said it is ^{his} recommendation that we increase the agreement with United Consulting Engineers for the design in the amount of approximately \$7,000.

Motion to this effect was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Ms. McClintock asked if Mr. Savage wants to go ahead and discuss the Green River Rd. drainage plan while he is here, then he won't have to stay for the Drainage Board meeting?

Mr. Savage said that will be fine with him. He then proceeded to say the question was should Green River Rd. be elevated out of the 100 year flood plain? United Consulting Engineers, at our request, ran some figures through and indicated it was going to cost about \$3 million. Because when they raised the road you had that cost, plus that cut down the floodway over the road where the water used to flow. So the bridge had to be lengthened. It made it just as cheap to go with a new bridge as to patch and lengthen the sides on the old bridge. We felt that was not a wise thing to do given the fact that the whole area floods anyway. In looking at it closer, we found that there is about a 1/4 mi. stretch in the vicinity of Hirsch Rd. and he has plans if the Commissioners would like to peruse same, where that if it was raised about 2-1/2 ft. at some level of flooding you could keep the loop of Green River Rd., Hirsch Rd., and Burkhardt Rd. open and that is basically what they have proposed. They will elevate that low section of Hirsch Rd. just a few hundred feet east of Green River Rd. about 2-1/2 ft. and we will elevate about 1/4 mi. stretch of Green River Rd. about 2-1/2 ft. higher than it was on the plans. He thinks the design cost, right-of-way cost, and construction cost will be measured in the tens of thousands as opposed to the millions we were talking about previously. And there will be some real benefit to people during some flooding conditions.

Commissioner Hunter said he thinks this is a good trade-off.

Mr. Savage said this is all he has. There was one other Drainage Board item, but that matter can be addressed later.

RE: BURDETTE PARK - TOM GOODMAN

Mr. Tom Goodman, Assistant Manager at Burdette Park was recognized and stated as follows.

"Good evening. I know this has been a long evening and a stressful one for you. This has probably not been one of the most enjoyable last three days for myself. Anyway, I'm sure you've all read the lead story in the Metro section of the Sunday newspaper. In my twelve years of public service, I view this as probably one of the most unprofessional, misinformed, one-sided pieces of journalism that I've ever read. I believe the urgency of this story being printed at that time without the information from both parties involved -- I just don't believe that it was necessary. Obviously, we were not contacted on our side for the views and Burdette Park has received a black eye from this story that we do not deserve. I think stories of this nature are more suited for the National Enquirer, not the local newspaper. I do have some reports for you to read. One of them is a report I have made of the incident, as instructed by Mark, who was out of town that weekend and had no idea of what went on. I also am going to give you a Sheriff's report and this does have a Case No. to it. I will also attach the Indiana State Board of Health regulation. Also, a letter from the local Health Department explaining the regulations, why it is enforced, and their opinion of why we should keep enforcing that regulation."

Ms. McClintock asked if Mr. Goodman will provide the Board with a synopsis of what happened.

Mr. Goodman said, "I will try to briefly go through some of what happened. Obviously, we have people who rove our pool deck -- because it is a State Board of Health regulation that there be no food or drink on the pool deck or in the area surrounding the pool. There are concession areas. There are two concession areas inside the pool where people can buy food and drink, but it has to be contained in the concession area. We have let Mothers enter the pool with baby bottles before and when we see the Mothers with these on deck, we ask them to take the child to the concession area

MINUTES
DRAINAGE BOARD MEETING
JULY 27, 1992

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 6:06 p.m.	1
Approval of Minutes of June 22, 1992	1
Phase II Green River Rd. Project North	1
Drainage Problems at Christopher Place/Old Petersburg Place	1
Vogel Road Commercial Park (Deferred)	3
Kirchoff Subdivision/Replat of Lot No. 1 (Deferred)	4
Approval of Claims	4
Meeting Adjourned @ 6:30 p.m.	6

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DRAINAGE BOARD MEETING
JULY 27, 1992

The Vanderburgh County Drainage Board met in session at 6:06 p.m., July 27, 1992, in the Commissioners Hearing Room 307, with President Don Hunter presiding.

The minutes were signed and approved as amended for the June 22, 1992 Drainage Board Meeting.

RE: PHASE II GREENRIVER PROJECT NORTH

This item was approved at the last meeting. Due to the Federal funding involved, signatures of the board members were needed to complete the correspondence.¹

RE: DRAINAGE PROBLEMS AT CHRISTOPHER PLACE IN OLD PETERSBURG PLACE

Mr. Pigman: "I am here on the Durkee matter, the drainage problem on Christopher Place at Old Petersburg. We had a lengthy discussion about that the last time. My client is anxiously awaiting your enlightened judgement in the matter. Two problems. One is, are you going to accept the responsibility for the drainage easement? If not, like I said last time, we would like something definitive in writing that you feel it is not your responsibility and that Mr. Durkee is free to, as far as the county is concerned, proceed with whatever action he feels is necessary to correct the problem. Like I explained before, one of the problems he did have, is when he attempted, or intimated, that he was going to take some action to correct the problem. The County Engineer told him that he couldn't; that the County did own the easement, and the County would intervene, either by injunction to prevent him from taking any action on the easement, or, by injunction that would require him to tear up whatever work he attempted to do after he had already started. We need both questions answered, really, because the guy's problem is getting worse—not better—and the big rains we have had recently have really exacerbated the problems."

Mr. Hunter: "I had asked Jeff Whilite to look into the legal aspects of this. Jeff?"

Jeff Whilite: "We researched ordinances and state statutes to see if we could find any basis at all for the County accepting responsibility, and I have found none. So the short answer to your question is, I do not think that Vanderburgh County has any responsibility with respect to that drainage problem, and the assumption in that answer is, that this is not a legal drain or a regulated drain. I believe everybody agrees with that. If, it were a legal drain or a regulated drain, then there would be some responsibility, but since there is not, it is what is considered a private drain situation with no responsibility. A second way to analyze it, that you and I discussed, just a moment ago Bob, was, the general question of, 'Whose easement is it?'. I think it is everyone's understanding that at least at some point it was Phil Garrison's easement as the developer of the subdivision. It is unclear, I think to everybody, who owns the easement now. If the County somehow owned the easement, if it were somehow transferred to us, then perhaps we would have some responsibility there. But, we haven't found, and I don't think Mr. Pigman has found any evidence that the County owns the easement. I think we all think that somehow if Garrison doesn't own the easement, it is somehow divided up in those lots out there now, perhaps. But, from our standpoint, from your standpoint as the Drainage Board, it is not a legal drain and it is not a regulated drain; and no one can find any evidence that the County owns any easement. Therefore, while you may empathize with the problem I don't think there is any legal duty on the part of the County, to do anything. If that is the definitive answer that you want to give Mr. Pigman's client, I then understand that his second question to you would be, 'Well then would you agree not to interfere with him solving the problem himself?', and, I think that I would personally be comfortable in advising you that as long as it didn't interfere with some other county drain that we did have responsibility over. If what ever his client did only affected those individual people out there on this particular drain—that is a private drain—I don't have a problem with your telling Mr. Pigman that we are not going to stop his client from

¹Copy of letter to Mr. Michael Sudberry, Chief Division of Local Assistance, Indiana Department of Transportation RE: Project M-E 340 Green River Road Section B, signed by all three Commissioners and dated 7-27-92, enclosed with the 7-27-92 minutes.

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Drainage Board Meeting
July 27, 1992

doing whatever he wants. Do you have any questions for me?"

Mr. Pigman: "Well, I don't know that he is going to do what he wants to do. We have counseled him not to do what he wants to do. As far as the use of drain, the problem he doesn't want, that he has encountered before, was the County Engineer apparently told him that the County did own the easement and the County would intervene legally and by whatever force was necessary to physically prevent him from taking any action from repairing his property or interfere with the easement. If it is your position that you don't have any responsibility then he needs to take some action. His property singularly, right now, is the one that is suffering as a result of this drainage problem because his neighbors to the north have this 12" drain which is partially affected, but it acts as a dam and every time we get one of these hard summer rains-and it is his property that is flooding-and as a result, it is his property that is eroded. I don't know that he wants to put a pipe in. I don't know exactly what he wants to do. But, *he must do something now.*"

Jeff Whilhite: "Bob, if I could, while Dave is here. David Savage, you don't know of anything that I don't, do you, that would cause the County to be responsible, in your opinion?"

Show for the record that the County Engineer nods his head 'NO'.

Mr. Pigman: "I would like, I don't know what you can provide me by the way of writing, but there has been so much misunderstanding about this and a great deal of hard feelings among a lot of the people who are involved, that if you could give me something in writing saying this is your resolution of it, Mr. Durkee is free within the confines of the law to do whatever is necessary to protect his property. That the County is disavowing any ownership, interest, or responsibility for the drainage easement. So he can go ahead and proceed."

Mr. Hunter: "I don't want to muddy the waters here. But, Linda? I want to keep the two issues completely separate and that is the reason I haven't said anything."

Linda Freeman: "Basically, usually I couldn't say for this particular case, on Old Petersburg Place, but normally on your subdivision plats within your notes the drainage easements are noted as such, usually drainage easements and/or public utility easements and there are notes there that you are not suppose to put structures and things like that in there, that it is for public utility and for drainage. So I don't know if that notes on and the property owner still retains ownership of that easement. But, like I said I'm not sure on Old Petersburg Place that note is on the plat."

Mr. Hunter: "The article that we looked at in the newspaper, the 1989 article², we just looked at an hour and a half ago, stated that at that time it was Commissioners Borries, Willner, and McClintock and their legal counsel at that time was Curt John and he said that the County had no responsibility whatsoever. The neighbors at that point, it was Mr. Durkee, and the same situation over the pipes that had been put in north of his property, the feeling there was he was pretty much free to do what he wanted."

Linda Freeman: "Yes, basically in most cases on the subdivision plats it says it is a drainage easement the property owners *own* the land and the property and it is therefore a drainage easement and that note is probably on there and they are probably noted that they are not suppose to put things on"

Ms. McClintock: "There is no plans."

Mr. Borries: "I think there is. I would like to say that, if I would have known that I would have brought it. Joanne Matthews has the file which there were papers in there, and before I can verify that's the missing plat or not, I'll get that to the Surveyor's office."

²Copy of newspaper article dated 10-3-89, 'Residents outline drainage woes' included with 7-27-92 minutes.

Linda Freeman: "We end up with the originals down there, we couldn't get the recorded copy but, ..."

Mr. Borries: "Do you have an original?"

Linda Freeman: "It should be. Unless someone has misplaced it. The original plat now."

Mr. Borries: "It should. I can't imagine why the whole thing has just disappeared."

Linda Freeman: "The original plat now, the original recorded plat."

Mr. Hunter: "That would not have the drainage plan on it. Would it?"

Linda Freeman: "No, now I might be able to find the drainage plan also."

Mr. Hunter: "David Durkee apparently researched this forwards and backwards and has been told by the Surveyor's office that the drainage plan has been lost."

Linda Freeman: "I am not talking about the drainage plan, I'm talking about the subdivision plat itself with the notations that are usually on those subdivision plats about drainage easement and about public utilities easements. Those notes are usually on the plats."

Ms. McClintock: "Regardless, we still don't own the easement and we are not going to do anything. I think we ought to tell them that we are not going to do anything, so he can do something. And I will make a motion to that effect."

Motion seconded by Mr. Borries. So ordered.

Mr. Hunter: "Now before you go away, let me tell you something else that has transpired this afternoon. I don't want to leave David Durkee and those other people out there. They have got a problem, and they need somebody to work with. I was in a meeting this afternoon, at four or four-thirty, with Morely and Associates and with the Surveyor's office and there is even some possibility that we are going to explore. I want to underline that word explore, of even turning that area into a legal drain. The creek that is in question, is Little Pigeon. Well, we have had a lot of other drainage problems out there at the low end of the Old Petersburg, he's not unique at all. She walked it the other day with a gentleman from Morley and they have a lot of photographs, and should be here at any time. So there is a concerted effort on the part of the County Commissioners and the Surveyor's office to try to come up with some kind of a plan. Now whether we can or not, I don't know. We sure are not going to leave those people."

Mr. Pigman: "When are you going to address that issue?"

Mr. Hunter: "Right now. That is as soon as Mr. Morley gets here. So if you want to have a seat. I want to keep it completely separate from what you are dealing with."

Mr. Pigman: "Yes, maybe I will just wait. He needs this answer for now. I will explain it to him that if you come back later and dedicate it as a legal drain."

Mr. Hunter: "I'm not even sure that we can, or even want to."

Mr. Pigman: "I understand there are significant drainage problems to the north and the west."

Jeff Whilite: "Are minutes of this meeting enough in writing, or do you want a letter?"

Mr. Pigman: "Yes. That is fine."

RE: APPROVAL OF VOGEL ROAD COMMERCIAL PARK

Mr. Hartman: "I still haven't heard from the Surveyor about Sam Biggerstaff's office to be

specific, about what they intend to do with Vogel Road Subdivisions, but if it is anything like,..."

Mr. Hunter: "If we haven't heard from them then let's just put that on the back burner too. There were two items that they were suppose to have contacted you on, this one, and Kirchoff Subdivision and he has heard nothing from either of them. So we can't do anything. Now, you have Blue Claims you would like us to sign?"

Mr. Hartman turned in the following Blue Claims:³

1. To Terry R Johnson Construction. For Aiken Ditch, spring mowing. #1052
 $1800\text{LF} \times .229 = 412.20(\text{Pay } 85\%)$ 350.37
2. To Terry R Johnson Construction. For East Side Urban South $\frac{1}{2}$. 234-015, #1052
 $37,538 \times .2695 = 10,116.49(\text{Pay } 85\%)$ 8599.02
3. To Terry R Johnson Construction. For Harper Ditch, spring mowing. #1052
 $4002\text{LF} \times .2195 = 878.44(\text{Pay } 85\%)$ 746.67
4. To Terry R Johnson Construction. For Kolb Ditch, spring mowing. #1052
 $7703\text{LF} \times .2095 = 1613.78(\text{Pay } 85\%)$ 1371.71
5. To Terry R Johnson Construction. For Sonntag-Stevens, spring mowing. #1052
 $3050 \times .1795 = 547.48(\text{Pay } 85\%)$ 465.36

Linda Freeman: "A little bit of old business. In February, on Fuquay Road, the City and Nurrenbern Ditch. You may or may not remember, basically I got a letter here from the City Engineer's office⁴ because part of that plan was to pipe an additional portion of Nurrenbern Ditch and in my hand I have a letter stating that they will maintain all proposed and existing pipe. That kind of clears that up a little bit. There was a question on it and I went next door and got that straightened out with the City Engineer's office, but they are going to put pipe in Nurrenbern Ditch as part of their Fuquay Road street improvements project #92-03-05. Here they will maintain the portion that they pipe."

Mr. Hunter: "Is the pipe a sufficient size to handle it?"

Linda Freeman: "Yes, and it just wasn't completely touched on in the minutes in February. This will clear that completely up, so that way there are no questions down the road. Then I just have several Blue Claims⁵ here from Shiedler's Spray Service and Terry Johnson. Shiedler's Spraying Service sterilizing the ditch bottom and Terry Johnson does the mowing. Do you want anything specific?"

Following Blue Claims submitted:

1. Shideler Spray Service. Keil Ditch Spraying. #1851
 $3012\text{LF} \times 0.051 = 153.61(\text{Pay } 85\%)$ 130.57
2. Shideler Spray Service. Sonntag Stevens. 234-038. #1851
 $10705\text{LF} \times 0.051 = 545.95(\text{Pay } 85\%)$ 464.06
3. Shideler Spray Service. Harper Ditch Category 1. #1851
 $4002\text{LF} \times 0.051 = 204.10(\text{Pay } 85\%)$ 173.49
4. Shideler Spray Service. East Side Urban North $\frac{1}{2}$. #1851
 $18370 \times 0.051 = 936.87(\text{Pay } 85\%)$ 796.34
5. Shideler Spray Service. East Side Urban South $\frac{1}{2}$. #1851
 $47592\text{LF} \times 0.051 = 2427.19(\text{Pay } 85\%)$ 2063.00

Ms. McClintock: "Are these approved by the contractors?"

³Copies of Blue Claims to Terry R Johnson and Surveyor's reports included with the 7-27-92 minutes.

⁴Two letters from the City Engineer's office submitted, dated 7-24-92, and dated 2-10-92. Re: project #92-03-05 included with the 7-27-92 minutes.

⁵Copies of Blue Claims submitted to Shideler Spray Service and Surveyor's reports included with the 7-27-92 minutes.

Linda Freeman: "They are approved by our office to be paid in 85% and we will be holding their 15% retainer as per statute."

Ms. McClintock: "I will move that the claims be allowed."

The motion was seconded by Rick Borries. So ordered.

Mr. Hunter: "With Jim Morley not here, there is not much we can do."

Mr. Borries: "I would suggest that you review the statute and unless Mr. Morley is going to do that in relation to setting it up because there is a procedure involved. You have to have a certain number of property owners to determine who the property owners are, they have to sign for that, there has to be a procedure that you have to walk through, so we could not take it as Linda points out..."

Mr. Hunter: "What he had called me last week, and you are exactly right, and he was going to present to us some of the problems that Linda and young man from his office had encountered, and secondly what procedures, what various options that we have, but that will just have to be tabled until next month. That is all I know to do."

Mr. Borries: "It is not done very often, and it is time consuming and you have to determine who is in the water shed, it is a big problem."

Inaudible remarks made by Linda Freeman.

Mr. Borries: "You have to have a certain percentage of them to agree."

Ms. McClintock: "I will make a motion that we table this discussion until the next Drainage Board meeting and ask Mr. Morley to check on the agenda."

Mr. Borries: "If we could add here, at that point that we could have that information, because here is Jim and we are going to run out of time."

Mr. Hunter: "Jim, could we postpone this until next month?"

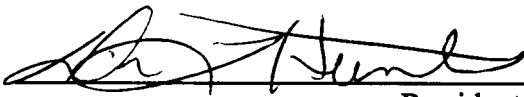
Jim Morley: "I only have a brief, one minute thing, and then hand you this and then really I'm done with it. So I would like to do that. If you don't mind. We were asked by the developers of Greenbrier to go out and investigate in response to a call from Stanley Hollingsworth, that there was flooding in Old Petersburg Place on the street. We did that investigation and walked the ditch, Keith Paff from my office walked the ditch with Linda Freeman. I have a file of information⁶ for you. What we found were some constrictions in the creek, and some constrictions in the drainage systems that were set up on the subdivision plat. There are in fact ten property owners who have in one way or another contribution to either restraining water or problems with erosion. I have for you here which I would like for you to receive, background information, four sets of background information, of the photo comments, the report, we prepared a board with photographs. Would like to ask upon such time as you are finished with that, that you return it to our office or County Surveyor's office so that it doesn't get lost in case it would ever come up as questions in the future. That is all I really have that I want to say. I think that you should read this over and determine what steps you want to take. One of the questions that arises is, 'Whose responsibility is it to contact the various violators?'. These involve private property owners who have constructed bridges in the ditches, farmers who have constructed very small pipes across very big creeks or drainage ditches. So those are the things that need to be analyzed if you will study this. Basically I am done with my report but I will be available to answer any questions you might have in the future."

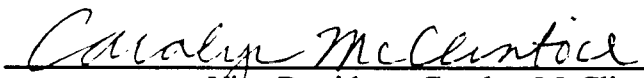
⁶Information included with the 7-27-92 minutes: itemized list of photo comments, nomograph, USGS (Evansville North Quad), table of concentration of small drainage basins, and plat map of the area (1360 ac).

Mr. Hunter: "Is there anything else to come before the Drainage Board?"

There being no further business, a motion was made to adjourn the meeting at 6:30 p.m., by Rick Borries, and seconded by President Hunter.

- Present:
President, Don Hunter
Vice-President, Carolyn McClintock
Member, Rick Borries
David Savage, County Engineer
Jeff Whilite, County Attorney
Sam Humphrey, County Auditor
Linda Freeman, Surveyor Office
Dan Hartman, Surveyor Office
Bob Pigman, Representing Mr. Durkee
Jim Morley, Morley Associates
Joanne Matthews, Secretary
transcribed:sbt


President, Don Hunter


Vice-President, Carolyn McClintock

Member, Rick Borries

MINUTES
DRAINAGE BOARD MEETING
AUGUST 24, 1992

The Vanderburgh County Drainage Board met in session at 6:20 p.m., August 24, 1992, in the Commissioners Hearing Room 307, with President Don Hunter presiding.

RE: HOOD SUBDIVISION ON SCHENK ROAD

Mr. Hartman: "The first thing I have on my agenda, is Hood Subdivision, since the agenda was composed, it has been requested that we put that item on hold. So Hood Subdivision is on hold."

RE: HUNTER'S RIDGE SUBDIVISION-SECTION B ON BROWNING ROAD

Mr. Hartman: "Subdivision A has already been approved, pipe size has already been put in here, where this one arrow is here. There is a proposed pipe size 30" in diameter which is similar in size and area as the one for 'A' is and they are to go down stream here. The question runs where this road is here. I did not see this on my map this Red Gate Subdivision Road, and I was not aware that it had a culvert size about 42" down there. I understand that there are problems down there and there are some people here who want to comment on that."

Mr. Hunter: "Would you like to comment on this? If you will give us your name and address there so we can get it on record."

Tim Gannon: "I live at 12701 Red Gate Road. We are behind the subdivision of Hunter's Ridge. This has been going on as you can see from the photographs, since the spring before there was vegetation on the trees. We have had a problem with silt, sand if you will, coming down from Hunter's Ridge. They have a natural drain that comes down by the side of our property, but they have tied in the pipe to where it is funneled and this little ditch that we have between my neighbor and I won't handle the water that they have got coming down and now with the new section going in or the second section, they have tied in another pipe that is going to come down along the other side of the of the property, tie into this ditch that goes between us again, and we have got a lot of water flowing, we have got water coming from the front of the property and it meets all towards the back where the 42" pipe is and the water just can't get away. As of Saturday night, there aren't photographs for that, but we did have water that backed up over the road, into my property and was getting dangerously close to my neighbors lower door going into his house. Now today Mr. Easley did come to the property and they did clean out that ditch on the side which is a temporary solution. We would like to see some sort of or something to stop the water to clean it up, to clean up the slit, so it doesn't fill in this ditch again. We can live with a little bit of water but not the water that is going to come down beside our two properties. We have called Mr. Fuquay several times, and never have received a call back. If he would do something or help us we wouldn't be here giving you a hard time about it. I don't know what else I can tell you other than the 2" rain last night, and it was over the black top, you can see the black top in one of the pictures, and it covered it. So if we could get some sort of retention pond and something to filter the silt, that's what we would like to see. We would like *not* to see the second phase of this approved for the drainage at this time."

Mr. Hunter: "Ok, thank-you very much."

Mr. Ron Newman: "I am the neighbor that Mr. Gannon was speaking of. I live at 12625 Red Gate Road. I know that the Commission, the Drainage Board and so forth, has laws in place to take care of these particular types of problems the only thing I would address further, and what Mr. Gannon has said, is that we are going to have a pipe there on Red Gate Road, that can't handle the drainage that is coming from there. That pipe needs to be enlarged and increased where that water can go out and it doesn't build a head up. Thank-you."

Mr. Hunter: "Thank-you. David, do you have anything to add to this? Have you been in contact with Daryl Rice?"

David Savage: "I did talk to Daryl Rice of Soil Conservation and his feelings were that long term facilitation problem could be handled by vegetation once it's established. Some type of sedimentation pond-silt dam-if that were in place that that could take of most of the silt, most of the sedimentation problem during the construction and the topography is conducive to doing that with out a lot of expense. As far as any retention on the site I'm not familiar with what we can and cannot do in the County. If the pipe structures that are out there, and again because of the topography, it is basically ravines, if some type of an orifice structure was put in front of the pipe it could easily restrict the flow and let it back up and release it at a slower rate either on Phase I or probably on the next Phase also. Mr. Easley if you would comment on that."

Mr. Hunter: "Are you representing Mr. Fuquay-or just what here?"

Andy Easley: "I did not do the engineering on Section A, Fred out of Fort Branch did that. We are doing the engineering on Section B. Mr. Savage has stated the problem is that there hasn't been proper seeding, or the seeding hasn't had time to establish on Section A. We are in process of moving dirt on Section B, ahead of getting the plat approved. I will, as my letter stated¹, I apologized to Mr. Fuquay for not getting some silt dams in there, and I think that silt dams can greatly correct the problem. The runoff from the property after it is developed and after the grass is planted will be *less* than came out of the woods. That is according to the run off coefficients that the County uses to check drainage. I request, so we can get on with this, and get it completed that you put conditions that within 'X' number of days that they have these check dams in or they not be allowed to record a secondary plat. We are asking for primary approval so we can get a subdivision recorded. I know in the past apparently there hasn't been a good faith effort to cooperate with the people down stream. But, I wasn't involved in that and I will use my best efforts to see that those check dams-silt dams-are constructed. I have known Mr. Gannon for a long time and I think that I will commit Mr. Fuquay to get those in even within 10-14 days."

Mr. Hunter: "I guess one of the questions that I have is, and I have made about three trips out there, is that the Subdivision A, Hunter Ridge, says here on the plat that any disturbed soil would be planted or something within 45 days of disturbance and I was hard pressed to find any seeding or anything else out there. I guess my question, and I am sure the people in the adjacent subdivision are very concerned about any further erosion, down on them since there hasn't been any good faith in Section A here. So, you are telling us that you will guarantee...."

Andy Easley: "I will guarantee the silt dams, I will do everything I can to see that he does some seeding and they are in the process of building houses and the undeveloped lots haven't been graded yet, and I guess they have built three houses in there and unfortunately it is hilly terrain and I think that we could also use a deeper ditch. The one that is putting the water on that roadway by Mr. Gannon's house, probably needs to be deepened and widened."

Mr. Hunter: "I think from what I understand, it was originally. About 3½ or 4 feet deep."

Andy Easley: "I don't think it was ever 4 foot deep."

(Inaudible remarks)

Unidentified lady in the audience: "It was a swale, a nice swale, he destroyed the ditch when he put in the sewer easement. There is a sewer line there, he put the sewer line in and completely destroyed the slope of the ditch, didn't put in any vegetation back-that has been a year ago, and he hasn't been back since."

Andy Easley: "Well, I will get Don Neihamer, he was out there this afternoon, to dig out that ditch, and we'll do that and I will get Hahn Construction to put some silt dams upstream, and

¹Copy of letter to Mr. Hunter, regarding storm water runoff from Hunter's Ridge Subdivision dated August 24, 1992 from Andy Easley Engineering included with the 8-24-92 minutes.

we will make a real effort to trap the silt before it gets to that street. Now, as far as seeding, Mr. Fuquay has left town this morning for a two week vacation, and I really have trouble communicating with him, but I can tell his office to advise him what you are requesting."

Mr. Hunter: "From what I understand the neighbors have had trouble communicating with him to."

Andy Easley: "Yes, yes."

David Savage: "I think that we need to make clear on the seeding that it is *not* a request. If he does not seed that according to the requirements then I would say that an injunction needs to be filed."

Andy Easley: "I agree. I will tell him what you have said. Maybe that..."

Mr. Hunter: "I guess my other question is, 'Is it routine to start putting in drainage in an area before the drainage plan is approved'."

Andy Easley: "We got advance approval on the culvert size. They were anxious to get this work done before fall set in..."

Mr. Hunter: "You got advance approval from who?"

Andy Easley: "I got advance approval for the size of the culvert and I know that we are putting that in at our risk, but the size was approved by Dave Savage and Dan Hartman. The size of the culvert was approved."

Dave Savage: "We can't. Only the Drainage Board can ultimately approve of the size and we didn't intend to step ahead of that, but in order to get the work done, and at their own risk, they ran it by Mr. Hartman and myself to see that we felt that it was sized properly so when it did come through and again at their own risk, they knew the size of the property and the details of the installation."

Andy Easley: "We got a 30" culvert and they agreed with us on the size and they do the checking normally so I wanted before I buried a 30" culvert underneath that fill that is in Section B, I had them to approve the size."

Mr. Hunter: "Let's hear from the Gannon's on this. You are the ones getting all the sand and dirt."

Joanne Gannon: "My husband just spoke, the silt and dirt, he has channeled what they have already put in for Section B that has not even been approved yet-we had less than a 2" rain last night at our house we have a rain gauge. That should normally be able to take it but additional water that came through because that ditch in Section B is being channeled right to the ditch in Section A that is already filled up and overflowing onto our land. And just a small rain created a problem for us. So it is further compounded the problem plus one of the real problems is that where it goes under our road, where it goes under Red Gate Road, that was designed for our subdivision-however many years ago. And now he is adding the drainage from the entire Hunter Ridge or whatever he is developed on Hunter's Ridge to that pipe and that pipe can't carry it across. We have a acre lot there and it is pretty wide street frontage. We put about 2 or 3 years ago about five thousand dollars worth of drainage pipe across our front yard to fill in the ditch. Now when that drainage pipe, which is the natural drain for the subdivision it was approved and everything hits the hole over there where the Hunter's is coming in also it can't get away, so our drainage pipe is for nothing and it is overflowing into our front yard on the other side also. So where Hunter's Ridge comes in and the natural flow off it can't handle our subdivision barely and it is a hole right now is really kind of dangerous for the children in the neighborhood. The hole is about 4 foot deep and about 5 or 6 feet across. When that water starts coming down from our subdivision and Hunter's it forms a whirlpool that is scary. And it is street level now. And

it can not get away fast enough. So the silt dam would be wonderful we would be so happy to have that and we would be happy to have the ditch cleared out and we would be happy to have vegetation-but, that is not all the answer to the problem. I don't think that anybody has addressed that pipe under the road where he is funneling it all to, we discussed this, these are two 30" pipes feeding into a 42" and it can't carry it."

Andy Easley: "The run-off calculations and the coefficients that we submitted to Dan, and I think that he concurred according to the run-off manual the County Drainage Manual, Herpic Drainage Manual, there will be less run-off from that subdivision drainage area once the homes are built than there was from the woods, now the discussion of the pipes can't handle it are not an accurate representation of what is going to be when the project is finished. And I submit, that we have to go by the run-off calculations and the hydraulic calculations. Now, I did not design those pipes down at Red Gate, and I would assume that if the Drainage Board and the Surveyor's Office did their work properly that they were sized for the flow coming out of those valleys."

Mr. Hartman: "I did not know Red Gate was there, my dimensions did not show the street and I assumed there wasn't anything there at all. So I am guilty of that. It is not that I knew Red Gate was there and I know that there is pipe there I will go out and check that pipe and see whether the calculations will go into that pipe-if not, retention pond or an orifice on the up side or the down stream side of these two 30" pipes will have to be put in there to delay that run-off."

Andy Easley: "These culverts were checked a couple of years ago. That subdivision is two or three years old and I'm sure they were properly sized, Dan."

Mr. Hunter: "How old is that subdivision? I'm talking about Red Gate. Ten years old?"

Mrs. Gannon: "Yes, ten years old."

Andy Easley: "The Drainage Board has approving subdivision culverts for ten years. I would assume that they, they need to check, maybe they need to check it, maybe they were put in--weren't put in to plan, they weren't put in to the approved size."

Mr. Hartman: "I don't think that there is a check for that, I really don't, because the ordinance isn't that old. Is it?"

Andy Easley: "Oh, I think it is. We have been submitting things to the Drainage Board for many years."

Mr. Hartman: "I didn't check it. I know that."

Ron Newman: "I would like to point out that Mr. Easley and Mr. Hartman are talking about two different things. Mr. Easley is saying that, and I totally disagree with him, that the run-off will be less after it is vegetated than when the trees and the undergrowth is there. Any time you put in streets you channel water, you have no retention, that water is going to go down that drainage course a lot quicker than if there was some vegetation. Now, there is about forty to sixty acres, I can't tell the maps are all outdated, and for a drainage pipe to handle that kind of hilly drainage going down through there--well vegetated--it is going to take anywhere from a 54" to a 66" pipe. Now, that subdivision, my neighbor adjacent to me has been living there for 14 years, so I know that Red Gate Road and that subdivision has been there that long, so it probably didn't fall under the regulations that he is speaking of now, and saying well the Drainage Board has addressed for 10 years, well, there are 4 years to play with. And then Mr. Hartman is talking about, well we got to slow this water down and he is going to put orifices on the pipes. Well that is in direct contrast what Mr. Easley is saying that, 'No, the water is going to go slower', even though you denude the area you pave you put in the ruts and so forth, and the drainage courses, and that it is going to slow the water down or that not as much water is going to come through there. The same amount of water will fall over that area will still go through those

drainage courses, except a lot faster. And that's the points that I wanted to make. I am not an engineer, I work as an environmental engineer. I am not a graduate engineer, but I have done design work and if you are talking about Talbert's Formula and so forth, and run-off coefficients then I know, that if you say there is going to be less water or it will be slowed down as it goes through there. It is totally wrong, and everything that I have been taught in my on the job training, and I have worked for a coal company for 23 years. You're contrasting what you are saying between what Mr. Hartman is saying about the orifices going on the pipes to slow down the water and then your saying that there is not going to be as much water or, it is not going to go as slow so you are contradicting what you are saying."

Andy Easley: "On the run-off coefficients out of the Herpic Manual that describes the terrain subdivisions that go in that type of terrain before and after, maybe you need to pick up a copy of it and look at it and study it."

Ron Newman: "I looked at it today. I used Armco Steel's recommended pipe size for the drainage area."

Andy Easley: "Well they are out to sell culverts. They are not necessarily computing accurate run-off. I don't want to (inaudible)"

Ron Newman: "No. It is not necessary and since you are the professional and I am not, then someone like Mr. Hartman, who is a professional should say if, or if not, that water is going to run slower, once the streets and so forth are put in."

Andy Easley: "The culvert in question, was put in about 4 years ago when the Red Gate went up the hill. Koester designed that for Widdikin and it was very and it hasn't been in there 14 years."

Ron Newman: "I don't know the history of it. I have been a resident there for two years and I know that every since Hunter's Ridge has started their construction up there we have had problems and I know that there are people that oversee and govern and regulate-and all I'm asking they do is just do that."

Mr. Hunter: "They will."

Ron Newman: "They will, I'm sure that they will. That's why we are having this hearing tonight. But, it seems like somebody is giving conflicting testimony to me. But, I may be wrong. Since you are the professionals."

Andy Easley: "The run-off calcs were submitted, and Mr. Hartman, I think has reviewed them. They are in accordance with the criteria that was used in check..."

Ron Newman: "I agree with that. What I am saying, is, that you're saying the water is not going to pass faster. I am saying, 'Yes it is'. Mr. Hartman has presumed that is going to go faster, it is already going faster, so we are going to put orifices in those pipes to slow it down. So it seems like to me that whoever is responsible should determine what the facts are and make their decisions from that. I would recommend that they do table, and do put this on hold until all facts are gathered. That's my comments."

Mr. Hunter: "We could debate this all night but I guess the facts are: A. That the folks in the problem subdivision did not have problem until Hunter's Ridge A went in, and that this problem is being compounded by Hunter Ridge B. Now, the question is, 'What are we going to do to stop the problem'? Because there wasn't a problem prior. And I find it very hard if we are going to continue to get phone calls down here about problems in adjacent subdivision and to go ahead and pass B. I would like to see some type of drainage plan that includes retention or detention ponds or whatever is necessary to hold that water for a period of time until it can trickle out fast, slow, or somewhere in between so these people don't have a problem. So that is where I am on this, now I am just speaking for myself and I am not speaking for Commissioner Borries."

But I would like to see some type of plan that addresses all these problems now, and not saying, 'Well we will do this, or we will do that'. David, do you have anything you would like to add? Rick?"

Mr. Borries: "Well, it is an age old problem. We appreciate the residents coming down, the problem is we always look at flat maps and we are talking about water. And, the second thing is and a rule of thumb that I have always gone by on these kinds of developments is what steps, if you are looking at a flat map and we could get a flat map that shows your subdivision completely isolated but by the time we begin to put the pieces of all this puzzle together it becomes tremendously complicated. So the only rule of thumb that I have always been able to try to go by is to say, that who ever the developer is, he or she must keep their water and submit a plan to take care of their water, so it doesn't impact on somebody else. That's is just real simple to me. It is the only thing that you can really go by when you look at these flat maps. So, I guess I need to ask somebody, Andy or David, do we have a plan here where this water is going to be taken care of so it doesn't impact on somebody else here on their piece of the flat map? Do we have that plan? If we don't then I don't know..."

Mr. Hartman: "We do not have the plan. I think one might be forth coming before I can make a recommendation to the Drainage Board here, that we accept Section B Subdivision run-off as it is not showing. So that it will be adaptable to the Red Gate culvert downstream."

Mr. Hunter: "So you are suggesting that we table this until next month and that we have a plan that is acceptable. OK."

Mr. Hartman: "Yes, I am suggesting that we table this."

RE: WILLOW CREEK SUBDIVISION REPLAT LOTS 33 THRU 36

(Following excerpt taken from transcript by Joanne Matthews)

Commissioner Hunter said this is a replat of Lots 33 thru 36 in Willow Creek Subdivision located at Streuh-Hendricks and McDowell Rds.

Mr. hartman submitted plans for the original subdivision and plans for the proposed subdivision. He said he can see no reason not to go ahead with this and make his recommendation that the Drainage Board pass it as it is now drawn.

Mr. Hunter asked, "You say it is your recommendation?"

Mr. Hartman said he believes who maintains it is still on there--it is to be maintained by the Home Owner's Association. It is just a rearranging of designated area (pointing to the plans).

Mr. Borries said he doesn't see the retention pond on this.

Mr. Hartman said it is not shown on that--it's shown on the other one.

Mr. Borries asked, "Is it understood here who's going to maintain this--because now it fronts essentially three lots here."

Mr. Hartman said, "The notes here on this map here will be put on this map over here--about the retention and the size of it and the maintenance of it."

Mr. Hunter asked, "You're saying that all of these home owners in here will be responsible for this?"

Mr. Hartman responded, "Yes. I have to be, yeah."

Mr. Borries said, "Wait a minute, I'm not sure on that. If there isn't a homeowner's association,

those properties that are adjacent to it--which would maybe be Lot #44, #45 and #36--those people then--it should be clearly understood on their abstract that they are going to have responsibility for it. You see what I am saying here? I'm not sure. Here it is--"Individual homeowners shall maintain all easements on their lot. Lot owners shall not place or obstruct or place obstruction within drainage easement." Unless there is a homeowner's association that has been identified, it needs to be on their plots, wouldn't you say, Gary?"

Attorney Price responded, "That is correct."

Mr. Borries continued, "It has to be each individual--and you're probably talking #44, #45 and #36--because they are the ones probably who will get some frontage on that."

Mr. Hartman said, "I can do that. Okay, delay it until that is put on the plan."

Commissioners Hunter and Borries said, "Okay."

(End of excerpt transcribed by Joanne Matthews)

RE: WINDSONG SUBDIVISION SECTION II

Jim Morley: "Windsong Section II, a very small parcel of ground. Basically already completely surrounded by developments in Indian Woods the overall drainage plan for this was previously approved by the Board. All the curb inlets, there are no physical drainage structure on this little addition right here, and if you will look over on the description you can see the size of it and the acreage. It has been previously approved but, because this coming forward for the plat, it's on the agenda to come before the Board again. This is exactly as shown and previously approved and all of the physical ditches and curb inlets and everything else have already been built with the Phase right before. All of the drainage from this site is directed through proper sized storm pipes into the Indian Woods lake. The city detention lake. There really is not much there for you to look at but because that is all there is. Just this little one and every thing has already been built. The swales are already in, the curbs, the storm sewers are already in and of course you know that the Indian Woods Lake has been in for many years. So this is confirmation previously approved Drainage Plan. And this is exactly the same area that was on the original Indian Woods, the original, it's on the PUD, but this particular portion of the subdivision included this on what you have previously approved. I guess the only issue here would be if there were any problems have cropped up in the area that you are aware of that need addressing. If not then, everything is as originally designed and it was installed that way."

(inaudible remarks)

Jim Morley: "Yes, Bill Jagoe's little zero lot line houses. That subdivision plat only encompasses 1.91 acres. It's in the PUD, they are very small and all of the facilities are already in. They are all constructed. Under the previous phase. This one has not been recorded, but there are no new storm pipes, nothing new as far as the drainage plan that is a part of this, and it does go to a storm water detention lake."

Mr. Hunter: "And this will in no way alter the existing plan."

Jim Morley: "No. This is exact conformance with the previously presented and approved drainage plan. This in exact conformance, no changes whatsoever."

Mr. Hartman: "Do you recommend this?"

Mr. Hartman: "I concur."

Motion made by Mr. Borries and seconded by Mr. Hunter to approve the second section of Windsong Subdivision.

RE: WABASH PLASTICS-BUILDING ADDITION

Mr. Hartman: "What this company is doing, they are adding a addition on to the existing building, they are adding this much to it. These are your contour lines and the water is coming down this way and going into these pipes here. There is a ditch down there. These are designed for anything above a 25 year storm. This is going to be your retention pond here, and anything higher than 25 inch storm will back up on their own lot. Nobody will be harmed. It is on their property. All the calculations are on the sheet itself. I wish everyone would do this. It makes it easier. These are all standard type pipe."

Mr. Hunter: "And there is a building here, you said?"

Mr. Hartman: "Yes that is the existing building."

Mr. Hunter: "So this is just an addition to the building? So this is a retention or detention pond? Will it have water in it permanently or just for a short period of time?"

Mr. Hartman: "No. No. Detention, detention."

Mr. Hunter: "So this will all be dry, during dry seasons? Ok."

Motion made by Mr. Borries and seconded by Mr. Hunter to accept the plan for Walbash Plastics.

RE: VOGEL ROAD COMMERCIAL PARK

Mr. Hartman: "From the offset I recommend a hold on this project here."

Mr. Hunter: "We have tabled this before, haven't we-like a couple of times?"

Mr. Hartman: "Yes. Somebody made the statement that this has been approved, and I will just tell you a fact that it has not been approved according to these minutes."

Mr. Hunter: "Isn't this the one that had to have approval for the Soil Conservation Service through the Area Plan Commission? I am pretty sure that we could go back through the minutes and dig it up. But I believe that this is the one, that for the last two months that the SCS and we have seen nothing."

Mr. Hartman: "Yes, I failed to do that. Somebody made the statement that this has already been approved but it has not been approved according to these minutes back from 1987. This is awfully flat land down that way."

(inaudible remarks)

A lengthy discussion followed and it was decided to defer this item until contact with the Soil Conservation Service.

RE: SURVEYOR'S OFFICE REQUEST FOR PAYMENT OF BLUE CLAIMS

Blue Claims submitted by Surveyor's Office as follows:²

1. Shideler Spray Service #1851, Harper Ditch 234-017
15% Retainer Balance Due 30.61
2. Terry R Johnson #1052 Harper Ditch 234-017
85% of 878.44 746.67

²Copies of Blue Claims and Surveyor's Report included with the 8-24-92 minutes.

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3. Terry R Johnson #1052 Aiken Ditch
85% of 1873.18 1592.20
4. Terry R Johnson #1052 Henry Ditch
85% of 823.36 699.86
5. Terry R Johnson #1052 Keil Ditch
85% of 631.01 536.36
6. Terry R Johnson #1052 Kolb Ditch
85% of 1613.78 1371.71

Motion made by Rick Borries and seconded by Mr. Hunter to accept the Blue Claims as submitted.

RE: BUENTE BIG CREEK

Mr. Hartman: "We have to submit some more cross sections and they want it really done up properly, the location of it the size of the ditches and the cross sections and the dirt fills and cuts respectively and so we are in the process of working that up and getting them out. So we can answer all the questions regarding this ditch."

Mr. Hunter: "Ok, you are taking care of that."

Deferred until next meeting.

RE: DEPOSIT OF MONEY FOR PIPE MAINTENANCE

There was an ordinance in the Drainage Code created in 1986, that would require developers to make a one time payment of .50 per Linear Foot for future maintenance. This money is kept in accounts 238, and 239. The intent was to pass the responsibility from the developers (ie. retirement, or death of the developer) and wouldn't cause a hardship on the homeowners to replace or repair damaged lines. There is to be an Escrow account available for them to draw from. Questions have come up about any obligations or what exactly the money is to be used for. After some discussion it was decided to pull the original ordinance and decide if there needs to be some upgrading or rewriting on this.

RE: 5005 NURRENBERN ROAD

Mr. Hartman asked as a favor for Mr. Easley that the Board waive the restrictions on the elevation of existing ground line to permit the building of a pole barn on the farm located at 5005 Nurrenbern Road.

A decision was made that the Drainage Board did not have the authority to permit this.

There being no further business the meeting was adjourned by President Hunter at 7:25 p.m.

Present:

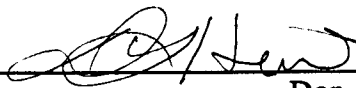
Don Hunter, President
Rick Borries, Vice-President
Cindy Mayo, Chief Deputy Auditor's Office
Dan Hartman, Surveyor's Office
Gary Price, Attorney
Jim Morley, Morley Associates
Andy Easley, Easley Engineering
David Savage, County Engineer
Mr. Gannon
Mrs. Gannon
Mr. Newman

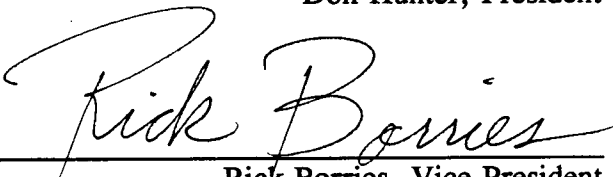
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Drainage Board Meeting
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10

Joanne Matthews, Secretary
transcribed, sbt.


Don Hunter, President


Rick Borries, Vice-President

Carolyn McClintock, Member

MINUTES
SPECIAL DRAINAGE BOARD MEETING
SEPTEMBER 14, 1992

The Vanderburgh County Drainage Board met in session for a special called meeting on September 14, 1992, at 5:46 p.m. in the Commissioners Hearing Room 307, with President Don Hunter presiding.

Mr. Hunter: "I would like to call to order the special meeting of Drainage Board of Vanderburgh County, on Monday September 14, and just for the records this was advertised in both the Courier and the Press on September 10, 1992. We have two items on our agenda this evening. The first deals with Browning Ferris Industries, the second deals with the Willow Creek Subdivision, which was a carry-over from our last meeting. Now, let's take the Browning Ferris drainage first, and what I would like to do is kind of set up a few ground rules here. I guess that as a teacher of American Government for the last thirty-plus years, I feel very strongly about people having the opportunity to speak if they want to. That's kind of what it is all about. The same time I would like to try to keep this meeting in a very productive, and I might suggest that if there is a group here and they have a spokesperson it would be very nice if they went through that spokesperson, however, if you still feel that you want to say something then, by-golly, please do it. If you do speak, I would hope that you would listen to what has already been said, try not to repeat, and I would also hope that nobody would talk too long because this is not the US Senate and we don't have a filibuster, and I know it's not the Senate because they won't cash checks in this building and they sure won't cash rubber checks. So, anyway, is that agreeable with everyone for us to operate along those lines? Ok. The agenda that I'd like to follow this evening, first I would like to make a very few and brief introductory remarks about why we are here this evening; and then I have asked Jerry Evans who is legal counsel for Browning Ferris Industries to make presentation on what they want. I have asked Darrell Rice who is the District Officer with the Soil Conservation Service to make a few comments and perhaps answer some questions that we may have. I have asked that the County Surveyor, Bob Brenner to be here this evening, because Bob Brenner and the County Surveyor's Office by Indiana Statue is very much a part of the Drainage Board of Vanderburgh County, and then I would like to have the remonstrators express their feelings and their concerns about this whole project. And, then at that point, I would hope that one of my Commissioners, I would entertain a motion for the voting on this particular issue. Now, with that let's turn the clock back to, it looks like April 5, 1990. On or about that time, Browning Ferris Industries petitioned the Board of Zoning Appeals for a 'special use' permit. Now, this permit was to relocate Locust Creek. Relocate the direction that Locust Creek currently follows, and change the drainage of it. In order for Browning Ferris Industries to keep this 'special use' permit, valid, the BZA, listed 17 conditions that Browning Ferris must follow. One of these was drainage plans to be reviewed and approved by Drainage Board and the Soil Conservation Service Officer. The *only* purpose that we have in being here this evening, so this Drainage Board is seated this evening in a special meeting at the request of the Board of Zoning Appeals, and the only issue that we are dealing with here this evening, is the drainage plan that has been submitted to us by BFI for approval or for rejection. Now, I realize that it is hard to divorce that from other things, but we are not here to discuss whether or not we want to expand the landfill. We are not here, we have no authority, on this Board to see that mud is off truck tires on St. Joe Avenue as they pull in and out of Laubscher Road. The only single thing that we have to deal with this evening, and I hope that you all will deal with this, is that we either must approve or reject the drainage plan to relocate Locust Creek. So, with that, Jerry, would you please come on up?"

Jerry Evans: "I would like to say, thank-you for the opportunity of appearing before you. Locust Creek and the unnamed tributary that BFI seeks to relocate are not regulated drains, and as you said it is not technically a matter over which this board has jurisdiction. When we appeared as you noted, back in April of 1990, before the BZA-Board of Zoning Appeals-for a 'conditional use' permit, they did in fact put that condition upon our use and development of the Landfill as one of 17, and we would very much appreciate the opportunity which you have given us to fulfill that requirement. We have submitted the plans for this relocation and the specifications

and plans to first of all, to the Department of Natural Resources for the State of Indiana. And when we filed our request with you for this hearing, we filed a copy with each of the Commissioners of this report which outlines basic data and plans that were presented to the Department of Natural Resources. The same time we filed with you a copy of the permit which they have issued to Browning Ferris Industries for this project. The primary concern was with the hydrology and the flow at the front and the flow at the end. As a attorney, I mean, I understand some of this but, the technicalities of this are-go beyond my expertise. We have some people here who get into that in a little more detail with you. These plans at that same time were submitted to the US Soil Conservation Group, and then were reviewed by the local representative and by others in the organization and the approval of this plan and relocation was received in writing from the US Soil Conservation by letter dated January 16, 1991. A copy of that is on file in the public records with the Area Plan Commission and I believe, in your file too. The next step that we had was to proceed with a permit from the US Corp of Engineers. That application is also on file with you. It was a, 'section 404' permit. Originally when we asked for a hearing we had been told that, that permit was coming out very, very shortly but this has taken so long, since April of 1990, 2½ years to get to this point, we were still uncertain exactly when it would come and it did not come for two days later than we had hoped and then that was filed with you as well. The permit from the US Corp of Engineers was granted, August 25, 1992. A copy of that permit and it's conditions was also filed with you, with your office and with each of you on, September 8 (1992). BFI has been committed to this project, believes it is not only an appropriate, from a technical standpoint, but has some possibilities of enhancement of some wildlife and possibly preserving the Indiana Crayfish which they discovered to be in this area. To enhance some of the habitat for this particular form of crayfish. They are committed to construct, monitor, and maintain this drainage project so that it will perform as designed and approved by Indiana Department of Natural Resources and US Army Corp of Engineers and to see that it *does* work as designed and planned. I would like to have a moment if I could to introduce to you Don Bryenton, of ATEK, who was the principle author of this document. I would just like to add one other thing, which I'm sure, that they will cover as well. If you look at the permits and you will see that when this was originally filed this was well under way too, and that the DNR, when they issued their permit was not unmindful of the aspects that are in this plan. This plan was filed with DNR, considered by DNR, and is incorporated in the DNR permit. So that the matter of the wildlife habitat and the wetlands though it requires two permits, was not done disjunctively. They were done together although the permit process had to be staggered in a two step process. That was required but the permit process, it was not a matter of doing one and getting a permit, and then doing the other. DNR was fully aware of this plan when they considered their application and granted our permit. With that I will turn it over to Don Bryenton."

Don Bryenton: "Good evening, my name is Don Bryenton and I am principle engineer with ATEK Associates out of Indianapolis, and if you will allow me, if this has wheels on it, I will wheel it that direction so that perhaps you can take advantage of the visual aids a little better. I would like to briefly walk you through the process that has led us to this evening. I don't intend to cover all the technical issues that we have painstakingly gone over with the Corp of Engineers and with the Department of Natural Resources over the last 2 years, or we would be here for a very long time. I would be glad to address any questions you have after I go through the highlights. Initially, we were faced with the situation that the flood conditions along existing Locust Creek which cuts through the property in this direction and an unnamed tributary that feeds into Locust Creek-not good floodway conditions have been established for that creek within the limits of our property. This being Wimberg Road, St. Joseph Avenue, and Mohr Road across the north. The Corp of Engineers have done some flood route studies that take us to Wimberg Road but, have not done any flood studies of any detail that extended into the property that was being investigated. One of the criteria that the Indiana Department of Environmental Management has, is that we cannot site a landfill within floodway of an existing stream without permission of the Indiana Department of Natural Resources to either relocate or fill within that floodway. So, the first thing we had to do as we began to talk about an expansion area, was to realize where the existing floodway limits were for the creek and this unnamed tributary. What you see on this exhibit are the floodway limits highlighted in yellow for Locust Creek and it's unnamed tributary. It was recognized early on then, that within the configuration of this site we

would not be able to meet the space requirements for the proposed expansion area to meet the planning goals of the waste district if we were to try to work within the limits of this floodway, so it was necessary for us then to consider how can we relocate this channel and move it around to give us more air space to be able to meet the long range goals of the solid waste district. I might add at this point, that it was during this time that we began working with Department of Natural Resources Technical Staff about what type of modeling they wanted to see, what their criteria was for allowing us to relocate the channel, and that sort of thing. What this led to was the creation of a three stage channel. Our goal was, to provide a low flow channel that would mimic the small ditch that is there now, and so we created in this area, a twenty foot wide normal flow channel, that would convey the normal water flow through that creek. Then we allowed for what we called the intermediate channel which would allow flooding to occur over the banks of the normal flow creek on about a 1 to 2 year frequency, so that plantings that we had in that area, would receive enough water that they would survive and thrive in that setting and then in order to handle the flood conditions for the 100 year storm event we designed a very wide channel that is approximately 200 feet in width to convey the storm water. So what was once conveyed within this floodway, we had to convey within our new channel that we were designing. Well, once we designed the channel, it was our responsibility to prove that this channel would convey the storm event. We used the computer model Hec-2, that was developed by the Corp of Engineers to model the flood elevation along the new channel that we have created. Again, to orient yourself, St. Joseph Avenue, Mohr Road- this is the existing channel of Locust Creek and the unnamed tributary that comes through here. The alignment that we came up with was to follow what you now see highlighted in yellow so that we intercept flow from Locust Creek at this location, we intercept flow from the unnamed tributary at this location, join those two flows together, and convey them through this 200 foot-plus wide channel until we converge again back into the existing Locust Creek channel down through here. The criteria that we had to meet to satisfy the Indiana Department of Natural Resources was that we had to prove that we would not increase the elevation of the flood waters during the 100 year storm event by more than 1/10 of a foot at our property line on the upstream end. In other words, we couldn't block flow to the point that we caused flooding to occur upstream of us. The plan that you see before you meets that criteria, has been checked over the last 2 years under multiple reviews by these state agencies and the other criteria that they established that we must meet was that the discharge at the downstream end of the project could be no greater than what the discharge was without doing the channel rerouting so that we didn't release the water so quickly that it caused higher discharge down stream of the project location. So those criteria have been established and been reviewed for a long period of time and a very painstakingly review. I have worked with the Indiana Department of Natural Resources extensively over the years and this project received a much higher level of scrutiny than any other job I have ever worked on. The reports that they have reviewed and their comments are available to you and have been submitted to you-is my understanding. One other thing that I might mention that we have taken note of, is that, as we began to model this channel it was of importance to us to make sure that we took not only into consideration how quickly and efficiently the water could be conveyed through this channel, but it was revealed to us by J F New and Associates that there were other environmental concerns at this site which included the location of existing wetlands that we needed to be mindful of and to emendate for the removal of those wetlands; so part of the modeling that we had to go through was to take into account the fact that we were going to be creating a wetland setting within our new channel. The fastest way to convey the water through that channel would be to concrete line it and very quickly convey the water through the project site. But, that was not consistent with what the long term goal of the project was, which was to, replace any wetlands that would be disturbed by this project and a very high multiplier, create new wetlands within the new channel location. Well, the creation of wetlands, perhaps goes a little bit against the grain of what we normally think of as a drainage concern, because when we get into wetlands settings we talk about brush, lots of vegetation, lots trees within the channels, so, as we did our modeling we had to make sure that those types of constrictions were part of the model and those were one of the little details that we had to work out very painstakingly with the Department of Natural Resources to make sure that we were all in agreement with the 'Mannings N Value', which is basically the roughness coefficient that we use along the channel, so that it took into account the little riffles and pools that have been created to mimic the existing wetland settings, to account for the trees that are going to be

established again as a replacement for the wetland. So, all of that has been taken into consideration throughout the entire section of the relocated channel. One other thing that I might add, is that internal drainage off of the proposed landfill expansion will be handled through one of two sediment basins, the barrow area that exists in the south will provide the majority of the sedimentation basin control, so, all drainage from any access roads or off the landfill itself, will drain through one of two sediment basins that are proposed for construction and there is a third sediment basin in this area that will control drainage from the access way to the landfill. So, this has been a very comprehensive study, one that took not only the expertise of engineers to work with the Department of Natural Resources' engineers, it was necessary for us to get to coordinate our efforts with wetland experts. At this point I would like to turn the podium to Jim New, of J F New and Associates who developed the emendation plan to take under consideration those concerns about the wetlands."

Jim New: "Good evening ladies and gentlemen. I appreciate the opportunity to come before you and do an explanation, if I might, of the details that we went through in this project. My name is Jim New. I am the president of J F New and Associates. We are an environmental consulting firm. A brief history. I served as Indiana's Wetland Biologist for 12 years, and as a DNR Permitting Biologist for 10 years before that. I would concur also with Mr. Bryenton, this was the most scrutinized project that I ever had the opportunity to work on, either with the DNR or in private concern. I would just briefly like to lead you the processes that we went through. We were called in quite early on in the project, by the engineers who recognized that there may be some environmental concerns since we were working with a body of water. We performed a inventory, and very briefly I will tell you what we found. We found, a jurisdictional wetland here, that is a very nice woods, that we didn't think could be duplicated. We didn't think it could be reproduced or emendated and we informed our client, BFI, at that time that we thought that this area should be avoided at any cost. We did not think that it would be possible to get that through in a permitting situation. It is too valuable an asset, as far an environmental condition, and it just can't be reproduced. A little lower down is another wetland, that wetland has been logged numerous times in the past, it presently exists simply, shouldn't say simply, but generally as an area with River Birch. About 95% of the tree vegetation in it, are young River Birch. A wetland of not large significance and certainly one that could be duplicated quite easily and improved upon. Another area down here that was not wetland area, it has been drained a long time ago, and I point this out right away, some time in the distant past these areas from about right here down, were dredged; there was a natural stream there at one time, they were dredged and formed a ditch. All those were called Locust Creek and so forth, they are in fact drainage ditches and I think, perform quite well at that. They are not natural streams. On further down, is a natural wetland that lays aside, it had not received adequate drainage or if it had, it has been replaced because another artificial wetland, which is a pond here, seeps down into it provides the hydrology for wetlands there, and down here is another area that also had been drained and does not have wetland criteria for it. In addition to that is the linear ditch system which is, represents waters of the United States. Which is a jurisdictional control of the Corp of Engineers. And when we contacted the Corp of Engineers initially, they told us that this could be handled on what is called a, 'nation wide' permit. Which is a very much simplified permitting process that allows developers to make an application, describe your project, and usually within 30 to 60 days you receive your permit. There is no emendation necessary for those and it's quite a simple process. However, when the Corp of Engineers received our 'letter of intent', they explained to us that they knew that there was some concern for this area, considerable concern, and told us that this area would not be handled on a, 'nation wide' permit, it would handled on a 'full-blown individual' permit and the scrutiny that goes with that. We immediately went back to our client and explained this to them, and told them that the scrutiny would be very intense on this, not just from DNR but from the Corp of Engineers and their staff, the US Fish and Wildlife Service, and that we should increase the intensity of our inventory and do an instream investigation to see if there was anything in that. We knew there was some minnows and some crayfish in the stream, because we had seen them. We did not at that time however, realize the intensity of the life in there. We hired a team so we wouldn't have any conflict from Illinois Natural History Survey; a very well known reputable group in the mid-west. They came over and did an inventory, found not as we expected, not a lot a diversity in species, and not a lot of numbers, it is a ditch and you wouldn't expect to have that-however,

they did find the crayfish, it's common name is the, 'Indiana Crayfish'. It is found in a relatively small area in the mid-west and is generally thought to be in a very serious decline, because of, primarily of the destruction of stream habitat. This species has also been nominated, or is to be nominated, as a species of special concern to the US Fish and Wildlife Service, and because of that, the intensity of what had to be done to this stream was greatly increased. We met with a number of experts from the mid-west, solicited their consideration of what we should do to this, and then went to work on it. In fact, I will show what we came up with. Again, I would point out that this was in constant consultation with the engineers. Kind of an interesting project here, not just engineering, which a lot of drainage projects are, and not just biology which a lot of habitat projects are, but a combination thereof. What was decided to do was to in fact, make a stream that would have the challenges of conveying flood waters and flood storage as dictated by the Indiana Department of Natural Resources. Making of a stream is a kind of difficult situation, especially in a condition where there has been a ditch in the past and you are not completely sure of what the frequency of the bends and turns are. You can do that from old photography and from soils investigation but it is much nicer to have a living replica if you could. If I could refer back to this drawing here in this woods, that I told you was a very high value, in fact, exists the only portion of this stream that has an area although it has been slightly disturbed, still has the frequency of bends and turns that existed in that stream before mankind came along and straightened it. So, we borrowed that frequency and duplicated it throughout the entire system. Now, originally when we inventoried this, there was approximately 4,670 foot of ditch. The new stream is 5,540 foot of stream. Now, when you create streams as opposed to ditches there is a number of things that are involved. You have to have riffles, which are shallow areas with rock in it, because that is where oxygen is put in the stream and a lot of food organism are raised. You have to have straight runs, which are generally areas where fish can, and organisms can, set in a stream and work themselves and because they are a flowing stream species, exist. You need pools where they can seek shelter in the dry times of the year when this stream-and it actually does-dry up. The water quits flowing. There have to be pools where animals can survive through the drought period. So, what we did was provide a series of streams or pools, riffles and straights where different types of wildlife can exist. We paid particular attention to the Indiana Crayfish. It is a species of concern and we were very concerned with it. A lot of rock has been designed in this stream and also a lot of trees, to be put in to shade the stream. Typically in a emendation project, you look at a project for 4 or 5 years. You plant little trees as seedlings. In 4 or 5 years they are as big as I am, the Corp of Engineers will look at that and say that survival is 80%. Your stream or your condition is on it's way and, will release you. In this particular instance, because of the necessity of keeping the pools and the riffles cool, water going through a straight stretch of a brand new, newly constructed stream would get quite warm and we were very comfortable that this would cause considerable problems with survival. So, in addition to approximately 10,000 small trees being planted, about 9,400, about 400 or 500 large trees will be tree spayed. Now, those are fairly mature trees-10 to 20 foot tall, these trees will be borrowed from these areas that are going to be impacted. They will be tree spayed and moved down along as it is showing depicted here. And that will provide shade over those pools so that we can have within a short period of time, a couple of years, the species survival that we will have to, to meet the Corp requirements. Now, I would also say this, if this stream is being designed or it's being planned to be built and constructed a full year before it is expected to receive a flowing water. It takes a while for organisms, small organisms to establishe themselves in a stream. They are the bottom of the food chain and it is very necessary that they become abundant, so that the larger animals in the food chain can survive. So, for that reason, this stream, it is proposed to construct this stream, a full year before flows are actually put down it. Small minimal flows will be allowed to go down it so that the bacteria, the algae, those organisms, the small food organisms, can start up their life cycle and get established and then approximately a year later, the stream would be cut in after the vegetation was established, the grasses were established, the rock was settled, the stream would be cut in at that time, and then allowed to flow. And then following that, a very extensive monitor program to make sure that it works, and that's a condition of the Corp of Engineers and the DNR permits. To make sure it works. The company is held liable for that and have to replace and emendate for any damages that occur. So, it is a very, very tightly scrutinized, watched over, process. Again, I have been speaking to you about the biological aspects, but I would also like to remind you, that there was a considerable amount, a very

considerable amount, of engineering that went into this because not only does this have to support the environment as far as wildlife and fisheries are concerned but it has to support the environment of man and the storage and conveyance of flood waters. At this time I would like to turn it back over to our attorney. I will be available for questions. Thank-you."

Jerry Evans: "This has been a long and involved process and a great deal of thought and investigation went into it as this relocation was being planned and a great deal of scrutiny has gone into it, as it has gone through the process. When I looked at this early on I know, like I said earlier, I'm a attorney, and a layman and I have worked with landfills for quite a while, and some stream work, but the combination of the two was a little funny. Normally, I work with farmers and they want nice clean banks, but what they've done, you can see from this drawing, if I might, from this one over here as well, the water in it's normal flow situation, is in a fairly narrow area, similar to what it is now. But, the banks aren't as high, so that you get the heavier rains that normally would clog a more steeped banked ditch such as we have now, the sides are cut down and it flows into a much broader and flat area, so, that the likelihood of the hangups from the brush and logs and the other things that we normally associate with the problems that farmers have in keeping their ditches clean is somewhat emendated by the design itself. To me, I'm just speaking as a layman, that was something that was kind of important and I had a little difficulty working through that. But, it does work when you really think about the three layered stage, that they are looking at. So, they are here, they are available for questions. It is very complex. We have gone through it rather quickly, but I hope thoroughly. But, we certainly are available to entertain any questions that you might have. Appreciate you consideration.

Mr. Hunter: "Does the Board have any questions at this time?"

Ms. McClintock: "I have a question. Who enforces this? Who is the enforcing agency? Who checks to make sure that this works? You both refer to enforcers."

Jim New: "There are two enforcing agencies in this, the Indiana Department of Natural Resources and US Army Corp of Engineers."

Ms. McClintock: "Ok. How many enforcement officers do the Department of Natural Resources have in the State of Indiana?"

Jim New: "Over 150. I'm not sure. I can't give you an exact number but, there are over 150. The conservation officers are the enforcing officers for the Indiana Department of Natural Resources."

Ms. McClintock: "Ok, so if they come down and see that this is not going correctly then they can fine the company? Is that what you refer to Jim?"

Jim New: "They can fine the company or force them to make compliance of the emendation or the engineering design. The area has to, by law, do three things. It has to protect for flood, it has to protect life and safety, and it has to protect fish, wildlife, and natural resources. That is the Indiana law operating. Corp of Engineers laws the conveyance of flood waters, and the emendation of the wetlands and the environmental conditions. The US Fish and Wildlife Services probably are the best enforcement crew for the Corp of Engineers. The Corp of Engineers themselves inspect it. There is a mandatory reporting, twice a year reporting system on how this project is coming. There is pictures and diagrams and a full review that is required. That is the stiffest requirement that I have ever run into for the Corp of Engineers, normally, they do it simply once a year. They have asked for two full reviews every year on this project."

Ms. McClintock: "Why do you think that the Corp would ask for two full reviews rather than a normal one?"

Jim New: "Well, I think that they are concerned. There have been a number of citizens with concerns on this and the government is very aware of that. Those concerns have been understood and it has been reflected by the Corp. That's is why they are asking for the additional

monitoring."

Mr. Hunter: "Yes, Mr. New you mentioned that scattered across the state of Indiana were 150 conservation officers, or 150 people who would enforce, or who can enforce. Are all these 150 people conservation officers?"

Jim New: "There are approximately 150 conservation officers and there may be a few more than that, but, approximately 150 conservation officers, additionally to that, are the people, the biologists and the engineering folks that additionally look at these projects. There is an engineering aspect that we haven't talked with that is not the Division of Enforcement, but is the Division of Water. You understand the hierarchy of the Department of Natural Resources there are the engineering divisions, the fish and wildlife divisions, and then there are the police forces, which are the conservation officers. They are the enforcement end of it and they enforce the natural resource laws. So, although there are biologists, in fact the closest scrutiny on this came from biologists at least as far as our aspects of this. Those are the people that would inspect the area and then if there were problems with it they would refer it, I am sure, over to their enforcement division."

Mr. Hunter: "So, these 150 conservation officers would only be inspecting this with regards to the biology portion of it."

Jim New: "No. Not at all. They also would be inspecting for the engineering soundness..."

Mr. Hunter: "Well, I guess my next question then would be, 'What sort of background do these 150 conservation officers have that qualify them to determine engineering?'"

Jim New: "I think that, that is a good question. But, if I might take you back just a minute the enforcement people, are the policemen if you would, the experts, as far as the different disciplines are the Division of Water. Mr. Bryenton talked about having to go repeatedly through the modeling of this, several times with a great deal of care to make sure that it would work. That is with the Division of Water, they are if you would, the engineering, one of the engineering divisions within the Department of Natural Resources. Those are the experts in that field. Conveyance of flood waters. Conservation officers are the police, that is what they are for."

Mr. Hunter: "And how many of these engineers are on staff at DNR?"

Jim New: "I'm not exactly sure, what total staff count is. I would say in the neighborhood of a dozen engineers on staff with the DNR."

Mr. Hunter: "Ok, thank-you. Anything else from either of you? Ok, at this point I would like to have Mr. Darrell Rice, who is the District Officer of the Soil Conservation Service, and obviously has been very much involved with this since it's outset."

Darrell Rice: "We had been asked to review the design of the channel itself, and we received that in January of 1991. I presented it to our private engineer in Jasper, and you have a copy of his findings as they talked about on record. In his first paragraph, he said that he found it to be basically correct from an engineering standpoint. The design of the channel itself. Which is this document here. I had later received in February-which kind of concerned me-in February of 1991, the emendation plan, and it raised some real questions in my mind. Was this incorporated in this? And they assured you that it was in the original design and I had asked for some documentation on some letters on the friction coefficients that they use which are applicable for the design, as we discussed. We sat down with them last week, and discussed some of the problems that I saw with the emendation. One of the biggest concerns that I had seen was the meandering channel as some of the drawings documented, meandering channels and taking a channel from a straight, somewhat of a straight channel, putting curves and meanders in it does slow the water down, but again, through the Hec program and through our program, it proved to check out for capacity of 100 year frequency storm. On some of their

emendation drawings some of these standards or typical drawings a couple of concerns that I really see from our standpoint, are stumps and in the channel itself and logs extended from one bank to the other suspended above the water. In normal situations, we run into this, and we have got one right now, where we need to take out some log jams in a drainage ditch. We see this as obstructions in the channel which could possibly be an accident waiting to happen. With any trash or debris that might be coming from the woods to the north down through the channel, we see leaf matter, limbs, even unlodged trees that might be floating down from a large storm coming down the channel catching on these obstructions in the channel itself and causing some problems. Whether they pull them out immediately, which many times they can't get out there immediately during a storm. Seems like all of them always take place about midnight when they don't have access to any equipment or everybody's off. That was one of the concerns that I had with the design, and we had sat down with Jerry and Jim Morley last week and they assured me that they would give me documentation in writing, that, if this plan actually does not work from paper to the ground, that they would make it work on the ground if they found problems in it. I haven't received that documentation yet. I have seen some situations where it has went through the process of designs and checked out on paper the computer said it would work and then once it was on the ground it didn't. But, they did assure me that they would make changes that would not increase flooding upstream, or increase the output of the stream downstream into the trailer park and they would make adjustments as needed. One thing that their permit does say and I don't know how stiff DNR will be on it, one of the statements of authorization is no felled trees, brush or other debris will be left in the floodway of the stream and if they start moving trees out of what their plan says I don't know how DNR fits into this. I don't know if one of their game wardens will come out and give them a ticket or how that works."

Mr. Hunter: "Ok. Mr. Rice let me ask you a few questions. My two fellow commissioners due to a thing called 'open door' law were unable to attend the meeting last week with me. Kind of bring them up to speed. Do I assume that, you say that your engineers are in Jasper, and do I assume that, like you do when you help us with the local drainage plan that they came to Evansville and looked at the site and determined whether they would approve it or not?"

Darrell Rice: "They weren't actually approving anything. They went through, they looked at the site and then plugged through the calculations just like they would have to reenact the design and came out with the size that they did."

Mr. Hunter: "What do you mean plug through the calculations?"

Darrell Rice: "Well, I don't have those with me right now. The same figures, similar figures that they used in their design. Well actually, I think what he did was took the numbers and ran through their calculations to check their numbers to make sure that everything was correct according to the design."

Mr. Hunter: "So, what they did was compare this to a model that they already had to see if the two matched. I guess a concern that has kind of come up here since Mr. Evans' testimony. Mr. Evans indicated that on January 16th, 1991 that the SCS did indeed approve this plan. Now, since that time Mr. Evans and the other people have indicated that there were considerable changes in the plan itself. My question to you would be, 'Did your people approve and look at the same plan that we are looking at right now?'"

Darrell Rice: "The numbers they plug through are from this design here that we received in January of 1991 and also if this was the emendation part was also part of that design, this is what they ran through. If there has been some major changes since then, no, I haven't received anything. One other concern I had was, in a lot of this emendation, was there a silt load study done on what is contributing to the stream? I would think that would really need to be studied to maintain as many ripples and rock and structures that you have. I would think that in situations that we run into on the farm, these obstructions would silt in pretty rapidly."

Jim New: "They were provided initially, provided in the design two silt traps which are designed and shown in the application. Those are in the channel, yes. The Corp of Engineers asked if

there would be a problem with designing a third one and we agreed and a third is also in the Corp program."

Darrell Rice: "Will those be dipped out periodically?"

Jim New: "They will be maintained. What is normally done is when they become a third full they are dipped out. They lose more than half their efficiency."

Don Bryenton: "I might add that those are present within the relocated channel, to handle sediment flow that is coming from upstream (inaudible remarks)

Mr. Hunter: "Darrell, we talk a lot about stream concept, and the three of us will field any problems that occur upstream or downstream. Will this relocation in any way alter the environment or the existing status quo, up or down stream? I am thinking specifically of fields flooding for long periods of time upstream or as you and two or three other people have eluded to the trailer park, downstream."

Darrell Rice: "Well your habitat is going to be changed initially, and it will take the habitat a while to catch back up. Because of the disturbance, the computer says it will work. So, I guess I will have to go with the computer."

Mr. Hunter: "Will it work?"

Darrell Rice: "We'll find out."

(laughter)

Mr. Hunter: "Thank-you. Ok. I suppose the next person that we would like to hear from is our County Surveyor, Mr. Bob Brenner."

Bob Brenner: "On the Drainage Board we take a little different tact than the Department of Natural Resources, or the Corp of Engineers. We have looked at it and we believe firmly that it will work. Now, the next question that you have to decide is, 'If you wish to do it'. Now, if a man came with a ditch that he wished to reroute, you must look to see if it is necessary, is it desirable, will it benefit the other citizens of Vanderburgh County? *I don't think so*. That's why I would recommend that you not do it. But, that's the way it works. Everything that they have presented, to us if it were just a ditch it would be easy to reroute it, there is no problem there. Hydrologically, engineering wise, everything you have done is fine. But, you have another decision to make."

Mr. Hunter: "Ok. Any questions from either..."

Ms. McClintock: "Have you actually run the numbers, Bob?"

Bob Brenner: "No. We haven't. We'll agree with them though, you have enough experts run them that-we did not."

Mr. Hunter: "Rick, anything you would like to ask him?"

Mr. Borries: "No, I really don't think so. I think he made himself very clear."

Mr. Hunter: "Thank-you Bob. That was certainly short and concise. Ok, at this time I would like to hear from the remonstrators and, please come up and identify yourself and if you represent a group."

Dixie Wagner: "My name is Dixie Wagner and I am from C.O.L.E (Citizens Opposing Landfill Expansion) and I do have a few things I want to say, but, I am confused about one thing. At the beginning of the meeting when you said, when they received their SU permit, back in 90 for the

relocation of this creek, it was our understanding and probably a lot of what you may hear is our feeling and the condition reads that your approval is for the entire project. At the time of that SU hearing none of this was even presented. There was information, I have the minutes, that the creek would possibly be rerouted, there was mention that if that could not be done they would go to plan 'B' and do it a different way. If you look at the purpose of the SU meeting it calls for, I believe sanitary landfill. I think it is on page two. Where it says, 'The nature of the case is applicant requests a special use for a solid, a sanitary solid waste landfill'. I understand the importance of the creek as far as drainage is concerned, but, it was our understanding that your approval was needed as far as drainage for the entire landfill."

Mr. Hunter: "No. The only thing that we are dealing with tonight is, as I understand it, is, the relocation of Locust Creek. That is the only jurisdiction that we have, and we are doing this only at the request of the Board of Zoning Appeals."

Dixie Wagner: "It came from the Board of Zoning Appeals that said the only thing that you were suppose to rule on..."

Mr. Hunter: "Drainage plans to be reviewed and approved by Drainage Board. The only drainage plan that we have tonight to consider is this one."

Dixie Wagner: "Ok. So are we to understand then when if ever, they ever present a site plan, the drainage for the actual landfill itself, those drainage plans will also will have to be reviewed and approved by you."

Mr. Hunter: "I have no idea. All I know is that we were asked to deal with this one. If anyone else could answer that since you all were around-I don't know."

Dixie Wagner: "Can you understand?"

Mr. Hunter: "I see what you are saying. Yes, and your point..."

Dixie Wagner: "The understanding, see this meeting was held to determine whether the 'special use' would be given to this entire area of land to be used as a landfill, and at the end of that hearing there was a ruling, that, 'Yes, we will give you the 'special use' permit, on these conditions'. One of those conditions I think, it's probably number 5, says the sentence you just read, and it does not limit your review to the creek only. It's that your approval is needed for the entire, I think, let me read you a page out of here, just a short, when they are discussing, there was a, I don't know if any of you were at that hearing. There was a point in time where there was discussion what conditions should we put on this if we approve it and what shouldn't we. There was a discussion, and I think this was Marian Heights, says, 'I definitely think the project, *the project*, should have Drainage Board and Soil Conservation approval', and I think that, I don't think that we are wrong to assume when she says *the project*, that means the landfill. Because none of this information was given, there was no site plan, there was talk of rerouting the creek but no technical information given on, like they have given to DNR. That hadn't even been worked up yet."

Ms. McClintock: "Except, that the condition is, for approval of-I understand what you are saying. According to what the Board of Zoning Appeals said, in that hearing, many months ago, was that they approved it with these conditions. But, our conditions, as Member of the Drainage Board, is merely, to review the drainage plans. Yes, what we do will have an impact on whether that 'special use' is there, but we are only here today, to talk about the drainage plan."

Dixie Wagner: "Well I agree with that, but, does the drainage plan include only the creek. There is a lot more drainage to be concerned with, with the landfill then just, whether or not this creek will work. You have to deal with soil erosion, you have to deal with the ground water...I mean,..."

Ms. McClintock: "Bob, can you help us here?"

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Bob Brenner: (remarks inaudible)

Dixie Wagner: "It is 180."

Ms. McClintock: "Normally, on private property, if it is not within a new subdivision, you would not have to review those drainage plans. Is that correct? We would. But in this case with the exception of moving the creek, we would not have to."

Bob Brenner: (inaudible remarks)

Cindy Mayo: "Bob, excuse me, could you go to the microphone? Thank-you."

Bob Brenner: "She is right, it is a total different ball game, if you are going to look at the whole site, what is running off."

Mr. Hunter: "Well, let me ask you this, Bob, my assumption was this is step one, and our approval or disapproval of this step tonight will impact and perhaps radically alter, the overall drainage plan. Am I correct or not on that?"

Bob Brenner: "Oh, I'm sure it would."

Mr. Hunter: "So, it's my understanding. No. At least I am going on record, I have no intention at this point, nor do I think it is the responsibility of the Drainage Board at this point to be dealing with the whole project, when we are dealing with only the first facet, which is the relocation, or non-relocation of Locust Creek."

Bob Brenner: "That is correct."

Mr. Hunter: "Ok, so we are all..."

Bob Brenner: "But, that may not have been what you were asked to do though. But, where the creek is has a great deal of impact on what kind of drainage plan you have."

Mr. Hunter: "That is right, the position of that creek will greatly impact the ultimate drainage plan. So, I don't see that we can could even approve it....."

Bob Brenner: "Either place the creek is, you can accomplish a drainage plan. It is feasible, it can be done."

Mr. Hunter: "Ok. Darrell do you agree with me on this? That this is step one?"

Darrell Rice: "Yes, I think that BZA biggest concern was the relocation of the Locust Creek, initially and that is why, they asked us to look at Locust Creek design. Now, with the new ordinance, and things coming in, I think that erosion control and sedimentation, ponding and drainage plans would have to be submitted through DNR beginning in October 1. I think that this would be considered a new, kind of like a new subdivision, any disturbances of five acres or greater, has to have a drainage and erosion control plan submitted to DNR. So, that will have to go through their approval and probably should be ..."

Mr. Hunter: "Ok. So that comes at a later time. Legal Counsel, do you have any thoughts on this?"

Gary Price: "Well, we are to review, if the Board of Zoning Appeals wants this Drainage Board to look a little closer into the complete drainage plan, it will do so. But, as I see it, and as I hear, the complete drainage plan, this is the first step toward that so the drainage plan will be altered, in accordance to the decisions made, or the recommendations made by this Board."

Mr. Hunter: "Ok, I think we are all on the same wavelength at this point. Does that clear up

your's, I hope?"

Dixie Wagner: "Let me see if I understand. You agree that the drainage of the entire project needs your approval, but, you can't rule on that unless, you know if the creek is relocated or if they are going to do the ..."

Ms. McClintock: "They can't do their drainage plan until they know whether they're going to be dealing with the existing ditches, or the new stream."

Dixie Wagner: "Ok. But, the drainage will be approved or ..."

Mr. Hunter: "To be very honest with you, I don't know. I have to have legal counsel check, because I don't know what are the intentions of BZA. But, at this point, this has to be step one, before step two, which is a full blown drainage plan can even be considered. So, at this point, we are only going to deal with what we know, that we have been asked to deal with this evening."

Dixie Wagner: "Ok. Ok. The second thing I wanted to talk about, when you asked, I think it was Mr. New, about DNR's enforcement, that you were concerned regarding if something goes wrong, who comes down, who takes care of it. I think, you may have been informed about this before, they, BFI, had an instance on their current landfill, where in their original permit they agreed not to fill within a certain boundary to Locust Creek. Which they later did. It was called, 'the encroachment on Locust Creek'. They filled nearer the creek than they were allowed by their permit to do, which is a major permit violation. And I don't want you to think that DNR police came down here and spotted it. We don't know how long it was there. Citizens found this encroachment, after months of going through BFI's original permit applications. COAL members, found that encroachment and we made it known. After it was known, months went by, and basically what DNR did as way of punishment for this encroachment was *nothing*. Now, if BFI knows of something that they were forced to do because they encroached on Locust Creek, I would be happy to hear about it. But, I know of nothing that was done to them. Like you said it is really hard to separate this creek from the idea that the reason they want to relocate this creek is so they can have a landfill-so they can have more area to use, so they can make more money, it makes perfect sense to them. Keep in mind that if they own this property and did not plan to put a landfill there-would they do this to just to improve their drainage? I don't think that they would. They want to do this, so they can
(break in sentence due to changing of tape in recorder.)

so that's the point of it. Another thing and a lot of what I want to talk about is, Mr. Rice says, 'We'll see if it works', and I think a lot of what you need to look at, is, 'Has BFI lived up to their word in the past?'. Have what they said they were going to do in the past-have they done it? And can we put our trust in them to do the right thing on this? So, there are a few things I want to point out to you. First of all, BFI continually has lead our citizens to believe this is Vanderburgh County's Landfill, they want them believe that it is Vanderburgh County trash, when in fact, it's five counties. It's special waste from all over. Laubscher Meadows is a Special Waste Facility. The proposed expansion would be too. And that brings us to another question of these conditions. What did the BZA really mean? The number one condition on this special use permit says, 'No waste to be excepted from outside the five county area',-which is Vanderburgh, Warrick, Posey, Gibson and Henderson. But, when BFI went to get a 'special use' permit, their second one, for an additional four acres, at that meeting, and I was there, that condition, on their first SU was discussed, and BFI stated that they did plan to accept waste from outside that five county area. Basically they said, 'We have no plan to honor this condition', and in fact Mr. Evans said if that was your intention when you put that condition on there, then we are going to have to see about getting it taken off, because that is not our intention. Now I think that these are the things you need to keep in mind. That is why I was concerned about the drainage review. Is it just for this-or will we see more later? Because, you have *got to keep on eye on them*. As I said before, I think we need to look at how good BFI's word is. When they got their current permit from the State for their landfill, it is known that you fill from highest to lowest, and that is what they submitted that they were going to do. Three months after they had their permit, they immediately turned it around and filed for permit

modification and did exactly the opposite. In three months time, after receiving their permit, they decided they wanted to do it another way. Locally no one could do anything about it, and the State whips a rubber stamp on that modification, and they are off doing it backwards from the way everyone locally thought they were going to do. That's how things go, that's why we are so concerned. Along the same lines, along with the encroachment on Locust Creek they agreed they would not do that-they did it, also another permit violation, they have exceeded the height allowed by their permit, and maybe BFI knows of some penalty for that, but, we haven't been able to track one down yet-and this to me is really important, at a time when the comprehensive plan calls for a need to protect our ground water, thanks to BFI, now our County is faced with increased ground water contamination. Right now there is no solution in sight to this contamination. I think, the contamination question is pertinent to this creek relocation, because, no one knows how far that contamination has traveled. I don't think we should start disturbing areas, moving creeks, letting places sit in water for a while, when we don't even know how extensive this contamination problem is. I think later on somebody's probably going to provide you with a copy of their most recent water quality analysis, which, it shows *no let up*. We don't know how bad the problem is yet. On a little more personal level, I think you should know, that there are people out there living by the landfill, that because of this contamination and the expansion they are afraid to drink their water. They are wondering if the unusual skin rashes they are seeing in that area could be from the contamination, they are wondering if the maybe the contamination has something to do with the high cancer rates in the area, and like I said, they are wondering because they don't know. BFI is not cooperating with us, trying to get information to these people any more. I asked BFI for information on arsenic contamination on the expansion site, not on the current site, there is arsenic contamination on the expansion area-where they plan to start disturbing soils. BFI told me if I wanted that, I could get it from IDEM. So I did request the information from IDEM. IDEM sent me a stack about this tall of ground water contamination information on the current site, which I already had, and informed me that if I wanted anything else, I could come to Indy and get it myself. I think that it is unreasonable to expect people to drive 3½ hours to get information so they can feel safe in their neighborhood. Mr. Hunter I know you will remember this, you, I think it was right after the 'special use' hearing, you held a press conference at the landfill, you voiced your concerns, I think you were probably at that point, ahead of us. You were talking about things that we hadn't considered yet, but now as we *see-those things have come true*, and at that time and since that time, nothing at that site has improved. Nothing at all. It has only worsened. At that time, the ground water contamination was not public, because BFI told the BZA, they hadn't degraded the water. Which wasn't true. But, now that contamination is public knowledge. I can only say, if you were opposed to it then, you would have to be opposed to it now, because it is only worse. Now, as far as BFI says, 'We have a permit from DNR, we got a permit from the Army Corp', and that sounds really great. They got a permit from the local BZA, but I think you need to understand how they go about getting some of these permits. I mentioned before, at the hearing in 1990, to get their 'special use', they stated on record, that there was no ground water degradation at the current site-the water hadn't degraded at all. That was not true. We found evidence after that hearing of ground water contamination or monitoring well contamination as early as 1985. Fives years before that hearing. They also led the board to believe that the expansion would be the same height as the current landfill, when in fact and you see by Mr. Brenner, he thought it was going to be the same height as the current landfill now. They plan on a 180 foot mountain of trash. That's-you may have seen the graphic in the newspaper when that news came out-taller than the Citizens Bank building. There are going to be people that live on the west side of St. Joe Avenue, that probably won't see the sun, after this is at completion. So, that was another untruth. Another thing that hits everybody in this county, they talked at length about their reasonable rates to serve this county, and after they had their 'special use' permit, they preceded to more than double their rates. I talked a little about the no waste outside the five county area, and I would like to repeat, that they did say that their intention was, 'to accept special waste from outside that five county area regardless of what that condition said'. Also at the 1990 hearing, BFI talked at length about how they paid Carriage Environmental-a company from Indianapolis-to pump the leachate out of the landfill, and haul it away to Indianapolis for disposal. Once again, after they received the 'special use' permit, they stopped this practice and allowed the leachate to lay at the bottom of the landfill, probably like it is doing right now, and seep into the ground, and this, I don't care-state of the art-whatever, even Erv

admits. He even admitted to us, that, that landfill basically a big hole in the ground. How can you let the leachates sit there? But, my point is, they said, 'Here BZA, here's what we are doing to alleviate the ground water contamination problem, to keep the ground water from becoming contaminated, we are pumping all the leachates out', as soon as they get their permit, they stop doing it. This is the way they operate. Also, in information given to the BZA, in 1990, BFI stated the ground water flow of the area, as west. Then when the ground water contamination became known in residents depending on wells to the west of the site, were concerned for their safety, BFI then stated that the ground water flow, as south. What does all this tell you? BFI will say and do anything to get a permit. They provide false information and they lie by omission. They get by with it because they feel no one has the power to stop them. I don't want to believe that BFI that has become more powerful than our elected officials, sometimes it seems that way, but, with BFI's history in our county-how could we even consider putting any trust in them to do the right thing? They can say they are going to line this creek with gold, they can tell you that, but, that doesn't mean that they are going to do it. We have evidence. Time, after time, after time, BFI says, 'Here is what we are going to do to alleviate this problem' and then they don't do it. That is why I don't think they deserve our trust, or yours. Also, in their permits to DNR and the Army Corp, I don't believe they disclosed the information regarding the arsenic contamination to them, I think that BFI failed to notify the Corp of a planned borrow pit on the expansion and they also did tell the Corp, and they gave them in written information, that the final elevation or the final height of the landfill would be approximately 100 foot, and as we know that was not true. I would think this would change the factors as far as their computer model is concerned. Also, the Hec-2 program that was run, a lot of that data was from 1981, a lot has happened in that area since 1981. There is paving, there is going to be more runoff than there was, I think they should use more current data than that. As far as drainage and flooding of the area, I'm out there probably as much as I'm at my own house, so I see things that go on out there. I would say as the current site has increased in height in the area so have the problems. You need to keep in mind that we have been in near drought conditions the last couple of years and yet people north of the landfill have had water standing in their yards-a problem that seems to have started with the rise of Laubscher Meadows. My mother has lived there for, I don't know, like thirty years. I can remember it would rain, we could still go out in the yard and play-when we were kids. Now, it rains, she can't mow her grass for two weeks, the bottom of her yard is saturated. You can see the difference when that area was flat and that flood storage was there, she didn't have those problems. Now she does. Is it because of that mountain there? It has to be something. Maybe the current landfill has already taken too much out of storage. Also in that area, just north of that area where there isn't a lot of data, I believe a strawberry field was unable to be used because water stood on this strawberry field and the strawberries rotted so the guy just plowed them under. He had a U-Pick situation and he wasn't able to have his operation at all that year. Also, there are some industries near the site that have flooding in their businesses. Lexington has been unpassable at times due to flooding, St. Joe Avenue floods. Homes on the west side on St. Joe Avenue have water standing in their yards. If they, even if this rerouting works, which like Darrell Rice says, 'We'll see'. These people that already have water up to their front door along St. Joe Avenue, they can't afford a little mistake. You know if a tree gets clogged in there, that water is in their house, because it is already up to their doors at times. Like I said there hasn't been a lot of data gathered in area north of the proposed expansion, but, Greg Nottingham of Section 401 Water Quality from IDEM did state the tributary north of the wetland on the proposed expansion had debris 8 feet out of the banks-which indicated flooding and that therefore the information that BFI had submitted was misleading. There is also this report by the USGS, and this was available to the BZA at the time of the hearing. We feel their job, they should have investigated. They should have found information regarding that area before they made a ruling. They choose to ignore this report. This is a study done by the USGS, there is a map here. I can show you where. Here is the existing landfill. So, the expansion, this number 3 that's what I'm going to read from this. They discussed that area. Area 3.¹"

¹Included with the September 14, 1992, minutes: Interoffice Correspondence from BFI dated July 29, 1992. Memorandum from Ecology and Environment, Inc., dated February 11, 1986. Small plat of existing landfill and Locust Creek.

Mr. Hunter: "What is this?"

Dixie Wagner: "I have no idea what that is. See this would be Area 4. This speckled, that is Area 3. Ok? Four would be clear. Two is tinier speckles. You see what I mean? Even though 3 is over here, it is the same. Ok, if you look where Area 3 is, and they talk about drainage and et cetera in that area they do state that the surface drainage is poor. Ponding and local flooding are common after periods of heavy rainfall. Also, they discuss ditching and channel straightening. They say, 'ditching and channel straightening have been widely used in Area 3 to help carry away water of local floods'. Maybe at one time Locust Creek was curved and it was straightened to alleviate flooding problems and now BFI wants to come back in and do it like this. This report calls for channel straightening to help alleviate the problem of flooding. Also, in this report, this is still about Area 3. I will read you this entire paragraph, this is basically about septic tank fields are going to fail because of the severe wetness of the area et cetera. The last paragraph in that section says, 'Conventional sanitary landfill should not be located in Area 3 because of the hazard of frequent ponding, or flooding and because of excessive wetness of soil and subsoil materials'. You can't say it any plainer than that. When I asked BFI about this, they said, 'Well they are saying *conventional*, a *conventional* sanitary landfill' and they start talking liners and et cetera. Liners fail, liners leak. William Rucklehaus himself, when asked about landfill liners simply said, 'They leak'. You talk to any expert who has studied landfills, and he is going to tell you eventually they-leak-regardless of the liner. Because we haven't been graced with a site plan yet after 2½ years, we have no idea what BFI plans to do in the way of a liner. There is some talk that because they now have Laubscher Road as their property the expansion area would be contingent with their property and they may be grandfathered and be allowed to use these same type of so-called liner, which is no liner at all on their new landfill, which would be a clay, a clay liner. Which is the same problem that we have now."

(inaudible remarks)

Dixie Wagner: "IDEM said that, that is a distinct possibility if you have a problem with that you call Garitez and ask him."

Bob Brenner: "There is no Grandfather Clause."

Dixie Wagner: "There is no Grandfathering Clause. Would you like to tell me exactly..."

Mr. Hunter: "Excuse me, folks, let's keep this thing rolling."

Dixie Wagner: "Ok, I'm sorry. I'll finish. I would say with BFI anything is possible. But, I will get on with mine. Over the last couple of years-2½ years-I know all of you, I know you are sick of hearing me. You are sick of Vicki, my Mom, any COAL member, we have told you over, and over, and over, but the reason is, when the current landfill was cited, there was this political stink and it was horrible and it's never forgotten in all this. We don't want that to happen again. We don't want to make the same mistake again, you all have heard opposition from COAL, VALLEY WATCH, WEST-SIDE IMPROVEMENT, HOOSIOR ENVIRONMENTAL COUNSEL, BRIDGE ALLIANCE, THE AUDOBON SOCIETY was at the Corp meeting, the Corp meeting had several people speaking there. We have 4,000 names on petition that are opposed to BFI and their proposal. The BZA hearing probably had more opposition than any BZA hearing ever. There were people out in the hall that couldn't even participate, because there was so much opposition. Like I said, the Corp hearing, a lot of people were there to oppose it, before you--I did want to say something about the Corp hearing. I know you guys had Lincoln Day Dinner that day, because we called you and informed you of the meeting. Mr. Borries did come; and we were sort of surprised that Mr. Borries was there, but, I do want to point out that Mr. Borries stayed for BFI's presentation and then he left. He didn't hear the citizens opposition. He didn't hear what people had to say. He didn't stay around to listen to people's worries, and to find out why they didn't want that landfill there. I think that points out that even thought, and this is why we keep coming back, we don't like to come here anymore than you like for us to be here. But, it looks to us, in Mr. Borries case, maybe you guys, *aren't*

listening. And I really think that it is time that you guys did what is right. The other day when I came home I had this on my door-I would like to read the paragraph; 'Evansville and Vanderburgh County have changed. Isn't it time we change too? Isn't it time we abandoned knee-jerk thinking and brought in fresh new ideas? Contemporary solutions to today's different kind of problems. Solutions that aren't watered down or defeated by politics as usual'. I would say basically that I agree with this, I agree with this sentiment. *It is time for a change*, it is time for some fresh new ideas, and BFI's proposal is not fresh, it is not new, it is not contemporary. It's not an answer to our problem. It is business as usual. It is basically the same thing that they have always done, and if you want to know what happens-look at South Lane, look at Moutoux, and look at the ground water contamination at the current site. That's BFI's business as usual. I'm sure everyone of those, to them were state-of-the-art facilities. But, you see, all you have to do is look at BFI's history, and see what you are going to get. We have choices now. We don't have to be held hostage by BFI anymore. We can finally, for once, in I don't how many years, do something right, and right is getting a landfill or potential flooding and drainage problems out of a residential area. COAL is not only opposed to BFI's landfill expansion. We are opposed to putting a landfill in any residential area, because a landfill does not belong there. It is our belief now, for one thing we don't have to site a landfill in Vanderburgh County now. We do not have to do it. Finally we don't have to do it. We have other options. To me, I just say look at what BFI has done to our County. Look at the history, look at the broken promises, and use you common sense. I don't care what their technical data says. Who knows if it is going to work? Who knows if they are going to make it work? Their history says they aren't. So, I just say, use your common sense, and say no to their proposal."

Mr. Hunter: "Thank-you very much Dixie. Yes, sir. Please come up and state your name."

Jim Gist: "My name is Jim Gist. I'm with COLE also. I just have a few very brief comments and a couple of questions. In, or about August of 1979, a friend of mine lived in the trailer court below Wimberg Road, just south of the landfill. At that time we had quite a storm that night, and they had 3½ to 4 feet of water in that trailer court. My question is, 'I have not heard them say anything about down stream flooding, they are all concerned with north, it won't do this north-but, what happens when we get 180 foot mountain, and this water comes cascading off the side of this into this real efficient channel that they are creating, and right down on the trailer court'? It seems to me, that they ought to be more worried about down stream flooding, rather than up stream flooding. I don't think it has really been addressed. They say they are going to have retention ponds, they don't have that now. The water on the west, on the east, and the south side of that landfill runs right out, and right down to that ditch, and right down the side of the road, and right into Locust Creek. It probably compounded some of the problems that they have got out there now. They have not said a thing about that. I thought we were going to talk about, strictly drainage and local flooding, and this that and the other, but since they got off on wildlife emendation, I visited the dump the other day, and I don't see wildlife there except, crows, seagulls, and other scavengers. I don't know if that is part of their plan or not. I did want to say something else about (inaudible), it is interesting to note, ever since, this was done in 1977, ever since, they have tried to discredit this, but, the thing is the geology and the everything in here has not changed in thousands and thousands of years."

Ms. McClintock: "Jim, I'm sorry, what are you referring to?"

Jim Gist: "This is Study 12. This is the hard back of what Dixie gave you. This is on the same thing, it points out that the present stream flows across the lake floor. They are below the surface of the ground, 5-35 feet, and that is not very far. There are plenty of instances out there of hand dug wells, that produce enough water that they manage to fill steam engines back in the mid-1800's with it. They just keep ignoring us, they seldom ever mention it. They talked about the ground water flow goes this way and then it goes that way. Well, it goes in the way that you demand it. If you put a demand on it over here it doesn't matter which way it's going to go; it's going to flow toward that demand. So, that is one of the things that they said to our group one time, and I had to take exception to that. That's about all I had to say, Dixie covered a lot of what I was going to say. I really do think, that, they have never said anything about it, they probably get up here and spout off something about down stream flooding, but, I don't think that

it has been properly addressed in their plans."

Mr. Hunter: "Ok. Thank-you Jim. Next."

Vickie McBride: "Moving right along. Dixie also covered most of what I wanted to say. Not to turn this into a debate form by any means, but, I do have a problem with something that Don had said during his presentation. He said that the area if they don't get to relocate the creek, is not going to be sufficient place for landfill usage. Every time we turn around there is a different story about this creek and about this parcel of land, as it pertains to the usage. Don said April 5, of 1990, on page 5 of the BZA minutes, 'That, if we do not get permission from DNR to move or relocate an existing channel way, Locust Creek, then we can not even apply to IDEM for a permit to operate this site as a landfill'. So, here is a stop, if we don't get things worked out. So we were led during the BZA minutes to think that, if the creek were not relocated then no landfill activity could occur here. Then later on BFI, says, 'If we can't relocate the creek, we are just going to put Pods, (like big anthills) of trash all around everywhere that it is available'. Now, tonight we hear from Mr. Bryenton again, that they don't have enough available space, if the creek is not relocated. So, I don't know exactly what is going on. Are there pods, are aren't there? Is there available space for landfill or isn't there? Does the creek have to be relocated or not? And if it is not, is that really the end of your permit? That's all I really want to say of a rebuttal nature. Very, very briefly I want to mention some information, as I discussed with FEMA, and I 'm sorry it slipped my mind to bring the name of the person that I contacted at FEMA, but I do have that name at home. FEMA stated to us, that they felt that the old barrow pit, that had been operated by BFI, for over 2 years without appropriate permit, was causing what they called a negative impact on the floodway and the wetlands, by actually draining the water out of the creek and into the pit. You have to realize that this isn't just something that is the size of this room. This is literally, I don't want to exaggerate, probably 300 feet wide and we know 40-45-50 feet deep. This can pull a great draw on the flow of the water within the creek. Now, this isn't bad, because basically what we are saying is that the pit is helping to drain the creek and elevating any over flow problems, but, BFI stated to Jim and I when we were on a tour of the landfill about a year and a half ago, that it is BFI's intention to fill this pit with construction and demolition debris. Thereby once again, filling in what had been serving as a drainage reservoir. These are the types of inconsistencies that we continually find when we check into information. I'm going to skip over most of this stuff from the Corp, because, it just once again gets into the generalities, of why you don't mess with the floodways and flood plains. I think that's basically been covered by everyone else. I do want to mention since at least 2 of you, expressed concern on enforcement, I don't know how many enforcement officers there are, all I do know is that, we have virtually reported all of the violations that are now under consideration before any of the regulatory agencies, IDEM, DNR, Corp of Engineers, (which kind of pooh-poohed us off in a big hurry), but, we have had to bring these violations to the regulatory agencies attention, because, they always tell us they are understaffed, and we are underfinanced. We don't have the time. They even told Tammy and me that, they want to deputize us, so that we can be their local watchdogs. Well, give me a break. I've got a life, I'd like to get on with it at some point and time here. I'm sure BFI would like for me to. There is simply not enough people that go around to watch dog this. 401 which is water quality out of IDEM, more or less basically, waved jurisdiction to the Corp of Engineers. Their reason in their phone conversation to me, was we don't have enforcement powers we waived to an authority the Corp of Engineers who does. DNR has a violation section, his name is Mr. Ken Smith, however, he is one man and he has literally 100's of violations behind and has no hope of catching up because whenever there is a budget cut, enforcement is the first thing that gets axed. US Fish and Wildlife one of the gentlemen here was raving about how impressed they were with Fish and Wildlife and how stringent and strict they were. Once again, US Fish and Wildlife had a lot of input but, they have absolutely, absolutely no enforcement powers. Very briefly, Dixie talked about a lot of things that should have been, and have not been, impact to the floodway and floodplain, things that should have had an impact, that did not. BFI proposed to put a levy around their current landfill. Never happened. No one seems to know why it didn't happen-too long ago. They exceeded their trench depth. Which once again goes to the possibility or potential of draws on the floodway and wetlands which are the points of discharge for the local ground waters. They exceeded trench depth time and time again. DNR specifically told

these people that NO EXCAVATING WAS ALLOWED to occur in elevations of less than 398 feet without prior Natural Resource Commission. Natural Resource Commission is the highest echelon, the enforcement agency within the DNR. Within like 4½ months, BFI submitted their layout plan to IDEM, showing how they were going to commence with their sequence of fill, and in this plot plan, they showed IDEM over, and over, and over again, where they were going to trench and dig and fill at elevations less than 398 feet. No one caught on to that until here we come, what, a good 12 years later. They did establish and operate the Barrow pit that I said was considered with-without a permit. This is all I'm going to say. This goes on and on and on and we don't want to be here all night either. But, we are trying to show you that, things that are stated, things that are promised, things that are part of permit application, fall by the wayside and where does that leave us? Darrell made a very, very, very, good point; Wait and see. Because, apparently Mr. Morley is probably going to take issue with this, this came up in a BZA hearing, dated March 19, Westbrooke Mobil Home Park-does that ring any bells with you? Ed Johnson was the attorney trying to appease everybody on the BZA that if flooding occurred because of drainage problems off of the new Westbrooke Mobil Home Park, that the residents and the surrounding neighbors had a recourse. They could take their problems to court and file suit for damages. Mr. Shopmeyer, Mike Shopmeyer, took issue with that, and he said basically that, that is not true, there is a case called Agrenlend (inaudible) it's out of Indianapolis, he said cite 103 north west. He said that it is a very bad policy in the state of Indiana, that when you are flooded by your neighbor you have no recourse. This is a landmark case. If we flood, we are literally sunk. And we think we deserve better than that. Because what BFI has is words on paper and their Chief Executive Officer, Mr. Bill Rucklehaus, under the time he was head of the US EPA, made the quote and I'm quoting from the CHW again, 'that a risk assessment is like a captured spy, if you torture it enough it will say anything'. And that is basically the feeling and the sentiment that we have against most of the paper work we have seen from BFI."

Mr. Hunter: "Thank-you very much. Next person."

Nancy Gist: "My name is Nancy Gist, Mr. Hunter, and I have a question for BFI. When this went before the Board of Zoning Appeals the height on the proposed landfill wasn't that set at 90 feet at that time? Can anybody..."

(inaudible remarks)

Nancy Gist: "When you submitted this information on this Hec-2 and all this information that was submitted, what was the height? The proposed height of that?"

(inaudible remarks)

Nancy Gist: "It doesn't factor into the drainage, the water running of that mountain?"

(inaudible remarks)

Nancy Gist: "So, what you are saying is that water would go through the mountains. No, sorry."

(inaudible remarks)

Nancy Gist: "And that detention point, is that like a holding area? How much can that hold?"

(inaudible remarks)

Nancy Gist: "So, what you are saying is that it doesn't matter how much it rains it won't flood out there anymore."

(inaudible remarks)

Nancy Gist: "And that is for up stream?"

Don Bryenton: "That is for up stream and down stream. One of the criteria that we had to meet was that the discharge down stream, which means the amount of flow down stream, to Wimberg Road once..."

Nancy Gist: "So, we are hoping that works though because we don't really know for sure, it looks good on the computer."

(inaudible remarks)

Nancy Gist: "So, we should keep our fingers crossed, then. Thank-you."

Mr. Hunter: "Ok. Anyone else that would like to speak? Please sir."

Larry Carroll: "I apologize for not signing the sign-in sheet. My name is Larry Carroll, currently I live at 4904 Hogue Road, Evansville. I am speaking this evening as a member and the Chairman of the Pollution and Conservation Committee of the West-Side Improvement Association. We just have a brief statement, the following reference to the March 3, 1992, West-side Improvement letter addressed to Mr. Gerald (inaudible) US Army Engineer District of Louisville, signed by Shirley James and myself is made solely to let this Board know that the statements and the objections made in this letter still stand as stated, and I think, that you all have a copies of that. According to (inaudible). I know it is very hard to segregate the issues concerning this landfill expansion but, how different aspects of the expansion effect and impact each other must be looked at, the new channel and it's effect on the wetlands may be a viable plan, but, this remains to be seen. The larger concern is the impact of the landfill itself, due to it's proxmatity on the wetlands and channel as the results of leachate runoff and ground and surface water contamination, due to improper management of the landfill itself. The title West-Side Improvement Association states the basic reason why it came into being, and continues to exists. Improvement and protection of living and working conditions in the western half of Vanderburgh County. Therefore, it logically follows that activities of any of organization within WIA's area that coincide or oppose our objections are an immediate concern of WIA. COLE is an example of such an organization who interest coincide with those of WIA. COLE is fighting to prevent BFI from further degradation of this area. WIA would like to voice their concerns and objections to this project. To close, we just ask that this Board takes very serious consideration for the question at hand, and the future consequences of this decision this evening. Thank-you."

Mr. Hunter: "Thank-you."

Rose Parks: "I am Rose Parks. I live at 8505 Kneer Road. When they were talking about who comes down and inspects this. I have talked with different members of IDEM as well as the Army Corp of Engineers, and they have told me, that regrettably they have to rely on BFI's reports that they send them, because the are understaffed and they do not have the work force to send down here. Occasionally they come down and maybe make a test, even when people complain or tell them about violations or things, they probably won't come down here. They can if they have somebody available, but they can't. I don't know, maybe you people might know this, when they were talking about the computer says this is going to work. Now, this is going to sound sarcastic, but, I am quite serious. What did the computer say before you built Lloyd Expressway?"

Ms. McClintock: "That wasn't our computer. I'm glad you asked that. I think that was Mr. Dillion's computer. Thank-you, Rose."

Rose Parks: "I mean, you know, I did not mean this sarcastic, but I did want to know what the computer said."

Mr. Hunter: "It was well timed."

Rose Parks: "Ok, we are already experiencing increased flooding, on the north side of the

landfill. I have lost three Blue Spruce trees 30-40 feet tall. A fourth one is well on it's way to dying-because of wetness. I got somebody to come out and tell me why my trees were dying. The drainage problems and the standing water problems have steadily increased, each year. The higher and bigger the landfill becomes, the slowed the water drains and the standing water seems to stay forever. In the thirty years I have lived where I do, I have never had water standing in my yard until three years ago. This year my bottom yard and parking area for soft ball players could not even be mowed until almost July. This year is the first year I have ever seen Kneer Road under water. Three times this year, my yard, my neighbor's yard, and Kneer Road, looked like one big lake. At lease three times this year, St. Joe Avenue was under water in places by the landfill. This is the first year I know of, that St. Joe Avenue was closed because of high water. There were two strawberry patches that Dixie was talking about on the corner of Mohr Road and St. Joe. In 1990, the owner couldn't even open the patch because of the water. In 1991, I think the patch was opened two days and he had to close it, for the same reason. The patch was plowed under that summer. You can't grow or pick strawberries in standing water. The information given to the Corp did not prove anything-nothing, except the BFI would be able to have one hugh, 180 foot tall, and I don't think that they give their figures based on 180 foot tall. A 180 foot tall mountain of trash. It appears as though the relocating is going to slow down water to the north and as the landfill grows taller, it is going to increase the flow of water to the south. And the mobile home park already has water problems from the creek. BFI has said how much better this wildlife area is going to be when they get done. Now, let's get real. Wildlife is not going to live in an area where there is heavy equipment running all day. The number of hugh garbage trucks and amount of earth moving that will be going on as long as this landfill is in operation will drive all the wild animals out. Most wild animals will not live in an area where this activity is going on. I am very concerned about whether or not, BFI will ever do half the things they are saying that they will do. What can the Corp of Engineers do? After they have messed it up. The Corp can not come down here and say, 'Put it back together', because they don't do it. They say, 'Well, mmmm-too bad'. That's it. I'm going to back up here and give you some facts on BFI's credibility to prove to you-Don't trust BFI. BFI's permit for a landfill operation was on land on Laubscher Road located approximately 7 miles north of Evansville. Why did BFI tell the state the landfill would be 7 miles north of Evansville? And I got it right here. BFI said they were going to maintain Laubscher Road. Why didn't they? I have that here too, I have all of this. BFI said, they said what all they were going to do to preserve the old cemetery. What happened to the other cemetery? Not the one marked by four pine trees at the corners, but the one consisting of 20 rods that was not included in the sale of the land, that the landfill is on. I have a copy of that deed, and I have seen both of these grave yards many, many times, before the landfill was there. There was even a few Peony bushes there. Not only is the cemetery gone but BFI has used that land that wasn't included in the sale, for landfill space. On April 5, 1990, BFI stated that they did not take waste from outside the surrounding counties (Posey, Warrick, Gibson, in Indiana, and Henderson, in Kentucky, and Vanderburgh)-and they said they wouldn't. They made the same statement on March 19, 1992, and they put in writing. I have proof, right here, that BFI has deposited waste from Edwardsport, Indiana; Owensboro, Kentucky; Troy, Indiana; Washington, Indiana; Rockport, Indiana; Petersburg, Indiana; Switz City, Indiana; Terre Haute, Indiana; Jasper, Indiana; Vincennes, Indiana; Union City, Indiana; Linton, Indiana; Jeffersonville, Indiana; Chicago, Illinois; Laotto, Indiana; Island, Kentucky; Akron, Ohio; Cannelton, Indiana; Indianapolis, Indiana; and Madisonville, Kentucky. If you would like to see them, I have them in my folder. BFI said on April 5, 1990, they did not take infectious waste and they were not going to. I have here a copy of the permit for BFI to dispose of infectious waste and incinerator ash from St. Mary's Hospital. I talked with Tracy Bains at IDEM, I think about the last of July, and she read me copies of permits for Welborn Hospital, Warrick County Hospital, and Bristol Meyers, to dispose of infectious waste at Laubshcer Meadows. I think they have already talked about changing the water, so I will skip that. I believe that we really have cause to be concerned about what will happen to our area-If BFI is allowed to mess with this creek. Another thing is this, the garbage fees have already doubled, I saw that in the paper. The fees will go up again when all the recycling programs are ironed out. BFI has 150 acres, of which 50 acres would more than take care of our community needs for twenty-five years. If BFI doesn't Grandfather the expansion site, I believe Erv said the cost of the liner was around 350,000.00 dollars an acre. The cost of the land 1 million dollars. The bond money or whatever it is called for thirty years of responsibility, BFI has to put up, is going

to raise the garbage fees even more. Why would you want to add probably millions to the garbage fees by allowing BFI to relocate Locust Creek, when there is absolutely no need to do it. The taxpayers have already paid over 1 million dollars and still counting, trying to clean up Moutoux Park. I really believe BFI is up to no good. There is no way in Hell, a landfill of 150 acres, 180 feet high, is going to improve the lives of wild animals, fish or humans. I think that it is even indecent for them to ask to relocate Locust Creek knowing that the cost of doing so is going to be passed on the people, who don't want it and don't need it. BFI does not provide a service. We can take it or leave it. It is a service that is necessary, and in the public's best interest, the cost should be kept as low as possible. Unneeded expenses have no business here. I would think that BFI's last two SU permits are null and void. Not only have they lied to get the permits, this permit for the present landfill is suppose to be 7 miles north of Evansville, which means their expansion site is 7 miles north of Evansville, right beside the present one. BFI has totally destroyed our property values they have made us alter our way of living, and now they want to flood our property. The BZA was asked to require BFI to post bond to cover our losses, but, the BZA said they didn't even know how to go about it, so they didn't want to get into that. I have two other things that I want to say. One, how much is BFI really going to do? Looking at their track record-it's not going to be much. The other thing is this, there is a gentleman living on Mohr Road and a lady and her brother-in-law, living on Day Rd. These people have supported COLE, and help fight this landfill. They still support us, but, they have a more important battle they are fighting right now-cancer. This brings the total to 18 that I know of, that has had, has, or died from cancer in this area around the landfill. Thank-you."

Mr. Hunter: "Ok. Thank-you Rose. I think at this point we have heard from all the remonstrators who are present. Jerry, will you very briefly, underline the word briefly, like to respond to
(tape changed in recorder)

Jerry Evans: "...with a lot of issues. I think some of them that relate to drainage we would certainly like to respond to. A lot of things that are stated historically, are taken out of context. There are a lot of half truths in a lot of what they are saying."

Dixie Wagner: "We were specific when we told your half truths"

Mr. Hunter: "Now, hang on. Let's let Jerry do his thing. Please."

Jerry Evans: "I think the best approach would be to have some of the technical people respond to some of the technical matters that relate to the drainage. So, Don? Do you want to take a shot at a couple of these first?"

Don Bryenton: "Do you want to ask about specific ones, or do you want us to briefly respond to a few that ..."

Mr. Hunter: "It is up to the members of the Board. Do either of you have any specific questions that you would like to address to these gentlemen?"

Ms. McClintock: "I think the major questions are, 'What you have looked at down stream, if anything, and, why is the height of that mountain doesn't make any difference?'"

Don Bryenton: "Let me address the height of mountain situation, if I can. I won't be able to quote you specific numbers that are available in written form, but, basically we modeled this drainage area that occupies a total of somewhere in the neighborhood of 6 or 7 square miles. I don't have the specific numbers. It is a very large drainage area, this is Wimberg Road here, this is Laubscher Road, this is Mohr Road, so, the site that we modeled is here. In reality the majority of the drainage that we handled through the channel that we must convey through our site, is drainage from another portion of the drainage area upstream of us. The only portion new that will be impacted by different drainage plan-the expansion area-would be, this portion through here. Well, percentage wise, that is an extremely small part of the entire drainage area. And as we mentioned before, any drainage that comes off of this expansion area in here will be

funneled through detention basins before it will be allowed to discharge in the stream. So, from the relative comparison of size of our site and where the landfill footprint will be, we have a very small percentage of that drainage area, and secondly we are handling it through detention basins before we discharge it into the channel. So, it does in fact, have virtually no impact on the flood routing through the redesigned channel."

Dixie Wagner: "Mr. Hunter, that, I think that could possibly be true, but once again we get to BFI is not willing to show us a site plan. If those detention ponds are there, if they are done correctly, if they ever get there at all. They are not willing to give us any information on why he is saying the mountain is not going to make any difference. Just that, they are going to be some detention ponds there, but, he has nothing to show us."

Don Bryenton: "The final design of the drainage plan, as you have mentioned yourself, is contingent upon what happens with the channel relocation. We are required by IDEM to show complete drainage control within the expansion area, or within the footprint, of the landfill within the facility boundary. Now, with the onset of NPDS storm water regulations, we must channel the run-off from those areas through detention basins. So, we will have to meet those criteria. We have tentative plans on how that will all be accomplished but we don't know whether they are going to be final until we know whether or not we will be able to relocate the channel at this location. All of that will fall under very close scrutiny by IDEM when they go through the review process. We must demonstrate that we have total drainage control that is routed through a sedimentation basins and the we have a NPDS permit for the storm water discharge into the channel. So, this is an interim process. We have to get past this step before we finalize drainage plans in terms of making it proper to submit to IDEM, so that they review the entire drainage plan for the project. So, once we know that this is where the channel is set, we can go on and take the next step. As far as drainage concerns down stream of this site, I will let Mr. Morley address that. Mr. Morley is the recognized expert to the local area here, and he is more familiar with conditions down stream of the site than what I am. I want to convey to you though, that one of the criteria, just to emphathize again, one of the criteria that IDEM and DNR placed on us, was that when we got done with our work at this site, we had to prove to them that, the discharge on the down stream end of the site was no greater when we were done, than it was before we start. And we have accomplished that."

Dixie Wagner: "Can I ask one question? If you have..."

Don Bryenton: "The sediment basin, water elevation, would then (inaudible)...."

(inaudible remarks)

Mr. Hunter: "Dixie, that, I really think that we are getting beyond what we are trying to deal with here, so, let's go ahead and let Mr. Morley do his thing."

Jim Morely: "Very briefly-question of down stream flooding. Mr. Whitehead of Westbrooke Mobile Homes, engaged me to do a hydrolic study of the mobile home park to determine why he had gotten water into the park as the gentleman discussed earlier, and we went out to the site. We surveyed a levee that had been constructed around it, we made measurements of the bridge, the pipes, the drainage ditch along the Wimberg Road area, and we found that the structures within Wimberg Road were inadequate to pass major storms that Wimberg Road would be over-topped with water, just due to the capacity of the ditches and the pipes at a frequency greater than one every five years. And, that in fact, what had actually happened on a prior occurrence is that the lowest area for water to reach the older section of the mobile home park there was right at the entrance drive, and he had installed a levee all the way around it and had actually wound up trapping water within the area. We then made hydrolic calculations of the elevation of the berm, prepared a hydrolic report for Westbrooke that recommended that he change the entrance so in the events that Wimberg does over-top with water it doesn't come into the park, and those plans have been given to Mr. Whitehead and he intends to see that they are implemented."

Dixie Wagner: "But he never had problems before the mountain (inaudible)"

Jim Morley: "Yes, he did."

(inaudible comments from the audience)

Mr. Hunter: "Again folks, all we are doing is hearing what he did with the gentleman who owns the trailer park. Unless you have questions directly related to that, then let's move on."

Jim Morley: "In a quick response to that-what I did was use all the published data that we have for the Evansville area and the frequency of these occurrences, and to tell you that they occur frequently, relatively frequently, that Wimberg may have water across the road. That occurs in many areas of the county where you have roads and ditches that aren't designed. We didn't, the county is never adopted a 100 year design criteria for construction of it's ditches and pipes. It does over-top the job that Mr. Whitehead has, as recognized what they have there, and I performed the study based on before and after the landfill. The landfill did not cause the water to over-top Wimberg. It has done it many times in the past."

Mr. Hunter: "So, do I read you in saying that the drainage plan in that area was designed for agriculture and not any kind of economic development?"

Jim Morley: "What I am saying is, that Wimberg Road has structures and ditches that will not pass a twenty-five year storm flow, without coming across the road. Admittly it's only about 4 inches deep to 6 inches deep at the 100 year flow, but nevertheless, it does cross the road and it crosses the road whether it is agriculture or, it does cross the road because that's the size of the structures that have been built. Now, I talked to Mr. Whitehead about whether or not it's to his benefit to ask the county to change the ditch size or pipe structure. It really isn't to his benefit because all that does, and as Mr. Bryenton, I think very well pointed out before, if you attempt to take water from one end and channelize through a channel out at the other end, somebody's going to get hurt down stream, and the objective is to approach the situation without making a change. You don't want to cause the people down stream to suffer to satisfy someone up stream desire to get the water away faster. Therefore, the objective of the design is to end up with a stream that behaves no differently than that natural stream that is there right now. So, that you don't endanger people up stream, that you subject them to any more flooding, so that you don't subject those down stream to any more flooding."

Mr. Hunter: "Thank-you. Do the commissioners have any more questions for anyone else? Ok, Jerry, do you want to wrap this up?"

Jerry Evans: "Yes, I would, it will just take a brief minute. I think you've heard from experts here, you have seen that this has been a very carefully designed and thought out plan for the movement of this water, so that it has no significant impact up stream or down stream, and preserves a stream habitat. DNR said this. The Corp has said this. Fish and Wildlife people have said this. County Surveyor says technically it will work. Soil Conservation agree. I think that this is a very good plan, and one that certainly merits your approval so that we can move on. I appreciate your consideration."

Mr. Hunter: "Thank-you Mr. Evans. Before I entertain a motion, I would like to say something. Dixie, you said something a while ago that bothered me as a teacher, and I would be remiss if I didn't respond to it. You made the statement that the Drainage Board and the County Commissioners get sick and tired of seeing you down here. As a teacher of citizenship education for 32 years, and a strong believer that the answer to our problems is citizenship education, I would be sick if we had a public hearing and no one showed up, except the folks that wanted whatever it is the petition wants. So, no."

Dixie Wagner: "I didn't mean it..."

Mr. Hunter: "I know, I know, but you said it and it was interesting because I'm speaking for

myself. We may not agree, but I really think that the day we reach in this society where people are not interested in what's going on around them-is the day that this democracy is doomed. So, no. I appreciate very much the fact that you are here and that West-Side Neighborhood is here, and we still have a few folks who are really concerned about their own community. That is totally a side but, thank-you. And now I entertain a motion."

Ms. McClintock: "I will entertain a motion to approve the drainage plan for the 'Laubscher Meadows Creek Relocation'."

Mr. Borries: "You are entertaining, or making a motion."

Ms. McClintock: "I'm making the motion. I'm sorry. I will make that motion and ask for roll call vote."

Mr. Hunter asks for a second. Mr. Borries seconds the motion.

Ms. McClintock: "Before I vote, I would like to make a brief statement. Over the past 2½, 3, 4 years I have learned a great deal about plans and the ability to enact those plans. I think that I have become a little less trusting over the last 2½ years, because I have seen an awful lot of drainage plans come before this Board. A lot of promises made about how drainage was going to work, by all kinds of developers and people in this community, and when those drainage plans don't work, those people are calling me and they are calling Don Hunter and they are calling Rick Borries. I'm also disillusioned because of my experience not only with the landfill and the availability to get things cited out there, by also at the pits at I164 and other areas that we have had a total lack of response from both Indianapolis and Washington in trying to insure that once these plans are approved that they are indeed lived up to, and that somebody can enforce them and are responsible for them. I think, also, I, like the members of COAL and the WEST-SIDE IMPROVEMENT ASSOCIATION and some other in this communities have been somewhat misled by some officials with Browning Ferris. Everything has not been exactly represented to me as it should be. Based upon my concerns with the drainage and this wonderful design and I don't doubt that it looks great on paper and it works in the computer. But, I have serious concerns about the follow up enforcement and making that plan work through that enforcement and so I vote, no."

Mr. Hunter: "Thank-you commissioner. Commissioner Borries?"

Mr. Borries: "I vote yes."

Mr. Hunter: "I represent roughly 168,000 people in this community. The decisions that I make I try to make on the best information that I have at the particular time. I guess the two words that really worried me this evening, particularly when I spend a lot of time looking at drainage problems throughout the community. The two words were, 'We'll see'. I also wonder if this change of channel is to the best interest of the citizens, 168,000 of them, in this community. At this point, I'm not sure that it is, and I also vote, no. I thank you all for being here, and we still have one item on our agenda. We have to deal with the Willow Creek Subdivision."

RE: WILLOW CREEK SUBDIVISION

The Blue Claims are recommended and submitted as follows²:

1. Asplundh Tree Expert Co #977, Eagle Slough 234-013
Annual Maintenance, Balance 2,433.24
2. Big Creek Drainage Ass'n, Barrs Creek 234-009
Annual Maintenance, 40% 1,655.04
3. Big Creek Drainage Ass'n, Buente Upper Big Creek 234-010
Annual Maintenance, 40% 1,373.26
4. Big Creek Drainage Ass'n, Maidlow 234-028

²Copies of all Blue Claims included with September 14, 1992 minutes.

- Annual Maintenance, 40% 1,120.26
5. Big Creek Drainage Ass'n, Pond Flat Lat C 234-032
Annual Maintenance, 40% 433.73
6. Big Creek Drainage Ass'n, Pond Flat Main 234-029
Annual Maintenance, 40% 1,916.30
7. Big Creek Drainage Ass'n, Rusher 234-035
Annual Maintenance, 40% 213.31
8. Big Creek Drainage Ass'n, Pond Flat Lat E 234-034
Annual Maintenance, 40% 173.57

Motion made by Commissioner McClintock and seconded by Commissioner Borries to accept these claims.

Mr. Hunter: "This was a question that you brought up Rick, and it was very well taken and at the time Gary shook his head 'yes' on what you said, and we delayed it until we were comfortable with the change. Rick, are you satisfied with it now?"

Mr. Hartman: "The location, the capacity and who will maintain it."

Mr. Borries: "That is not what I said. What I said was, read the minutes, we have been through this, and I think we really agreed. I wanted to know if it was understood who was going to maintain this. Don had said, 'well, you are saying all these homeowners in there will be responsible', and you said, 'yes'. I said well, wait a minute, I'm not sure about that, because if there isn't a Homeowner's Association, those properties that are adjacent to it, which would be lots 44, and 45 and 36, those people then it's going to be clearly understood on their abstract that they would have responsibility for this. Is that on here? Where? It says by the Homeowner's Association, but is there a Homeowner's Association? I don't think that there is."

(inaudible comments)

Mr. Borries: "So, Bruce it will be on everyone's recorded deed then, that they're responsible for..."

Bruce Hadfield: "I will make sure of that, so I won't have to worry about it."

Mr. Borries: "So you are saying that even lot 39, they are going to have responsibility for that maintenance. I don't have a problem with it as long as we clearly understand, that if the Homeowner's Association doesn't work or doesn't function, that those people who have lots adjacent to it, the three that are pointed out, where you say this retention lake is going to be, that it is on their recorded plat that they would be responsible for it."

Bruce Hadfield: "Yes. What you are not seeing is, the plat of the original retention pond. It clearly states that (inaudible)"

Mr. Borries: "Where did you say it was on here that..."

Bruce Hadfield: "Third paragraph, upper right-hand corner.³"

Ms. McClintock: "You are saying that, that will be put on their deed."

Bruce Hadfield: "It already has, we have already sold property around..."

Mr. Hunter: "Ok, then I will entertain a motion that this Willow Creek be approved."

Mr. Borries: "I so move it."

Ms. McClintock: "I will second."

³Plat of Willow Creek Subdivision included with September 14, 1992 minutes.

Special Drainage Board Meeting
September 14, 1992

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The minutes of the July 27, 1992 Drainage Board meeting were approved.

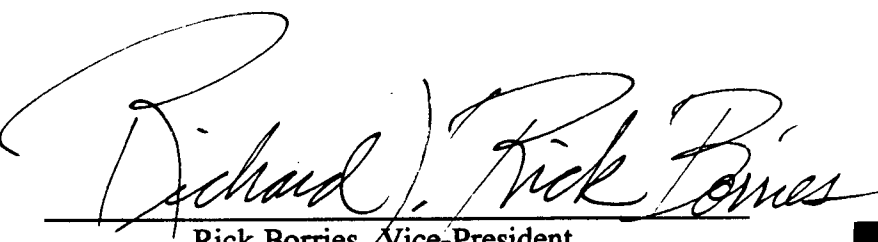
There being no further business the meeting was adjourned at 8:30 p.m. by President Hunter.

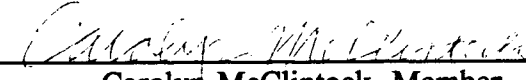
PRESENT:

Don Hunter, President
Richard Borries, Vice-President
Carolyn McClintock, Member
Bob Brenner, Surveyor
Dan Hartman, Surveyor's Office
Cindy Mayo, Chief Deputy, Auditor's Office
Gary Price, Attorney
Jerry Evans, BFI
Don Bryenton, ATEK
Jim New, BFI
Darrell Rice, USDA Soil Conservation Service
Dixie Wagner, COLE
Jim Gist, COLE
Nancy Gist, COLE
Rose Parks, COLE
Vickie McBride, COLE
Larry Karrell, WEST-SIDE IMPROVEMENT
Jim Morley, Morley & Associates
Bruce Hadfield
WIKY
WEHT
WTVW
WBKR
The Evansville Courier

Secretary: Joanne Matthews
transcribed:sbt


Don Hunter, President


Rick Borries, Vice-President


Carolyn McClintock, Member

BOWERS HARRISON KENT & MILLER

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GARY R. CASE
ARTHUR D. RUTKOWSKI
GEORGE C. BARNETT, JR.
DAVID E. GRAY
GREGORY A. KAHRE
PAUL J. WALLACE
TIMOTHY J. HUBERT
JAMES P. CASEY
THOMAS A. MASSEY

CEDRIC MUSTACE
GREG A. GRANGER
JEFFREY S. HARLAN
JOSEPH H. HARRISON, JR.
LANI A. MUSTACE
CHRISTOPHER E. CARL
JOHN D. RICHARDSON

OF COUNSEL
ADDISON M. BEAVERS
K. WAYNE KENT
—
WILLIAM G. GREIF
LEGISLATIVE CONSULTANT
WASHINGTON, D.C.
—
RICHARD L. LAPPAN
ADMINISTRATOR

September 28, 1992

VIA FACSIMILE NO. 423-3841
AND REGULAR MAIL

Jeffrey A. Wilhite, Esq.
KAHN, DEES, DONOVAN & KAHN
305 Union Federal Building
P.O. Box 3646
Evansville, IN 47735-3646

RE: Laubscher Meadows Landfill Expansion--BZA Special Use
Classification Approval
Docket Nos. 10-90-APC and 14-92-APC
Our File No. 4593.003

Dear Jeff:

This is in answer to your letter of September 25, 1992 concerning the condition placed on the special use classification approval for the expansion of Laubscher Meadows Landfill, requiring Drainage Board approval.

In reviewing the transcript of the April 5, 1990 hearing before the Board of Zoning Appeals, it appears that Browning-Ferris Industries of Indiana, Inc. was required to submit a drainage plan to the Indiana Department of Natural Resources, which plan included the relocation of a portion of Locust Creek. (Transcript p. 121, consisting of a flowchart which shows that floodplain and floodway matters go to IDNR Division of Water for review; see also remarks of Donald L. Bryenton concerning the submission of plans to IDNR, Transcript p. 425.) With respect to BFI's permit application to IDNR, BFI agreed at the hearing "to submit the same application to the Drainage Board for their review and if they would like to work in conjunction with the Indiana Department of Natural Resources, I am sure it would be fine." (Remarks of Gerald H. Evans, Transcript p. 446.) At page 447 of the Transcript, BFI's engineer, James Q. Morley, stated that "[a]t the time the drainage plan is prepared for submission to IDNR and the local Drainage Board, we certainly can make a copy of that available to Mr. [Darrell] Rice [of the Soil Conservation Service]."

Jeffrey A. Wilhite, Esq.

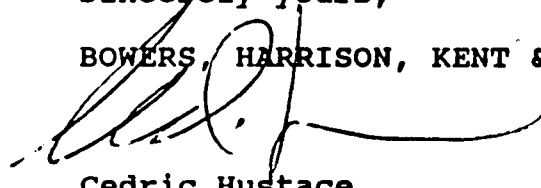
Page 2

September 28, 1992

It appears that the primary concern at the hearing was the relocation of Locust Creek. I believe it is fair to say that BZA contemplated a one-time approval by the Drainage Board of BFI's plans as submitted to IDNR, including the relocation of Locust Creek. Since the Expansion Area is located in a floodplain, it appears that IDNR is the agency charged with the responsibility to approve BFI's drainage plans. (See remarks of Kathy Prosser, Transcript page 429; see also Indiana Code 36-9-27-25.) I do not believe it was BZA's intention to require Drainage Board approval each time the internal drainage on BFI's Expansion Area changes during the course of construction or operation of the landfill.

Sincerely yours,

BOWERS, HARRISON, KENT & MILLER



Cedric Hustace

CH:kam

cc: Ms. Barbara L. Cunningham--via facsimile
Gerald H. Evans, Esq.--via facsimile

MINUTES
SPECIAL DRAINAGE BOARD MEETING
OCTOBER 12, 1992

The Vanderburgh County Drainage Board met in a Special Session on October 12, 1992, at 6:30 p.m., in the Commissioner's Hearing Room 307, with President Don Hunter presiding.

Mr. Hunter: "I would like to call this Special Drainage Board meeting to order. I would like to welcome you all here this evening, it's not everyday that we get this packed of a house for a Drainage Board meeting, so in that respect it is kind of nice. Since the last meeting a lot has been said and a lot has been written about the relocation of Locust Creek. Some of it has been good, it has made the community aware of the problems that we face with solid waste. Some of it I have had a concern with, in that it's been alluded to numerous times that the decision made a few weeks ago was made on the basis of politics. It was not. Had it been political, this issue would have been, if you will excuse the pun, buried, until after the election. This issue was not buried, it's not one that should be, because it appears to me, that solid waste is a problem that Republicans and Democrats and Independents all have to work together on. Even though this evening that we will be dealing only with the relocation of Locust Creek we still need to look to the future for the disposal of our solid waste. For the last few days I have done quite a lot of homework on this issue and two things have become very apparent; number one, it is critical that this community has a landfill that is in the form of a corporation that is solvent and viable and capable of reclaiming not only today, but twenty or thirty years up the pike. The second thing has become very apparent is, and that is that we must protect the community particularly those folks living in and around the Laubscher Meadow area, and it appears that in order to do that there must be a *major* degree of local control. This local control needs to be in the area of policing and enforcement. With that I will turn it over to any remarks that my two fellow Commissioners may have."

Ms. McClintock: "I would just like to say, that I know that you are all aware that I did vote against the relocation of Locust Creek at the last Drainage Board meeting when this issue was originally discussed. I voted against the relocation because I felt that there were no local controls that provided an affective policing and enforcement mechanism at the local level. We have all been very disappointed with the ability of our state and national agencies to affectively control various problems in our community, not just at Locust Creek but also the pits from I164, the problems with enforcement at Pigeon Creek and it goes on and on. I was very concerned that without that measure of local control if we did in fact approve that drainage plan that the Corp of Engineers and DNR and Soil Conservation and our own County Surveyor's office would be affected that if, in the case that it did not do what it was suppose to do that we would have no way to enforce that. Since that last meeting I have taken the initiative to work on an agreement that would provide some local control and those policing and enforcement mechanisms and Browning Ferris Industries is prepared, I believe this evening, to present that agreement and that would give us an opportunity in an public meeting not only to discuss that relocation but this agreement and the affect that it can have on the citizens of this community."

Mr. Borries: "Well Don, I think my comments will be very brief. I was interested in hearing Carol and your comments because, I did certainly want to take the initiative as well, to say that I read the minutes very carefully to find out exactly what your concerns were, and they were not spelled out. I did see very clearly here that already on page 2, that the corporation here is asking for the relocation of the creek. And am I clear now that, that is exactly what we are going to discuss tonight? Are we going to get into other areas here?"

Mr. Hunter: "I hope not. That's certainly not the intention of this meeting."

Mr. Borries: "Ok. The last time you said, that the single thing that we had to deal with this evening, and I hope that you will deal with this, is that we either have to approve or reject the drainage plan to relocate Locust Creek. So is it my understanding that, that is what we are going to do again tonight?"

Mr. Hunter: "Yes."

Mr. Borries: "Just confine it to that scope?"

Mr. Hunter: "Yes. Do you have something else that you want to discuss?"

Mr. Borries: "Not at all. That is what we were to do before, and I just wanted to find out what the parameters were here of the meeting that you were going to Chair. Having read these minutes I could not find out specifically other than that the corporation which had given this proposal said they are committed to construct, monitor and maintain this drainage project so that it will perform as designed and approved by the Indiana Department of Natural Resources and the Indiana Corp of Engineers and to see that it does work as designed and planned. So, you have more concerns than that then at this point?"

Mr. Hunter: "I have concerns, yes. My concerns have been on the way that this was going to be policed and enforced. And I think that I made that very clear in those minutes."

Mr. Borries: "How clear did you make it? In what way?"

Attorney Wilhite: "Page 24."

Mr. Borries: "Attorney Wilhite, I think referred me to that so we're aware then, Jeff, since you have referred me to this particular page. Where would that be?"

Attorney Wilhite: "I'm sorry, that was a question? Commissioner McClintock when she summarizes the reason for her vote, says that she is concerned with the Indianapolis Agencies enforcement there in the middle of the paragraph, emphasizes that she is concerned that somebody can enforce them and be responsible for it. Commissioner Hunter and his summary of his vote in the next full paragraph, emphasizes that his problem was the 'We'll see if it works'. So those would be the two comments that limited their past votes to concerns about whether the actual plan will in fact be enforced as designed."

Mr. Borries: "Thank-you."

Mr. Hunter: "Ok. Before we go on since Commissioner Borries, you have read the minutes of the September 14, 1992 meeting very carefully I would entertain a motion that we would approve these minutes."

So moved by Mr. Borries and seconded by Ms. McClintock. So ordered.

Mr. Hunter: "Mr. Wilhite, Mr. Borries seems quite concerned about the limitations of the meeting, so at this point I would like to turn it over to you."

Attorney Wilhite: "On the question of limitations? In general, the Drainage Board can only address drainage issues. So with respect to a landfill, that is important to note that we're always limited to drainage issues and not solid waste issues, whether the landfill is generally good or bad, expansion, and in general any of those concerns and more specifically as Rick indicated, and I think the other two of you agree, tonight we are limited to discussing a request to approve...tonight specifically limited to approving the drainage plan submitted by BFI to the Indiana Department of Natural Resources as part of their expansion project. But I should emphasize technically, and legally as Commissioner Borries suggested, we are limited tonight to those drainage plans. It is important, I suppose to summarize or to finalize the limitations issue for all you three Commissioners, procedurally what we are here on. We are here on a motion to, or petition, or request to reconsider a request made by BFI at the last meeting and that request was that we address the BZA's condition in issuing a 'special use' permit, and that request was that this Drainage Board as a condition of the 'special use' permit, approve the drainage plan that BFI submitted to the Indiana Department of Natural Resources which includes relocation of the creek. As I believe you three Commissioners know, but we ought to probably

make part of the public record, I had asked the attorney for BZA to clarify, to help us, with this issue of what the issue is. To clarify that the condition and the BZA 'special use' permit is limited to this Board's approval of the drainage plan that BFI submitted to the Indiana Department of Natural Resources which includes relocation of the creek. That they contemplated only a one time approval of the plan, and they are not requiring this Drainage Board to come back and approve each time there is an internal drainage concern. Mr. Cedric Hustace, who is here tonight, wrote me¹ and I believe, confirmed that understanding and, Cedric, if you would come up and introduce yourself and just briefly confirm on the record, if you would if indeed as Counsel for BZA you can represent that the condition of the BZA 'special use' permit is that this Board simply approved the drainage plan the BFI submitted to IDNR including relocation of the creek."

Cedric Hustace: "I'm staff attorney for the Area Plan Commission and I'm also staff attorney for the Board of Zoning Appeals and as Mr. Wilhite has indicated I have given opinion to him, that the Board of Zoning Appeals in it's condition only refer to the plan that would be submitted to the Indiana Department of Natural Resources as being under that condition for approval by the Drainage Board. So that was correct. Mr. Wilhite's statement is correct."

Attorney Wilhite: "Ok. Thank-you Mr. Hustace. So, in summary, in layman's terms we are not here, we don't have any jurisdiction tonight to talk about the landfill in general, solid waste general issues, expansion, leachate-any of that. We are limited to the drainage plan as it concerns the relocation of the creek."

Mr. Hunter: "Ok. Thank-you very much. Mr. Evans would you like to make your way up?"

Mr. Evans: "Thank-you again for the opportunity to again appear before you, and have a rehearing on the drainage plan which we have submitted for Laubscher Meadows Landfill expansion and the relocation of Locust Creek and it's unnamed tributary. The issue that we are dealing with tonight is very important issue not only to BFI and to COLE and people who have opposed landfill expansion, but I think that it is an issue that's important to the entire community. We certainly agree with what Jeff Wilhite has said, your role as we have seen it, is one of technical review. Determinations are to be made, cannot be made arbitrarily, capriciously, unlawfully and it cannot be unsupported by substantial evidence. When we appeared before you on the 14th of September, we had our experts, Don Bryenton of Atek, Jim New, of JF New & Associates, and Jim Morley of Morley & Associates, here and took the major part of our presentation to give to you a technical overview of the plans for the relocation of the portion of Locust Creek and it's unnamed tributary that was approved by IDNR and the Corp of Engineers. I want to clarify that apparently someone has raised an issue about whether the drainage plan includes consideration of the water coming off of the landfill and the answer to that question is, 'Yes', it definitely does. The Hec models and the computer runs and the designs certainly do consider all the water coming off the landfill and how it is treated through the creek, what is not involved in these plans and are the internal drainage of the landfill itself. Which is a matter not in the jurisdiction of IDNR, but is a matter that is within the jurisdiction of IDEM. Indiana Department of Environmental Management. Internal drainage and how it gets from the landfill site and is collected and then moves into the creek is a matter, internal control is basically a matter for IDEM rather than DNR at this point. At the earlier meeting I stated that BFI is committed to construct, monitor and maintain the drainage project so that will perform as designed and approved by IDNR and Corp of Engineers and to see that it does work as designed and approved. The design criteria in the project that you see before you, is a design so that during a 100 year frequency storm event the resulting 100 year frequency floodwater elevation of the relocated Locust Creek and it's unnamed tributary, at the northern property line will not increase over the existing condition-100 year frequency floodwater elevation by more than 1/10th of a foot and at the southern property line, the peak discharge will not be increased above the existing 100 year frequency peak discharge determined by IDNR. In nontechnical terms what

¹Copy of letter dated 9-28-92, to Jeff Wilhite from Cedric Hustace regarding Laubscher Landfill Expansion, Docket Nos. 10-90-APC & 14-92-APC. File No. 4593.003 included with 10-12-92 minutes.

this means is that it will have no effect downstream and that during a 100 year storm effect it will have no effect downstream and the upstream effect will not exceed 1/10th of one foot during that 100 year storm event-one year rain event. At that hearing we did hear some expression of concern, expressed as to inspection and enforcement. BFI meant what I said when I indicated to you that they are committed to construct, monitor and maintain this drainage project in accordance with the designs specifications and to see that it does work. Accordingly, I would like to present to you an agreement² which we have prepared. We have been in consultation with Jeff Wilhite, County Drainage Attorney, and we have met individually with you to talk about your concerns and try to come up with something that shows that we mean what we say, when we say we will build it as we said we would. We will maintain it as we said we would. And we will make sure that it works. I believe that this agreement is important. Grant me the indulgence of reading this, I would appreciate it. I could give a synopsis, but I think it might be better if we just went through this line by line.

THIS AGREEMENT is entered into between the Vanderburgh County Drainage Board (Drainage Board) and Browning-Ferris Industries of Indiana Inc. (BFI).

WHEREAS, BFI desires to relocate a portion of Locust Creek and its unnamed tributary in accordance with permits issued by the Indiana Department of Natural Resource (IDNR) and the Louisville District U.S. Army Corps of Engineers (COE) (the Project); and

WHEREAS, residents in the vicinity of the Project have raised concerns over the Project; and

WHEREAS, the Drainage Board is concerned about the monitoring of the construction and maintenance of the Project to insure that any problems are addressed and remedied; and

WHEREAS, BFI desires to assure the Drainage Board and other interested parties that the Project will be constructed and maintained so that it will perform as designed and approved by IDNR and COE.

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable considerations, receipt of which is hereby acknowledged, the Drainage Board and BFI agree as follows:

1. BFI agrees to construct and maintain the Project:
 - a. In accordance with the plans and specifications approved and the permits issued by IDNR and the COE; and
 - b. So that it will perform as designed and approved by IDNR and the COE, including meeting the following criteria:

During a 100 year frequency storm event, the resulting 100 year frequency floodwater elevation of the relocated Locust Creek and it's unnamed tributary at the northern property line will not increase over the existing condition 100 year frequency floodwater elevation by more than 0.1 feet and at the southern boundary line the peak discharge will not be increased above the existing 100 year frequency peak discharge determined by the IDNR.
2. BFI agrees to remove any felled trees, brush or other debris obstructing the floodway of the relocated Locust Creek and its unnamed tributary.
3. A technical representative of the U.S. Soil Conservation Service shall be allowed, at least monthly, to conduct inspections of the Project.
4. Within sixty (60) days of the execution of this Agreement, the parties will exchange names and qualifications of professional engineers registered in the State of Indiana experienced in the areas of hydrology/hydraulics proposed as Inspectors and within thirty (30) days thereafter, will establish an agreed panel of engineers proposed as Inspectors each of whom have been determined separately by the Drainage Board and BFI to be qualified and independent. Within ninety (90) days after the commencement of construction of the Project, the Drainage Board shall select one (1) of the engineers on such panel to serve as the Inspector and shall promptly notify BFI in writing of the engineer selected ("Inspector"). If the Inspector shall die, resign or shall fail or refuse to perform the services required under this Agreement, the Drainage Board may select another one (1) of the engineers from the panel to perform those services and promptly shall notify BFI in writing of the engineer selected.
5. The Inspector shall police the Project by conducting semi-annual hydrologic inspections of the Project for a period of five (5) years commencing with the beginning of the construction

²Copy of Agreement between the Vanderburgh County Drainage Board and Browning-Ferris Industries of Indiana included with the 10-12-92 minutes.

on the Project. The report of the Inspector shall state his or her professional opinion whether, with respect to hydrology:

- a. The Project has been constructed and maintained in accordance with the plans and specifications approved and the permits issued by IDNR and the COE.
 - b. The Project has been constructed and maintained so that it will perform as designed and approved by IDNR and the COE, including meeting the criteria referred to in paragraph on (1) above. [Which parenthetically is the 100 year frequency flood event standard that I read earlier.]
6. Each semi-annual report prepared by the Inspector shall be mailed contemporaneously to the Drainage Board and to BFI.
 7. If the report of the Inspector identifies construction or maintenance deficiencies relating to hydrology that can be corrected by BFI without an additional permit or a permit modification from IDNR or COE and without violation of the permits issued by IDNR or COE or the laws, rules or regulations of any other governmental unit, BFI will promptly undertake the work necessary to correct such deficiencies.
 8. If the report of the Inspector identifies construction or maintenance deficiencies relating to hydrology that would require an additional permit or a permit modification from IDNR or COE or would constitute a violation of the permits issued by IDNR or COE or the laws, rules or regulations of any other governmental unit, a meeting among BFI, the Inspector and the technical staff of IDNR or COE, whichever is appropriate, shall be promptly arranged by BFI. BFI will contact the appropriate parties concerning such meeting within fourteen (14) days of receipt of the Inspector's report. BFI may contact the Inspector to discuss the Inspector's report. If in the professional opinion of IDNR or the COE technical personnel application for an additional permit or a permit modification should be filed, BFI shall promptly prepare and file such an application and shall undertake the corrective work promptly upon receipt of the necessary permit(s). If in the professional opinion of IDNR or the COE technical personnel corrective work is required but an application for an additional permit or a permit modification does not need to be filed to perform the corrective work, BFI shall undertake the corrective work promptly. If in the professional opinion of IDNR or the COE technical personnel no corrective work is required, BFI will not be required to undertake any additional work.
 9. BFI shall reimburse the Drainage Board for the costs and expenses for the services of the Inspector in connection with the semi-annual inspections and reports required by the Agreement in an amount not to exceed Five Thousand Dollars (\$5,000.00) per year. BFI shall pay the costs and expenses of any corrective work undertaken by BFI, pursuant to this agreement. All other costs and expenses of the Inspector for work required by this Agreement shall be paid by the Drainage Board.
 10. If BFI breaches this Agreement, fails to perform required corrective work or seek the appropriate approval to perform required corrective work, or violates any condition or requirement of the IDNR or COE or their permits, then in addition to any other remedies the Drainage Board may have, BFI acknowledges the Drainage Board's right to file a lawsuit in court to seek any remedies, legal or equitable, it may have for breach of this Agreement. In the event that either party shall resort to litigation against the other party hereto, the judgement in such litigation shall include an allowance to the successful party for such party's costs and expenses, including reasonable attorneys' fees, paid or incurred in the connection with such litigation.
 11. Nothing in the Agreement shall prohibit landowners from bringing private causes of action against BFI for any damages to property caused by the Project, nor shall this Agreement interfere in any way with the rights of property owners. The failure of the Drainage Board to exercise any of its rights under this Agreement will not operate as a waiver of any rights arising from this Agreement.
 12. Reports and notices required under this Agreement shall be sent to the parties at the following addresses:
Vanderburgh County Drainage Board
Civic Center Complex, Room 305
One N W Martin Luther King, Jr Boulevard
Evansville, In 47708

Browning-Ferris Industries of Indiana, Inc
P O Box 4309
Evansville, IN 47724-0309

13. This instrument contains the entire agreement between the parties and supersedes all prior oral or written understandings, agreement or contracts, formal or informal, between the parties hereto. THIS PROVISION, AND EACH AND EVERY OTHER PROVISION OF THIS AGREEMENT MAY NOT UNDER ANY CIRCUMSTANCE BE MODIFIED, CHANGED, AMENDED OR PROVISION HEREUNDER WAIVED VERBALLY, BUT MAY ONLY BE MODIFIED, CHANGED, AMENDED OR PROVISIONS HEREUNDER WAIVED BY AN AGREEMENT IN WRITING EXECUTED BY ALL PARTIES HERETO. This Agreement shall be construed under, and governed by, the laws of the State of Indiana. As used in this Agreement, the plural shall be substituted for the singular, and the singular for the plural, where appropriate; and words and pronouns of any gender shall mean to include any other gender. This Agreement shall bind the parties, their respective heirs, successors and assigns. In the event that any of the provisions of this Agreement shall be held by a court or other tribunal of competent jurisdiction to be unenforceable, such provision shall be enforced to the fullest extent permissible and the remaining portion of this Agreement shall remain in full force and effect. This Contract may be executed simultaneously in several counterparts, each of which shall be deemed an original, but all which together shall constitute one and the same instrument.

Dated and signature line. This is a very comprehensive agreement. As I said, at the meeting before, BFI intends to do this right. They intend to construct it in accordance with the terms and the specs of the permit. They intend to maintain it. They intend to see that it works. I believe that this agreement certainly shows that we are committed to doing that. Do you want to comment about this, at this time, or have any questions?"

Mr. Hunter: "Ok. Thank-you, Mr. Evans. What I would like to do, with the singular and the plurals and whys and the wherefores, I'm going to ask the County Attorney to walk back through this and put it in layman's terms so that the rest of us, or at least I, and some of the rest of them out here understand what has just been said."

Attorney Wilhite: "In layman's terms, this agreement gives the Drainage Board local control, in two ways. It gives you local policing, and local enforcement. It gives you local policing by providing for an independent technical inspector, to police the drainage changes. This inspector is hired by you, reports to you, and if this independent inspector-who is hired and selected by you-finds a problem this contract says that BFI agrees to fix it-promptly, immediately and to solve the problem. It also gives you local policing by having the Soil Conservation Service, the local office of the Soil Conservation Service, do monthly inspections. That is the local policing. The second general big picture layman's point of this, is it gives you local enforcement, and from reading the minutes there at the end that seems to be the concern of at least two of you Commissioners, was enforcement. This gives you enforcement by saying that the Drainage Board can take BFI to court. If BFI is willing to sign this and if you voted to sign this tonight, you now have a contract that gives you what you don't have a right to do otherwise, and that is to sue BFI if the drainage plans don't work and there is flooding and the plans weren't fixed. That ultimately then gives you the power through filing a lawsuit to have a court order BFI to fix the problems, and if BFI doesn't fix the problems in violation of court order the court then has it's contempt powers to hold BFI in contempt of court and punish BFI for not adhering to what they say they would do. So it gives you local control through local policing and it gives you some teeth through local enforcement and I might add, that I think in BFI's corporate people's knowledge and their counsel's knowledge and in my knowledge as County Attorney, this is a very creative, unique contract between a public entity and a private entity providing for local enforcement that I am at least, not aware of in the country."

Mr. Evans: "This is not our normal landfill agreement or drainage agreement."

Ms. McClintock: "Ok. I just want to make sure I'm understanding what I'm hearing. Jeff, from what you have just said, do you believe that this agreement will provide quick and effective enforcement of this proposed relocation?"

Attorney Wilhite: "Yes, for these reasons. It is quick because this contract, if it is signed, uses the word pretty close to 'quick' it says, 'immediately'. So it provides for that immediate response and you can immediately go to court if they fail to live up to what they say they are going to do and ask the court for equitable relief, which means a court order that says BFI, I, the Judge sitting right locally in this building, can say, BFI, I order you to do what you say you were going to do. Under the powers of contempt of court that is a pretty effective-to use your word Commissioner-enforcement power."

Mr. Evans: "I think, as I said at that meeting, BFI is committed and I think that this agreement as I have read it to you and as Mr. Wilhite has outlined it shows the commitment that BFI is willing to make to say that they are going to do what they intend to do. Since this drainage plan was, the concept of this drainage plan was announced publicly first at the BZA meeting in April of 1990-2½ years have passed, more than 2½ years-design and the construction permitting of this and we are not even near construction yet. IDNR approved the plans and issued the permits for the project after review and report by Division of Water, Fish and Wildlife; Forestry; Natural Preserves; Outdoor Recreation; and Soil Conservation. They conducted a public hearing and provided an additional opportunity for additional comments from the public and interested organizations and governmental units. When the Corp reviewed this drainage plan they approved the plans and issued permits for the project after review and coordination with US and Environmental Protection Agency-Water Division; US Department of Interior Fish and Wildlife Service; Indiana Department of Environmental Management. The Indiana Department of Natural Resources Division of Fish and Wildlife, Outdoor Recreation and Water, and again the conduct of public hearings, providing opportunity for additional comments from the public and from interested organizations and governmental units. The plan has been reviewed as I have pointed out at the last meeting by the Soil Conservation Service. It issued a letter approving the project. There was some little bit of confusion about whether they had all the permits and when they reviewed it they had all the paper documents showing the mitigation plan. We were confident that they did, but since there was some question about that we were back in contact with the Jasper office where the hydrologist who did the work is located. And I would like to file and make part of the record, number one, the original letters³ approving it and, two, a letter⁴ dated October 9, 1992, from Harold Thompson, the area conservationist, with a copy to Keith Gilmore who is the hydrologist who did it and did the work. In the second letter they point out that the SCS has incorporated similar wildlife mitigation features as are in our plans and SCS has designed channels for small watersheds projects in Indiana, and have found them to function satisfactory. So they added that comment that not only have they approved it, they did consider our mitigation plans when they approved them originally but they have had a personal experience with similar projects. The specific example that we discussed was the Twin Rush water channel, in Washington County. So I would like to file these with you and make them a part of the record. At the last meeting the Vanderburgh County Surveyor also advised, and it is in the minutes that you have approved, that he had reviewed and approved the project from an engineering standpoint. We believe the record from our previous hearing was fairly complete on the technical aspects. We do have Don Bryenton, Jim New, and Jim Morley here with us if there are any additional technical questions about the drainage plan. We believe that it is a very good plan. It has been thoroughly reviewed by a number of experts. Looked at very closely by interested parties. Don Bryenton and Jim New both have stated that this is the most scrutinized project that they have worked on and as I have said it has approved so far by IDNR, Corp, SCS, Surveyor, I think it is a good plan. I think that what we have offered certainly shows we are committed to making it work, and I think that it deserves your approval, I think, that it demands

³Copy of letter dated 2-14-91 to the Board of Zoning Appeals from Darrell L Rice included with the 10-12-92 minutes.

⁴Copy of this letter dated 10-9-92 to Mr. Bryenton from Harold Thompson, included with the 10-12-92 minutes.

your approval, and we ask that you approve this plan tonight."

Mr. Hunter: "The procedure and the explanation that Mr. Wilhite has given from BFI's perspective, is this what you understand it to be?"

Mr. Evans: "Yes, pretty much."

Mr. Hunter: "Thank-you. I think at this point in order for the purpose of discussion I will entertain a motion to do two things; one, approve the agreement that Mr. Wilhite and Mr. Evans have gone through; and two, the approval of the relocation of Locust Creek."

(inaudible comments)

Ms. McClintock: "I will make the motion."

Seconded by Mr. Borries. So ordered.

Mr. Hunter: "At this point we will have discussion and the discussion will have to be as we have been admonished here a couple of times, only dealing with the relocation of Locust Creek-and this agreement. If you are going to deal with the relocation of Locust Creek again I'm going to ask you that it be technical in nature. Now, that does not include the relocation of the landfill, because our feelings on that or your feelings on that, we are not dealing with that at this point. We are only dealing with one thing. So, please with that point in mind, let's keep the remarks just to that. OK?"

Rose Parks: "Rose Parks, 8505 Kneer Road. Ok, beings that you said that you are going to reconsider, I come down to the Civic Center to find out just what the rules of the Drainage Board was that you were to follow. Nobody knows of any rules that it is more or less up to the Drainage Board to consider any important information that is pertinent to this and so I would like to know why BFI is being given a special privileges that we are not allowed to discuss important issues."

Mr. Hunter: "BFI is not. We were asked by BZA to deal with the relocation of Locust Creek. That is the only thing that we were asked to deal with."

Attorney Wilhite: "Frankly, the Board doesn't have any choice, Ma'am. There is an issue presented to them by BZA 'special use' permit, and I think that all three Commissioners would agree, there are very important issues beside that, Ma'am, but that's not what's before them."

Rose Parks: "Well could you please tell me, who does have any jurisdiction over what this landfill will do? The Corp of Engineers could not because they had no jurisdiction over what this relocating of the creek would do the surrounding area. The only thing the Corp of Engineers could decide on was whether or not they was going to make habitat for the wild animals and the fish."

Attorney Wilhite: "I have two answers to that question, Ma'am. With respect to what that relocation will do for drainage in the area, you have that chance tonight. It is this Board, and that is what discussion Mr. Hunter is inviting you to talk about. With respect to your general question about the permitting for the expansion, different agencies have different roles, but most often as you know, that is something that you are going to need to deal with IDEM about. But, with respect to how the relocation affects that area for drainage you do have a forum and that is right now. Tonight, and that is what we need to limit it to."

Dixie Wagner: "Dixie Wagner, 309 Colonial. I have a question on the same lines, we had asked that Mr. Hustace or Miss Cunningham give us something in writing by which the determination was based that this would deal only with the relocation of the Creek. We have been through the minutes of the BZA meeting over and over. Those conditions have been upheld in a court of law as enforceable and we can find nothing in the minutes that would limit this to consideration of

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the creek only, in fact, it broadens the scope of it and it's very clear from reading the minutes of the meeting that such words as, 'because of the type of operation this is, the project should have Drainage Board approval'. We have had three different members go through these minutes of the meeting and we have found nothing that limits this to Locust Creek and it's unnamed tributary. We have asked to have something in writing from Area Plan and what they based that determination on."

Attorney Wilhite: "If I might, Commissioner Hunter. Let me introduce into the record a letter⁵ dated, for the written evidence that you want Ma'am, September 28, 1992, addressed to me and my capacity as County Attorney, or in this capacity, Attorney for the Drainage Board, from Cedric Hustace that I will offer in the record now, and represent to you, you can get copies now, or come up and read it, but I will represent to you that it says exactly what we put on the record today, which was that in the opinion of the Attorney for BZA and I would represent to you Ms. Cunningham as well. That the condition is this-and I choose these words carefully, these are the BZA's words, and the BZA's counsel's conclusions. To approve the drainage plan that BFI submitted to IDNR. To approve the drainage plan that BFI submitted to IDNR which includes the relocation of the creek."

Dixie Wagner: "Well, that's not how the condition reads on their 'special use' permit."

Attorney Wilhite: "That's fine. But I am instructing this Board as their Attorney that, that is the issue presented to it."

Dixie Wagner: "Well then I think I would like to have on the record that we have an objection to that, because it is very clear in the minutes of the meeting that the drainage-what you all were suppose to rule on deals with the entire context of the meeting that was discussed on April 5, 1990, which was the landfill expansion. It was not a 'special use' permit granted for the relocation of Locust Creek. It was granted for the expansion of the Laubscher Meadows Landfill..."

Attorney Wilhite: "Something else that may make sense, is even if BZA told us that they wanted us rule on whether the sky is blue or not, this Board does not have jurisdiction to do anything Ma'am, besides drainage plans. I don't care what BZA tells us to do. This Board can not do anything but drainage plans."

Dixie Wagner: "I understand that, but, Locust Creek is not the entire drainage plan of the expansion and it's in my mind and in several other peoples, I know it is very clear that a 'special use' permit was granted on April 5, 1990. A condition was put on that permit, number 5, if you look at the list from Area Planning, and that condition stated, 'that drainage plans to be approved by the Drainage Board'. It did not limit it to Locust Creek. It was on what the 'special use' was issued for-which was the expansion area."

Attorney Wilhite: "Ok. I think you noted that. But, I think you understand my opinion."

Vickie McBride: "Vickie McBride, 8215 Kneer Road. Jerry I need you back up here for a minute. I want to hear you say something again, please, because I was trying to write this down in shorthand and you are like me, the more you go the faster you get, and I couldn't keep up. My question pertains to basically, what I wrote down was the second stipulation, where you are talking about so that it will preform as designed, including the following criteria, during a 100 year event. It is right at the very beginning. Ok. It says, 'so that it will perform as designed and approved by IDNR and the Corp of Engineers, including meeting the following criteria; During a 100 year frequency storm event, the resulting 100 year frequency floodwater elevation of the relocated Locust Creek and its unnamed tributary at the northern property line will not increase over the existing condition 100 year frequency floodwater elevation by more than 0.1 feet'. Now 0.1 of a foot is maximum that they can change the elevation, but the key statement here folks is, that they are saying that the elevation of the relocated Locust Creek and its UNT at the

⁵See footnote number 1.

northern property line at the Browning Ferris proposed site as well as south of the proposed site does nothing to guarantee the residents who live north or south of this site. All this plan does is say that BFI guarantees that their property will not flood, and that is not good enough for the people of the area. I have records right here I would like to show, I want to pass this down, the small photograph is a photograph taken in May of 1990, showing the area south of what he is talking about. South of Wimberg Road, you can see that Locust Creek is definitely out of it's bank. Also, when I walk by I'm going to be showing a big picture of north of the northern property line where once again the unnamed tributary is out of it's bank."

Ms. McClintock: "Ok, Jeff can I ask you for verification? It is my understanding that, what this agreement does is if the drainage does not work and if the drainage causes flooding on property north, south, east, or west of the landfill then we have all remedies that outlined in the agreement."

Attorney Wilhite: "Yes, and here is why. If your concern Ma'am is that, what if in a small little one or two foot area right on the property line it's not flooded, but there is property north of that line that is not owned by BFI that is flooded-do we have an enforcement mechanism? I have not a doubt in my mind that this agreement covers that, Ma'am. It says, for two reasons; one, that they agree to construct and maintain the project in accordance with all the plans and specs, including the area you mentioned, so that is my first response. Secondly,..."

Vickie McBride: "There is nothing in there that says north."

Attorney Wilhite: "That's fine. I'm telling you, my legal opinion, I'm telling you that my legal opinion is that if there is property owned by somebody else north of BFI that floods more than 0.1 of a foot that BFI under this contract, has to change it, has to fix it, or I will file a law suit and get an injunction to stop it. That is what I'm telling you."

Ms. McClintock: "Because their drainage plans says that they have to carry the water as outlined, and that is what the enforcement's for. So that if it doesn't work we can get back to them."

Vickie McBride: "I guess that the reason for my concern is that the Army Corp of Engineers, I know, that BFI is not supposed to use their title and their permit granted, before you, but there is nothing in the law that says that I can not use the Corp's name or permit information before you. So I am going tell you that the Army Corp of Engineers on the record March 3, of this year, stated to Mr. Mick Grival that no consideration had been given for the watershed area north of the proposed boundary limits of the landfill. And that is why we are concerned when we hear something like this once again in writing. Who and where and when is somebody going to give consideration to flooding conditions north of the landfill or south of the landfill."

Attorney Wilhite: "Commissioners again, the agreement does, it says that this deals with the concerns of residences in the vicinity of the project, which would be north, south, east, and west. I'm telling you as your counsel that, that is the entire intent of this agreement. It is a very legit concern, I don't mean to be making light of the concern, I telling you all that if that concerns you, don't worry."

Mr. Hunter: "Ok, anyone else?"

Jim Gist: "My name is Jim Gist, at 4634 Kliezt Road. I had one concern about Mr. Evans kept referring to that they would be held liable if they violated their DNR permit. Well, Carol, I know that you know, and Don probably knows, and I don't even know if you care. They have eight permit modifications right now on this same permit, and Mr. Evans never mentioned it. Right Erv? You have eight permit modifications pending. Five? Not exactly how many, they do have them. Now how can we, how can you, the plan hasn't even been formulated and here you are..."

Attorney Wilhite: "Are you concerned Sir, that if those modifications are passed-I trust that you

think that the modifications benefit BFI and not the neighbors?"

Jim Gist: "They certainly do. They always have."

Attorney Wilhite: "Ok. This document says that those that exist today, right now, that has to be complied with and if anything causes flooding that violates those that are pending now, we can sue them."

Jim Gist: "What happens to all modifications down the road?"

Attorney Wilhite: "If because of some modifications it caused flooding, we can take them to court and sue them because it violated the permit that existed as of the signing of this."

Jim Gist: "So you are saying, 'Let's just go ahead and do it because it sounds real good and if it all goes down the tubes then the taxpayer has got to pay...'"

Attorney Wilhite: "No, I am saying that you win that issue, Sir. I'm saying that you win the issue. I'm saying that those modifications don't..."

Jim Gist: "We don't win anything. The creek has already moved, people are flooded out. What do we win? How does that win?"

Attorney Wilhite: "You get the right, we get the right to sue for money damages. We get the right to sue for contempt of court. You can sue them for damage to your property. There is lots of legal remedies."

Jim Gist: "What we have here, is the right to turn this permit down, because first of all, they have misrepresented, and that is your opinion Sir, that's your legal opinion. Granted, you have a better one than I do, but that is only your opinion, that is not the law. It's pretty close to it. But that has not been decided on in a court of law. I think that they have misrepresented their DNR permit. I think that they overstated their Corp of Engineer permit. It is just a string of deception, and I think that you have the same grounds to turn it down that you had the last time. They have not represented themselves any better because of their catch all phrase, 'according to DNR's rules'. We have got no more protection. We can sue them, and spend our money on them."

Attorney Wilhite: "By the way if we do sue them, the agreement provides that BFI has to pay my attorney's fees-if we sue them and get a contempt order."

Dixie Wagner: "While we are on this agreement by BFI I did want to point out in my opinion they have, one through four here, I tried to write them down real quickly. All BFI is agreeing to do is abide by the law. They say, their words, 'this is a very unusual agreement for them'. Number one, BFI is only agreeing to follow what the law says; and number two, they are only agreeing to follow what DNR told them in their permit to do. Number three, the thing about the Soil Conservation officer-that they can visit monthly. Read the conditions on their 'special use', he already has that right and it is not just a monthly visit, he can go there anytime he wants to. So one, two and three they are giving you and us, absolutely (end of tape) but, they are no where on what they have showed here at the last meeting. And they haven't showed anything today."

Roger Madden: "Some of the concerns are, they are talking about, all their-I was in New Hampshire for 10 years, they have a wetland problem up there. Some of my property was flooded due to a city/county ditch that kind of ended, and where it ended it overflowed onto my property which wiped out about a acre of land because..."

Mr. Hunter: "Excuse me, are talking about your property here, or your property in New Hampshire?"

Roger Madden: "No. This is an example-in New Hampshire. I lost about an acre of land due to a lack of their city/county drainage. But then a few years later, it is wetlands you can't build on it anymore. They moved a hospital in, on wetlands, they moved their wetlands, and a problem they had was one or two of their city wells flooded due to a drainage problem. So the topographical, the water table, all that will be looked into by the engineers right? All part of the engineering study? I'm new into this, that is why I'm asking some questions to catch up."

(inaudible remarks)

Roger Madden: "And a another problem was, in New Hampshire, the city attorney who approved the contract he came out after the wells had been flooded and said that they didn't think that they had enough bond to cover the damages from the wells being flooded. So, that is something else that they didn't look into the future problems enough to make sure that the contractor had enough bond to cover himself and the people. Where you have the engineer as the inspector, you might want to look into having a primary and alternate so that both know what is going on in case one dies, quits or whatever. You are not starting back at ground zero."

Mr. Hunter: "Ok. Thank-you, we will let BFI respond to that."

(inaudible remarks)

Don Bryenton: "With regard to groundwater table, one of the criteria for the IDEM permit application for the landfill expansion is to establish what the groundwater table is in the area and produce maps that show on a monthly basis what the groundwater flow direction is for six consecutive months. That information is submitted in the IDEM permit application and is one of the criteria of their laws that we have to provide that information. So groundwater issues are addressed in the IDEM permit application. There is a special hearing that is held at the time of the permit application is submitted, that all interested parties have an opportunity to submit their concerns regarding groundwater issues at that time."

Dixie Wagner: "Am I to understand that, did he just say, 'No, we haven't done that yet'? He said that, that was up to IDEM that will be done in the future, so basically he is saying in very eloquent way, but he is saying, 'No, we haven't done that yet'."

Mr. Evans: "At each hearing we have had on this permit, starting with the BZA, we have had the same comments from Dixie. The comments go as such, this laybody should take on responsibility for dealing with every technical issue that is conceivably possible or relevant to the zoning, the drainage, the groundwater, the development and design of the landfill. That is not the way the system works..."

Dixie Wagner: "So you are saying that the water table has nothing to do with the drainage? That is my question and my comment. I will agree that I get upset about this, but, the question before you was, 'Had the water table been considered?'. He said a lot about it will be considered at IDEM, evidently that's saying, 'No we did not consider that'. So, I have given this to this Board before I would like to point out to you once again, that, Study 12 done by DNR calls for channel straightening in this area. It mentions that the water table in many parts of the lake plain is less than three feet. The reason that they call for channel straightening is to alleviate flooding problems. The reason the water table is high in some areas is because of channel straightening that has occurred, or it has caused a lowering of the water table when they straightened Locust Creek. If Locust Creek is made crooked again, does it not follow that the water table will become even higher? I think that is something that you have to address in drainage. That there can be a fluctuation in the water table because of the relocation of this creek."

Mr. Evans: "What I was in the process of saying, is that, a lot of these concerns that they have, have an appropriate forum to be addressed. You can address the issues that relate to zoning of the BZA. You relate to certain aspects of the drainage plan at IDNR. You represent and deal with the specialties of certain aspects, the wetlands, and other aspects of the drainage plan with

the Corp of Engineers. Certain other aspects will be dealt with when we get to IDEM. The Department of Environmental Management. As I listed in my presentation as each one of these go through they do not work in the total vacuum they have communication with other bodies. IDEM is the proper body to deal with the groundwater. We are dealing with the groundwater that is their area of expertise and it will be dealt with in the landfill permit itself. Which will be filed with IDEM. We would appreciate any questions about drainage, we can respond to and we hope that you will agree that we will keep it on the drainage issue at this point. Thank-you."

Mr. Hunter: "Is there anymore pertinent information dealing with, and it will have to be from up here."

Larry Correll: "My name is Larry Correll. I am representing the West-Side Improvement Association, and nothing specific, just some general comments for you to consider, some have already been addressed. If I am repeating myself, a lot of stuff has come up since we have started the meeting and it was not planned on. Again, I am representing West-Side Improvement Association and we are supporting COLE's opposition to the Locust Creek relocation. But also we are supporting West-Side Improvement goals, which include improving and protecting living and working conditions for residents of the western half of Vanderburgh County. I understand that only Locust Creek relocation is the issue at hand, and I will try to present our comments with this in mind. Since we are not professional environmentalists or engineers many times we use previous examples and decisions as a basis for our own decisions. One that comes to mind, is Carpenter Creek. There was a similar design with two ninety degree angles. Carpenter Creek was changed without going through the permitting process. After IDNR did exam it and inspect it, they said with this design they would not have passed it-with the ninety degree angles, and now we have Locust Creek coming up which is going to have three. I don't know if the circumstances are different now that it would allow a similar design to be approved. In addition Locust Creek is also part of the natural wetland which may or not be effected or destroyed. Computer analysis and models are fine, but if the plan does not work in practice, who or whom will be responsible? What compensation will be made and where will enforcement come from if this is not done? It is very difficult to segregate the issues from this landfill expansion process. In fact, there would be no need to relocate Locust Creek if it were not for the landfill expansion itself. One of our concerns is how will the landfill expansion impact Locust Creek with the groundwater contamination already present? Increase runoff contributing to more water contamination. With present leachate collection areas already filled and not functional and no enforcement of the past violations. What guarantees do we have that the problems will only compound into more serious problems in the future? I would like to close with a statement at a keynote address at the Indiana Governor's Conference on the Environment last spring, and this was given by Dennis Hayes, co-founder of Earth Day. Basically he just asked the question, 'What's the right thing to do?'. Granted we have laws and ordinances to follow, peer pressure, pressure from citizens, and citizens groups, and other demands on the decisions that this Board makes. West-Side Improvement at this time is just asking you the same. What is the right thing to do? West-Side Improvement feels the right thing to do in this situation is deny the permit for the relocation of Locust Creek. Thank-you."

Nancy Gist: "My name is Nancy Gist, I live at 4634 Kliezt Road. I have a question about if your office is willing to handle the paper work involved with the inspection that goes on and the questions and the phone calls that will come in, or will these records be kept at IDEM, like all the other records that are pertaining to the landfill so that we have to drive to Indianapolis, to see them and when we get there, they are three months behind with their filing or the files are laying on someone's desk and they are not available, so you can't view them. I also am very uncomfortable, I don't have any confidence in the county attorney. My father died a year ago tonight and I had to hound him to collect money from him, and I still have not collected money from BFI-regarding a deposition that my father gave as a representative of COLE. I question their ethics when the first thing they do when you make a decision is that they threaten to sue you, or they mail checks."

Mr. Hunter: "Thank-you very much. In answer to your question regarding where records will

be kept, this is the purpose of local control. The records will be kept here locally, the phone calls, yes, will be handled locally. They will be handled by this office, I have no problem with that."

Vickie McBride: "I was passing that contractual agreement around. There was talk about a waiver, it is possible that a waiver be granted for this agreement. Is that meant to imply that at some future point in time, either BFI and/or the Drainage Board could consider a waiver of this contract? It was one of the very last things that Jerry mentioned that I wrote down."

Attorney Wilhite: "Paragraph eleven, I think is what you are referring to, the last sentence says, 'the failure of the Drainage Board to exercise any of it's rights under this Agreement will not operate as a waiver of any rights arising from this Agreement'. That would include if you feel like the Drainage Board is not doing enough, and you wanted to exercise your legal rights that includes your protection there."

Vickie McBride: "I want to be brief, I think that the fact that we are here tonight more or less testifies to the intent of this Board. But, I do want to get a couple a comments on the record, and the first is that repeatedly here tonight I've heard Browning Ferris Industries refer to comments from the Corp, input from the Corp, the Corp permit that was granted. I don't know what you all are going to be using for your determination as how to vote, but you can not use the Corp permit as any way influencing your decision, because it says in the Code of Federal Register, it is number 33CFR 325.2 D4, that, 'permits granted prior to other non-prerequisite [which is what this Board is] authorizations by other agencies should where appropriate be conditioned in such manner as to give those other authorities [you] an opportunity to undertake their review without the applicant biasing such review by making substantial resource commitments on the basis of the department of the Army permit'. So, if you don't have the Corp of Engineers approval to give backbone or merit to your vote tonight-where does that leave you? Well that leaves you with two other governing agencies who have permitting to this point and time. One was IDEM 401 Water Quality, who could not find the courage to say 'Yes' or 'No', so they waived jurisdiction. My contact, Mr. Nottingham at 401 told me that because of the scope and magnitude of this project and the fact that they had no enforcement power they were going to pass the buck to the Corp of Engineers, and your second other point of reference is, the Department of Natural Resources which Valley Watch calls, 'the Department of No Response'. I would like to point to an article that was from the Evansville Press, December 7, 1990. This was from the sporting page on Mr. Pat Ralston. I want to quote to you what Mr. Ralston said. Very briefly just a couple of sentences. Pat Ralston being the director of DNR. 'The way we are doing business will not change', he said, 'our focus isn't shifting, our number one goal in this department is customer service; anyway you look at it they pay the freight.' I don't put a whole lot of merit in any government agency who tells me that the applicant is the one who gets first consideration because they pay the freight. Also, I want you to be advised that this is a more or less preliminary or cursory review from DNR, contrary to what BFI says, this has not been months in the undertaking. Every time we called DNR to ask about a question pertaining to HEC 2 or TR20, we would be told, 'Gee, we don't know who has it, we haven't seen who had it last, we are going to have to get it down off the shelf and dust it off'. This is not something that had constant everyday scrutinization by the DNR. It is something that they do as a matter of policy, review it, either approve it or deny, because they expect it to be taken on appeal no matter which way they vote. This is America folks, and everybody is always suing somebody. DNR has found themselves in the position of why waste a lot of time up front when this is going to go on appeal. Probably be remanded back and then you go through it with a fine tooth comb. I think Ms. McClintock can relate to this because her secretary told you that Carey Daley, Division of Water-Permitting Section said, they could not believe, they could not believe that a permit like this had not been taken on appeal. I want to very, very briefly point to some issues of law, as reasons why I think that you should say, 'NO' tonight, and the first one pertains to the Flood Control Act of 1945. Very, very simply I want to read the excerpt it says, under Indiana Code 13-2-22-13b., 'it is unlawful to erect, make, use, or maintain any structure of destruction deposit, or excavation in or on any floodway, or to suffer or permit any structure etcetera to be erected, made, or used in a floodway which may adversely affect etcetera, etcetera, etcetera. I'm not going to read the whole context but the point is, the Flood Control

Act deals with maintaining building or obstructing or placing deposits in a floodway. And we feel that this did not get fair consideration before the Department of Natural Resources under whose direction this decision should have been made. It was a matter of when we talked with DNR and asked questions such as, 'How much consideration was this permit giving under the Flood Control Act?'. The response was they weren't really sure. When I asked the question by what authority do you have the power to make discretionary decisions under the Flood Control Act the response was, 'We empowered ourselves, if you don't like it, sue us'. Our problem with the Flood Control Act is that very, very simple one line question. Did the Flood Control Act when it talked about not allowing or being unlawful to place deposits in a floodway, ever consider deposits of a special waste nature? Is this in harmony and in intent with the Flood Control Act of 1945? I reference this both to the fact that the existing Locust Creek floodway could be considered a floodway which will be filled with trash. As well as what if something would go wrong? I would like to show you a picture of the current encroachment of trash in a floodway contrary to the Flood Control Act. Is this in harmony with the Flood Control Act? I think not. I think that you need to give serious consideration to this. Very briefly, according to Indiana Code 36-9-27-112. under, Determination of Benefits and Damages by the Board, factors considered, it said that you may enter into consideration the watershed. According to the Soil Conservation Service 3,819 acres of watershed are being facilitated by this proposed site, and as I pointed out earlier in a meeting with one of the governing agencies, Mr. Mick Grival asked how far does your jurisdiction of this stream go? The response was, from where the Corp of limits go to, the head water, which would be two miles north of northern limits of BFI's site, which is at the very beginning of the stream. Mr. Grival asked, 'Have you gentleman checked into this?'. The response was from the Corp, 'We are familiar with the drainage area but we haven't looked at all the area'. The answer is 'No'. No one has given consideration, proper consideration to the impacts of the area north of this site. That is why I got so concerned when I read through this agreement that said BFI promises that it will be inspected and it will not flood from their northern limit to their southern limit. That is where we get concerned, because we don't live on the landfill or the proposed site, we live north, south, east and west thereof. Finally, I would like to point out that Indiana Code 36-9. also says that you may give consideration to the cumulative impact to the flood plain. This is something the Corp also should have considered because according to the Clean Water Act-impact to the floodplain are contrary to the public interest. I kind of hesitate to bring this up, because I think fire stations is a great thing, I think it was a really strategic move by BFI, but this is an example of cumulative impact to the flood plain. I heard on TV that either the building and/or the lot is going to encompass two acres. For every roof that goes up, for every parking lot that is paved, for every patio, for every driveway that is covered that ground is no longer able to absorb precipitation. Therefore it goes directly to runoff and increases the velocity and volume at a much greater rate into the creek. We think that, that is something that very, very definitely needs to be taken into consideration. Also, you have no idea what future impact could occur, because you need to bear in mind that the comprehensive plan of the City of Evansville calls for heavy industrial development of the Locust Creek area south of Mill Road. This is going to be major impact to cumulative impact to floodplain. I had a note down here about Central High School. Does anybody here remember..."

Mr. Hunter: "Wait a minute, wait a minute. We are kind of wandering away from the 5000 feet plus that we are trying to relocate here. I'm not sure that I understand how Central High School or a fire station might improve response time..."

Vickie McBride: "No. Like I said I was not trying to put down a fire station. I was trying to point out that it was a cumulative impact, and that is one of the things under 36-9 you are suppose to give consideration to. Cumulative impacts to the floodplain. Well I really don't want to get into it because it is going to sound like I'm down talking it, and I don't want to sound like I'm down talking it. Do you want me to explain where I was going with Central real quick?"

Mr. Hunter: "If it is germane. Yes. But if it is not..."

Vickie McBride: "Well I feel that it is Don. It is real quick. When Central High School and it's massive parking lot was built, no one foresaw the flooding that would occur because of this

major impact or ground cover of this building and this parking lot. What happen was First Avenue flooded, but not First Avenue in front of Central High School. First Avenue down in the area of Diamond. They had to build a retention pond-this retention pond is now called Diamond Valley Apartments Lake. This is impact that can have far reaching affects. We are not just concerned about the cumulative impact and the changes that those impacts could have to the people immediately south in the trailer park. But the impacts that could occur far on down the line to other residents well within the city limits of Evansville. Very quickly, I want to talk about another issue of law under 36-9. which says that you also may take into consideration impacts to adjacent property. One of our members attending the Corp hearing and at that point in time he was trying to deal with the question of flooding of his property. The question was basically, 'Will you guarantee that my property will not flood?', and BFI said, 'No'. In the article that Mr. Beasley had quoted in the Evansville Press, he was talking about in the event of a dispute we would go to IDNR to arbitrate. That agency should be involved because it is possible that the consultant-that we are talking about tonight-would find a drainage problem that would require the DNR to modify it's existing permit. It is piecemeal change, piecemeal change, cumulative impact, cumulative impact. And these are things that under 36-9 we think that you need to give consideration to, before you vote. Finally I just want to ask you if you really feel in your heart, of hearts, that this plan is going to improve the drainage of the areas that you have seen tonight? Do you think that it is going to worsen it, or do you think it is going to be status-quo? You guys right here tonight, have to be judge and jury for all of Vanderburgh County. BZA placed this condition on BFI's permit calling you a safeguard, please, they didn't call you technical experts they called you a local safeguard. Fulfill that function. Do the right thing and say, 'No'. Because of all these many unanswered questions things have not been thoroughly addressed. Don't let it be politics as usual, and allow this county to be held hostage. Thank-you."

Dixie Wagner: "This is the last comment I want to make. Don, did Vickie give a copy of these five? Were you all aware of these five additional permits that are pending through DNR?"

Mr. Hunter: "No, but again I'm sure that it really relates to why we are here."

Dixie Wagner: "Well if you will look at, I think that it is the second one, I think it definitely would, since the purpose of the proposed project states, 'the proposed project involves the placement of a bridge over the relocated Locust Creek' as highlighted in pink."

Mr. Hunter: "Ok, when you say the proposed project you're talking about the landfill expansion."

Dixie Wagner: "No. The proposed project it says, they are asking for a permit to place a bridge over Locust Creek. That's the proposed project."

Mr. Hunter: "But, again that's not what we are here for."

Dixie Wagner: "It affects the drainage and the relocation of Locust Creek because, I will get to the meat of it, although it will be necessary to place two bridge piers and embankment fill within the floodway. Has BFI told you that they are going to do that? Have they shown you on any of their demonstrations or maps that they are placing two bridge piers and embankment fill within the floodway? We had to beg, borrow and steal to get a copy of these and we barely got them in time in bring them to your attention tonight. This is what is to follow. That's why we complained about retention ponds, sedimentation basins, you know, your approval was suppose to be over and done with and nobody was suppose to find out about this until after you all had approved. Now we know, I just want to know, I want an answer from somebody. Have they told you, or is it in the information that there are going to be two bridge piers and embankment fill within the floodway which is, within the floodway means, within Locust Creek?"

Attorney Wilhite: "What is important to you, I believe, is that if those piers are constructed and those embankment fills completed and it causes flooding this agreement if you choose to sign it, gives you the power to get a court to say, 'Stop it and fix, it or be in contempt of court'."

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Dixie Wagner: "But BFI did not notify anyone that this was part of the relocation of Locust Creek..."

Attorney Wilhite: "I'm sorry. What's important is, whether they told you about this, I don't know the answer to that Ma'am. But whether they..."

Dixie Wagner: "They haven't given you all the information!"

Attorney Wilhite: "And you Commissioners need to note that. That is important. Next year they may change the plan. But, if that plan causes flooding, then you have got what they are calling a safeguard here."

Dixie Wagner: "Well as far as any, if you are looking for technical merit to rule on, I would say that Hec 2 did not involve two bridge piers and embankment fill when they ran this through the computer model."

Rose Parks: "First, I still object to the fact that BFI is giving a privilege that nobody else is giving, and that is, information that is pertinent to this is not allowed to be addressed. That actually all you are doing is ruling on what their technicians says. The first thing I want to say is that in the September 16, Press, Erv said, 'from a technicians standpoint, this project will work, and we want to make it work'. They might want to make it work, but they really don't know if they can-and what happens if they can't? About the first words out of one of BFI's technical experts mouth's on September 14, was something like, 'we thought if we did not get the approval to relocate Locust Creek we could just go back to plan 'A' and make trash pods but we have discovered that we won't have enough space for your trash for twenty years if we can't relocate Locust Creek'. So that the figures they presented to the Corp of Engineer are incorrect, and the Corp did not 'Ok' this new plan. But what is more important is, if these experts miscalculated on what should be for them, a very simple task? What other things have they miscalculated on-like flooding, water contamination, leachate control, things like that? The risk that we have to take is not worth it. Our property, health and lives mean more to us that. I also believe that you cannot give them the 'OK' to relocate this creek because you don't know what is going to be put on this site, and until they have a detailed site plan, they can put anything on there that they want, and leave off anything that they want. The Corp, DNR, and IDEM are very good at turning their heads and closing their eyes. On Tuesday, October 6, I came down here to the County Commissioners office to find out what the rules were for the Drainage Board to follow when making decisions. They had no copy of any rules, and they didn't know of any. On Wednesday they told me to try the Surveyor's office, there I was told they knew of no rules for the Drainage Board, it was more or less the County Commissioners decision as to what they should consider. The reason for wanting to know the rules was, I wanted to know why this meeting is being held. I guess the problem is, Rick Borries is pushing BFI. The legal counsel is telling you if you don't 'OK' this creek rerouting, BFI will sue, and BFI is the biggest thing in Evansville. I will get back to that later. DNR and the Corp of Engineers took nothing into consideration except the final outcome of the creek. The Corp said they didn't have jurisdiction over any of our concerns..."

Mr. Hunter: "Ma'am, I'm sorry but again, we have been through this with you the last time and this really again, is not pertinent to what we are dealing with here..."

Rose Parks: "Yes, it is."

Mr. Hunter: "I'm sorry you had a problem with the Surveyor's office and various other offices..."

Rose Parks: "Ok, wait a minute, they took pictures of the site, Ok? The Surveyor's office, flew over the site because they told me they did and they took pictures of this site. And as it was explained to me this site is in a valley. You really don't have to even take pictures to know that. Now, I'm going to show you, because nobody has been explained this. Here is going to be the landfill. There..."

Mr. Hunter: "What has this have to do with...?"

Rose Parks: "I am talking about the drainage."

Mr. Hunter: "Well I know, but, we are dealing with the drainage way over here, that is quite a distance from..."

Rose Parks: "No, it is not. That landfill is going to be right here. This great big hill up here, and they explained to me..."

Dixie Wagner: "Locust Creek is in that watershed. Don, the point is, because it is a watershed this creek is going to have to accommodate four thousand acres."

Mr. Hunter: "It already does, to my understanding."

Rose Parks: "It forms like a bowl. That forms a bowl. All of these hills and this is down in like a bowl. Ok?"

Mr. Hunter: "I guess my question to you would be, 'How does the relocation of this reflect the changing of this bowl and all these hills that surround it?'."

Rose Parks: "Because it like they say, Don, you cannot divorce the two."

Mr. Hunter: "I just want to know how it impacts the issue that we are dealing with here?"

Rose Parks: "Ok, they have this creek, as it is filled up you are going to have more and more flooding problems. The higher this mountain of trash gets, the more flooding that we are going to have. The retention ponds or whatever they are calling them that they say they are going to have, are going to be useless. Absolutely useless. If they reroute the creek over to St Joe Avenue, it is just going to flood St Joe more often and more severely."

Mr. Hunter: "And if they do, and it floods, we are going to haul them into court."

Rose Parks: "Ok, now let me tell you about that. If you are going to haul them into court where are you going to get the money?"

Attorney Wilhite: "If we win from BFI..."

Rose Parks: "Well if you don't. Now it is my understanding that the biggest reason that we are having this meeting tonight, is because you advised the Board that if they don't give their approval BFI is going to sue them."

Attorney Wilhite: "I'm not aware of that. From reading the minutes, we are having this meeting because two Commissioners said there was no local enforcement and BFI is now willing to give local enforcement. That is my impression why we are here."

Rose Parks: "Ok, if that is why we are here. I know it is useless but, one time I'm going to have my say. To get back what I started with, and this don't have nothing to do with drainage except the effect. I would like to know as elected officials you do have an obligation to us. If a company has in the past and is presenting operating in the manner that BFI is operating in it is your duty to stop it, and that has not changed. At the September 14, meeting Borries voted, 'Yes'. That was no surprise, he already told the news media that he would Ok it because the Corp did. Which was illegal. Of course the decision of the Corp is not to be used. I believe that Borries has made this a hot political issue. He has given press conference, making statements to mislead the public. If we don't have this BFI landfill your trash is going to sit on the curb, or you are going to pay higher dumping fees. This is not true. Another thing Borries stated to news media, we went 360 degrees from the focus of where we were when we went in there. That is telling me that we had already decided how we were going vote, we had a closed door.

meeting and we decided to vote, 'Yes'. I wonder why they didn't? Borries leaves me with the impression that he doesn't care what BFI has done to this community, how much their operating methods has cost taxpayers, how much water contamination..."

Ms. McClintock: "Rose, I'm going to have to object. We are here to talk about..."

Mr. Hunter: "Commissioner Borries and I don't always agree on things, but, right now we are here to deal with the relocation of Locust Creek, and that is all, not Mr. Borries' press conference."

Mr. Borries: "Thank-you, Don."

Rose Parks: "Ok, I will tell you, from everything that you have said and done and everything. The only one that isn't going to look like a fool, or looks like that they have been paid off, if they change their vote, is Rick."

Mr. Hunter: "Thank-you, Ma'am for that vote of confidence. Ok, Commissioners anything further? I think that we have really said about enough. Ok, one brief."

Jim Gist: "I would like for you all consider negotiating this agreement to reflect the entire life of the landfill and not merely five years. It really doesn't give us much. They are going to be out there, for whatever time they are there. That should be the agreement. For the life of the landfill."

Mr. Hunter: "Again, Jim we are not dealing with the landfill, we are dealing with one little old creek."

(inaudible remarks)

Attorney Wilhite: "They have promised to stop the flooding if construction is going to be completed in less than five years you are protected there. I don't know if there is any question that can be constructed in less than five years."

Ms. McClintock: "Run that by-the term bias and why it was set up five years. One more time, I'm sorry."

Attorney Wilhite: "First of all the agreement is not limited to five years. The agreement says, this creek will not cause that flooding-period. There is no five year limit on the basic part of the agreement. There is a separate inspecting policing clause, that says for five years, twice a year, for the first five years after it is constructed. Twice a year we will have inspection. There is nothing in this agreement that prohibits us, twenty years from now from saying, 'You signed a contract BFI, saying you would not cause flooding-you are causing flooding, we are going to sue you for it'".

(inaudible remarks)

Attorney Wilhite: "Well, better permanently like it is, than twenty years. It is a permanent agreement."

(inaudible remarks)

Attorney Wilhite: "It is a permanent agreement to implement, it is a permanent agreement to sue."

Ms. McClintock: "Let me make sure I understand this. Basically all we are saying here is, that the permanent agreement-but we will receive funding for the semiannual hydrologic inspection for five years. The Soil Conservation Service will still, Ok, does that cover us Jeff, if the construction of the project is not completed in five-this starts when the project commences?"

Attorney Wilhite: "For five years period."

Ms. McClintock: "Ok. It is permanent other than that."

Attorney Wilhite: "Their main promises that they will not flood, is a permanent forever lasting promise. That we can sue them for it."

(inaudible remarks)

Attorney Wilhite: "That may sound like a problem but that is what we do everyday in lawsuits. We prove the cause."

Ms. McClintock: "We still have the Soil Conservation Service. We still have the County Surveyor's office and if we felt that it was necessary we could contract with the hydrologist and pay for it ourselves. I think what Browning Ferris is saying is, that they feel that it is only fair, they will provide the 5,000 dollars for the first five years but then following that they still have to live up to the agreement but they are not going to provide funding forever to pay for the hydrologist. Unless you want to offer to do that here, Jerry?"

(inaudible remarks)

Sam Humphrey: "We can not pick you up from back there on the microphone. We would like to do the minutes in detail and as accurate as possible. So if you have something to say, please come up to the microphone, identify yourself and it will be on permanent record."

Mr. Hunter: "Ok I would like to call for the vote."

Ms. McClintock: "I made a motion on it so I assume that you want a roll call? I will ask for a roll call."

Mr. Hunter: "Is there a second to that?"

Mr. Borries: "Yes, I second."

Mr. Hunter: "Commissioner McClintock?"

Ms. McClintock: "Before I vote I would like to make a brief statement. This has been a very difficult and frustrating situation for everyone that has been involved. From the members of the BZA and the citizens that live in the area around the landfill to local government officials and there are no easy answers. However, as members of the Drainage Board we are limited in our authority in this issue. I believe that the agreement that we are voting on protects the taxpayers of this community from future problems that could arise with the creek relocation and provides the community with the funding and the mechanism to remedy the flooding problems. It also takes the responsibility for the watchdog role that COLE has played for so many years, and fought by themselves for so many years, and takes some of that responsibility and places it rightfully so in local government where the records will be kept locally, where the inspector will report locally, and all that information will be available, readily available, to anyone that wants to study it, to look at it and to make further comment. We realize in entering into this that we are here on a monthly basis, and we know, better than anyone, that if there are problems with Locust Creek in the future that anyone that has problems with that creek are going to be here in front of us and going to be making sure that we are making BFI do what they say they are going to do. So, we are taking on an additional responsibility here, I have never been one to shirk from responsibility, and I feel that it is very appropriate that we do so, and I vote, 'Yes'."

Mr. Hunter: "Commissioner Borries?"

Mr. Borries: "Yes."


Mr. Hunter: "Ok, before I vote I would like to make a couple of quick comments here. A few weeks ago when we met and we voted, a gentleman who I have great respect for from Soil Conservation Service, my question to him is, 'Will the relocation of this creek work or not?' his comment was, 'We'll see'. At the same time we were also informed that we didn't have to really worry about this because DNR and various groups would be policing this with their various folks throughout the state. That was the reason I was extremely uncomfortable. I feel at this point based on the explanation that County Attorney has given we are no longer subject to the understaffed bureaucracy out of Indianapolis. This is a local issue if there is a problem we can address it locally. We can address it quickly and I feel comfortable that we can do what needs to be done and at the same time, see that BFI simply abides by the rules. For that reason I also vote, 'Yes'. Thank-you. No further business? I will entertain a motion to adjourn."

Motion made and seconded. Meeting adjourned at 7:35 p.m.

Present:

Don Hunter, President
Rick Borries, Vice-President
Carolyn McClintock, Member
Jeff Whilite, County Attorney
Sam Humphrey, County Auditor
Cedric Hustace, Staff Attorney APC
Jim Evans, BFI
Jim New, JF New & Associates
Jim Morley, J Morley & Associates
Rose Parks, COLE
Dixie Wagner, COLE
Vickie McBride, COLE
Jim Gist, COLE
Roger Madden
Don Bryenton, ATEK
Larry Correll, West-Side Improvement Association
Nancy Gist, COLE
Secretary: Joanne Matthews
transcribed:sbt


Don Hunter, President


Rick Borries, Vice-President


Carolyn McClintock, Member

AGREEMENT

THIS AGREEMENT is entered into between the Vanderburgh County Drainage Board (Drainage Board) and Browning-Ferris Industries of Indiana, Inc. (BFI).

WHEREAS, BFI desires to relocate a portion of Locust Creek and its unnamed tributary in accordance with permits issued by the Indiana Department of Natural Resources (IDNR) and the Louisville District U.S. Army Corps of Engineers (COE) (the Project); and

WHEREAS, residents in the vicinity of the Project have raised concerns over the Project; and

WHEREAS, the Drainage Board is concerned about the monitoring of the construction and maintenance of the Project to insure that any problems are addressed and remedied; and

WHEREAS, BFI desires to assure the Drainage Board and other interested parties that the Project will be constructed and maintained so that it will perform as designed and approved by IDNR and COE.

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable considerations, receipt of which is hereby acknowledged, the Drainage Board and BFI agree as follows:

1. BFI agrees to construct and maintain the Project:
 - a. In accordance with the plans and specifications approved and the permits issued by IDNR and the COE; and
 - b. So that it will perform as designed and approved by IDNR and the COE, including meeting the following criteria:

During a 100 year frequency storm event, the resulting 100 year frequency floodwater elevation of the relocated Locust Creek and its unnamed tributary at the northern property line will not increase over the existing condition 100 year frequency floodwater elevation by more than 0.1 feet and at the southern boundary line the peak discharge will not be increased above the existing 100 year frequency peak discharge determined by the IDNR.

2. BFI agrees to remove any felled trees, brush or other debris obstructing the floodway of the relocated Locust Creek and its unnamed tributary.

3. A technical representative of the U.S. Soil Conservation

Service shall be allowed, at least monthly, to conduct inspections of the Project.

4. Within sixty (60) days of the execution of this Agreement, the parties will exchange names and qualifications of professional engineers registered in the State of Indiana experienced in the area of hydrology/hydraulics proposed as Inspectors and within thirty (30) days thereafter, will establish an agreed panel of engineers proposed as Inspectors each of whom have been determined separately by the Drainage Board and BFI to be qualified and independent. Within ninety (90) days after the commencement of construction of the Project, the Drainage Board shall select one (1) of the engineers on such panel to serve as the Inspector and shall promptly notify BFI in writing of the engineer selected ("Inspector"). If the Inspector shall die, resign or shall fail or refuse to perform the services required under this Agreement, the Drainage Board may select another one (1) of the engineers from the panel to perform those services and promptly shall notify BFI in writing of the engineer selected.

5. The Inspector shall police the Project by conducting semi-annual hydrologic inspections of the Project for a period of five (5) years commencing with the beginning of the construction on the Project. The report of the Inspector shall state his or her professional opinion whether, with respect to hydrology:

a. The Project has been constructed and maintained in accordance with the plans and specifications approved and the permits issued by IDNR and the COE.

b. The Project has been constructed and maintained so that it will perform as designed and approved by IDNR and the COE, including meeting the criteria referenced in paragraph one (1) above.

6. Each semi-annual report prepared by the Inspector shall be mailed contemporaneously to the Drainage Board and to BFI.

7. If the report of the Inspector identifies construction or maintenance deficiencies relating to hydrology that can be corrected by BFI without an additional permit or a permit modification from IDNR or COE and without violation of the permits issued by IDNR or COE or the laws, rules or regulations of any other governmental unit, BFI will promptly undertake the work necessary to correct such deficiencies.

8. If the report of the Inspector identifies construction or maintenance deficiencies relating to hydrology that would require an additional permit or a permit modification from IDNR or COE or would constitute a violation of the permits issued by IDNR or COE or the laws, rules or regulations of any other governmental unit, a meeting among BFI, the Inspector and the technical staff of IDNR

or the COE, whichever is appropriate, shall be promptly arranged by BFI. BFI will contact the appropriate parties concerning such meeting within fourteen (14) days of receipt of the Inspector's report. BFI may contact the Inspector to discuss the Inspector's report. If in the professional opinion of IDNR or the COE technical personnel an application for an additional permit or a permit modification should be filed, BFI shall promptly prepare and file such an application and shall undertake the corrective work promptly upon receipt of the necessary permit(s). If in the professional opinion of IDNR or the COE technical personnel corrective work is required but an application for an additional permit or a permit modification does not need to be filed to perform the corrective work, BFI shall undertake the corrective work promptly. If in the professional opinion of IDNR or the COE technical personnel no corrective work is required, BFI will not be required to undertake any additional work.

9. BFI shall reimburse the Drainage Board for the costs and expenses for the services of the Inspector in connection with the semi-annual inspections and reports required by this Agreement in an amount not to exceed Five Thousand Dollars (\$5,000.00) per year. BFI shall pay the costs and expenses of any corrective work undertaken by BFI, pursuant to this agreement. All other costs and expenses of the Inspector for work required by this Agreement shall be paid by the Drainage Board.

10. If BFI breaches this Agreement, fails to perform required corrective work or seek the appropriate approval to perform required corrective work, or violates any condition or requirement of the IDNR or COE or their permits, then in addition to any other remedies the Drainage Board may have, BFI acknowledges the Drainage Board's right to file a lawsuit in court to seek any remedies, legal or equitable, it may have for breach of this Agreement. In the event that either party shall resort to litigation against the other party hereto, the judgement in such litigation shall include an allowance to the successful party for such party's costs and expenses, including reasonable attorneys' fees, paid or incurred in the connection with such litigation.

11. Nothing in this Agreement shall prohibit landowners from bringing private causes of action against BFI for any damages to property caused by the Project, nor shall this Agreement interfere in any way with the rights of property owners. The failure of the Drainage Board to exercise any of its rights under this Agreement will not operate as a waiver of any rights arising from this Agreement.

12. Reports and notices required under this Agreement shall be sent to the parties at the following addresses:

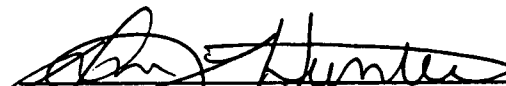
Vanderburgh County Drainage Board
Civic Center Complex, Room 305
One N.W. M.L. King, Jr. Boulevard
Evansville, IN 47708

Browning-Ferris Industries of Indiana, Inc.
P.O. Box 4309
Evansville, IN 47724-0309

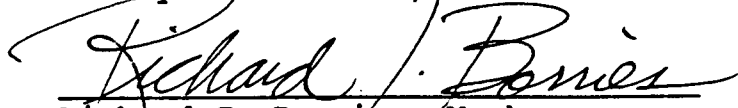
13. This instrument contains the entire agreement between the parties and supersedes all prior oral or written understandings, agreement or contracts, formal or informal, between the parties hereto. THIS PROVISION, AND EACH AND EVERY OTHER PROVISION OF THIS AGREEMENT MAY NOT UNDER ANY CIRCUMSTANCE BE MODIFIED, CHANGED, AMENDED OR PROVISION HEREUNDER WAIVED VERBALLY, BUT MAY ONLY BE MODIFIED, CHANGED, AMENDED OR PROVISIONS HEREUNDER WAIVED BY AN AGREEMENT IN WRITING EXECUTED BY ALL PARTIES HERETO. This Agreement shall be construed under, and governed by, the laws of the State of Indiana. As used in this Agreement, the plural shall be substituted for the singular, and the singular for the plural, where appropriate; and words and pronouns of any gender shall mean to include any other gender. This Agreement shall bind the parties, their respective heirs, successors and assigns. In the event that any of the provisions of this Agreement shall be held by a court or other tribunal of competent jurisdiction to be unenforceable, such provision shall be enforced to the fullest extent permissible and the remaining portion of this Agreement shall remain in full force and effect. This Contract may be executed simultaneously in several counterparts, each of which shall be deemed an original, but all which together shall constitute one and the same instrument.

DATED this 12 day of October, 1992.

VANDERBURGH COUNTY DRAINAGE BOARD


Don Hunter, President


Carolyn McClintock, Member


Richard J. Borries, Member

ATTEST:



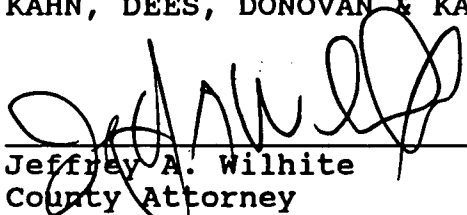
Samuel Humphrey

BROWNING-FERRIS INDUSTRIES OF
INDIANA, INC.

By: 

APPROVED AS TO FORM:

KAHN, DEES, DONOVAN & KAHN



Jeffrey A. Wilhite
County Attorney

klm\a:bfi-2\ghe\final.agr (10-12-92)

**MINUTES
DRAINAGE BOARD MEETING
OCTOBER 26, 1992**

I N D E X

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Storm Sewer Maintenance in Subdivisions (Deferred)	1
Drainage Ditch Maintenance/Holly Hill Drive & Berry Court (Deferred).....	1
Hood Subdivision/Drainage Plan (Approved w/Stipulations)	1
Oakwood Subdivision (Deferred until proper information is received)	2
Pleasant Hill Subdivision (Approved w/Stipulations)	2
Replat of Lot/Maple Ridge Estates (Deferred)	4
Hunter's Ridge Sub Section 'B' ..(Deferred)	4
Commercial Park/Lot 14 Old Boonville Highway	15
(Drainage Plans approved)	
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Claims/Ditch Maintenance	17
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(Surveyor to obtain bids; estimated cost under \$25,000)	
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MINUTES
DRAINAGE BOARD MEETING
OCTOBER 26, 1992

The Vanderburgh County Drainage Board met in session on October 26, 1992, at 6:20 p.m., in the Commissioners Hearing Room 307, with President Don Hunter presiding.

Mr. Hunter: "We have a couple of items that were carried over from the Commissioner's meeting. The first one was to discuss the storm sewer maintenance in subdivisions where we accept 50 cents per linear foot for such, and I think at this point that Jeff Hatfield and Dave Savage and Gary Price are working together to find out whether or not we need additional monies on this or what procedure we should follow. So let's just postpone that until we get some more input. The second item that was passed on to us from the Commission is the drainage ditch maintenance for Holly Hill Drive and Berry Court, and to my knowledge, we do not have a neighborhood association out there. We are unable to find a drainage plan and there is some question-this is not on county right-of-way, and there is some question as to whether the county, at this point, has any responsibility at all, so again, do we want just to postpone this until you have looked into this one as well, because I have not seen this and neither had you. So, we will put both of these on hold."

RE: HOOD SUBDIVISION

This is submitted by Three I Engineering¹.

Don Adler: "I am here representing Mr. Hood and the Hood Subdivision. It is between 1700 Schenk Road between St. Joe and Orchard Road. Approximately 37 acres of pasture and deciduous type forest land and Mr. Hood wants to divide it into approximately five lots. Using the county standards, we have depicted that there will have to be a..."

Ms. McClintock: "These four and the balance, right?"

Don Adler: "No, those are drainage areas. I am sorry. The lots are A,B,C,D, and E. The drainage areas are different. They overlap the lots. I think lots 1, 4 and 5 using the county standards had to have detention type structures on them and we have had them shown. I have shown the calculations to Mr. Hartman and I believe he is in agreement with it."

Dan Hartman: "Based upon these calculations, I have derived the same run off factors that Three I has come up with and I further recommend the Commissioners accept this."

Mr. Borries: "It is designed for what kind of rain event?"

Don Adler: "5-25. Initial events 5 years before it is developed. After it is developed, 25 years, the net being retained in a pond."

Mr. Borries: "How many retention ponds are on this?"

Don Adler: "Three."

Mr. Borries: "Will it be clearly indicated on the plots that those residents are responsible for the maintenance of those ponds?"

Don Adler: "Yes, it is on there."

Mr. Borries: "It is not on there and that is why I question. No offense against you, but I ask that question to everybody. You won't have sewers with those side lots so you have a field bed. Is that correct?"

¹Included with the 10-26-92 minutes, roadway and drainage site plan sheet, drainage sheet, set of drainage calculations, run-off coefficients, and detention and orifice calculations.

Drainage Board Meeting
October 26, 1992

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Don Adler: "That is correct."

Mr. Hunter: "Is there anyone here from Hood Subdivision who is here to remonstrate or question anything? If not, then I will entertain a motion for approval."

Ms. McClintock: "I will entertain a motion to approve the drainage plan with note #4, 'The property owners of lots A,B,C,D, and E shall maintain basin and community lot, the grass shall be kept to a height not to exceed 12 inches'."

Mr. Borries: "I will second."

So ordered.

RE: OAKWOOD SUBDIVISION

Submitted by Fred Kuester Engineers.

Dan Hartman: "I have no figures on this subdivision and I do not want to make any therefore."

President Hunter moved to postpone this subdivision until Mr. Hartman has the proper information.

RE: PLEASANT HILL SUBDIVISION

Submitted by Andy Easley Engineers.

Andy Easley: "This is the property near the intersection of Whetstone Road and Petersburg Road near the old grade school in McCutchanville. There are no roads being constructed on the property. There will be no change in the run-off coefficients. I believe there is approximately 10 acres and there are two houses existing and there will be two more houses built. There is essentially five acres of undeveloped ground there being split into two parcels. This is a house that has been there for many, many years. Mr. Schiffer's son, used to be principal at one of the schools. His son is building a house here and this will be a 2½ acre parcel for possibly future development."

Mr. Hunter: "You say there are no additional roads being put in here?"

Andy Easley: "No roads and there will be no additional..."

Mr. Hunter: "How will they get access?"

Andy Easley: "The access is to Whetstone. These have a driveway for each of these houses and this has a 60 foot frontage on Whetstone, so they will be coming down there. It is a partialization way."

Mr. Hunter: "What is this?"

Andy Easley: "This is a low ground that we are providing a storm drainage easement. This is where the storm water has run for years and where it is going to continue to run."

Mr. Borries: "What's the bottom of that, Andy? Is it grass or what?"

Andy Easley: "It is a sort of a ditch. It has always been there. Kishline's..."

Mr. Borries: "Is it a legal drain?"

Andy Easley: "No."

Mr. Borries: "Who maintains it?"

Andy Easley: "Nobody maintains it. It is a small valley."

Mr. Borries: "You say it is a ditch, so is it low enough that somebody cuts weeds out of it?"

Andy Easley: "It is a small valley. This is a combination of partially some light scrubby growth here and some grassland."

Mr. Hunter: "Where does this empty in? Into what?"

Andy Easley: "It flows towards the southeast, towards Highway 57."

Mr. Borries: "Are the people whose property it is on-is it on their plots that they should maintain this then?"

Andy Easley: "Well it is a small valley. If you ..."

Mr. Borries: "But who owns it? What I am trying to get at is, it is indicated that it is on here. We get into a situation that if we are not going to maintain it, I always have to ask the question, 'Who is?'"

Andy Easley: "The homeowners would maintain it."

Mr. Borries: "Is that on the plot?"

Andy Easley: "I don't know that it says it. Nobody asked me to put it on there."

Mr. Borries: "Well, it has got to be on there."

Andy Easley: "Well, you can make it subject to that condition that we put it on the secondary plat, that the homeowner will be responsible for maintaining the swale."

Mr. Borries: "What are the slopes on it, if it is a swale-3 to 1?"

Andy Easley: "It is a valley. It..."

Mr. Hunter: "How wide is the bottom of this valley-this ditch or whatever we are talking about?"

Andy Easley: "The scale was 1" equals 50 feet. It probably has a nominal width of 20 feet. I think that is what we put on here, for 20 foot drain easements."

Ms. McClintock: "Why are you asking for a drainage easement?"

Andy Easley: "He asked for a drainage easement."

Mr. Hartman: "I think all pieces of property should be addressed like that because if anybody builds an apartment or something like that on it or an air field on it or something like that, it has to go through the Board one more time then."

Mr. Borries: "We aren't talking air fields here are we?"

Dan Hartman: "No, I hope not."

Andy Easley: "I would prefer not to have an easement."

Mr. Borries: "I don't even want to talk-that is a no-no word here."

Drainage Board Meeting
October 26, 1992

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Andy Easley: "I would prefer not to have a drainage easement but..."

Mr. Borries: "Is there one here now?"

Andy Easley: "No. We were requested to put that on there by the Surveyor's Office."

Mr. Borries: "If you are requested to put it on, where does the water go now?"

Andy Easley: "It flows down to the bottom of the valley. There is a small stream down there."

Mr. Borries: "Is this the valley?"

Andy Easley: "That is the valley. You are familiar with Lake Talahi that is out in McCutchanville? That was a small valley and it was dammed up and this is a small valley. A very small valley."

Mr. Borries: "Andy, I just want it to be understood who maintains it. If this is going to not affect somebody down here on the water, then that is okay, but what happens here to Randy and Melissa Mattingly in terms of what they are going to do. Is this going to impact them in some way? This plan, Dan, contains the water here?"

Dan Hartman: "This will contain the water, but if anybody else builds on this land, then it has to go through this Drainage Board again, under those pretenses. It is Ok now."

Mr. Borries: "Why do you want that on there then?"

Andy Easley: "For one thing, it points out that, that is a waterway and people shouldn't build on it, as if we don't have enough common sense not to build on the bottom of a ditch, we need governmental guidance on such things. This probably points out that there is a drainage way there and people should not locate their storage building or whatever in the drainage ditch."

Mr. Borries: "Or dam it up. Right?"

Andy Easley: "That's right, it doesn't hurt anything."

Mr. Borries: "And you are willing to have-and the people whose property it goes across, it is clearly stated on there that they will maintain it?"

Andy Easley: "We will put that on the plat. We can do that. It is not a prime building site. Nobody in his right mind would build at the bottom of a ditch. That is why I didn't object to putting the easement there."

Don Hunter entertained a motion.

Ms. McClintock moved to approve the drainage easement with the provision that on the secondary plat it be placed that the property owners shall maintain the drainage easement so that the water flows properly.

Motion was seconded by Mr. Borries. So ordered.

RE: REPLAT OF LOT MAPLE^{wood} RIDGE ESTATE

Submitted by Sam Biggerstaff.

Mr. Hunter: "If there is nothing done on this, we will just postpone that one."

RE: HUNTER RIDGE SUB SECTION 'B'

Submitted by Andy Easley Engineering.

Andy Easley: "Did the Commissioners get a copy from the Soil Conservation Service? It was sent on Friday."

Mr. Hunter: "We did not."

Andy Easley: "It is about 10 acres. This shows the water shed and this is a plan that Fred Kuester prepared when he was doing some studies on the subdivision for Mr. Whitaking. The 10 acres of Section 'B' has a small valley that drains to the southwest and the culvert has already been installed here, the size is approved by Mr. Hartman and your County Engineer, and we found out when we came for approval that there was some concern about the off-sight drainage. Off-sight being this Pine Gate area and Red Gate. There are two valleys that come down here and drain to this point here and then all of the water tries to go along the south side of Pine Gate, through a culvert that we have submitted calculations-and it is undersized-and we did not install that culvert. The culvert was installed many years ago by the Whitakings and it needs to have an additional culvert parallel to it, a 36, to supplement the 30 inch that is in, and it needs a 4 foot flat bottom ditch in here to carry that water over to the intersection. It has-I think those calculations are attached-that will get the water over here and keep the silt in the bottom. What silt comes down there. We have put silt fences in after that meeting 60 days ago, which have been *fairly* effective, but there has been a little bit of a breakdown of the fabric and it needs to be shored up. To solve all of the silt problems out there, the project needs to be completed and seeded, and we have thus far done some grating and Mr. Fuquay would like to get his street pavement in after the sanitary sewers are in and after all the utilities have been installed, then he can seed everything and if necessary build additional silt fences to keep what silt will probably run off this winter and maybe by late spring we can get the stand of grass established, but the germination period is almost gone as far as trying to get grass established. We made a detailed calculation that the quantity of water leaving this property after all of the grass is established, will be less than the quantity of water that is presently running off from the wooded area and we took the HERPIC figures, it is all documented and so it is not a matter of additional runoff coming through these facilities here, there will actually be slightly less run-off, according to the calculations."

Dan Hartman: "I object to that statement there because I think the run-off will be more."

Mr. Borries: "How many houses are you going to have on there?"

Andy Easley: "There are ten lots on ten acres."

Mr. Borries: "What kind of streets are you going to have in there?"

Andy Easley: "Concrete pavement."

Mr. Borries: "Concrete pavement. What's the grade on that? I have been on Red Gate and they have asphalt and they have rolled curbs and gutters here, so I know what the water is going to carry here. What are you going to have..."

Andy Easley: "The grade isn't that bad on the street grade."

Mr. Borries: "Like what?"

Jim Fuquay: "I'm Jim Fuquay, Fuquay Construction. Developer of the property. The street plans which we had for Section 'A' shows a rather steep grade from where the original valley was on Section 'A' in this area right down here. We *purposely* lowered the ground back here, lowered the ground up here and built this up to get that, I mean, one of my concerns is that, I do not want, as a developer, I do not want streets that do this, okay? I want streets that have gradual grades and lower or higher valleys. So, we have, and I can't tell you, I do know that when those plans were submitted for the streets on Section 'A' we actually lowered the streets about 3 feet in this area and also in this area. We lowered the street and cut the ground down and in this valley we raised the streets, because I did not want this kind of situation."

Drainage Board Meeting
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Mr. Borries: "What kind of a grade are you going to have on that?"

Jim Fuquay: "I have not seen the street plan."

Andy Easley: "I think it may be in the neighborhood of 6%. It's not going to be excessive."

Mr. Hunter: "I find it very hard to believe that if you are going to build 10 or 11 houses, 10 or 11 driveways and streets and the run-off is going to be less than it was when the area was in timber. I just find it very difficult to believe. I guess part of the reason I am saying that, is that I have had people yelling and screaming at me from the adjacent subdivision because what was done on 'A' did not work. We had ditches that were full of silt and some unhappy people over there."

Jack Weber: "My name is Jack Weber and I live at 1300 Hunter Ridge Court. You are saying that nothing has worked, but nothing can progress until it is seeded and we can't seed it and we can't finish it until everything is approved, so it is sort of a Catch 22."

Mr. Hunter: "The plat that he has, said seeding in 30 to 45 days. It was not seeded. So excuse me, it was not done within the specified time as was on your plat. I am talking about Section 'A' and that was where we have come into problems with 'B'."

Jim Fuquay: "You are talking about where the sewer ran along the back of the property along this side and came down in this area here, it comes down over here by Pine Gate. This is where the silt is, down here, this is where the silt is collected, because I have looked at it. We put the sewers in, you have to understand the type of soil we are dealing with, this is sandstone."

Mr. Hunter: "I know very much so."

Jim Fuquay: "It is almost a hundred percent sand. We have been fighting this bascially for some time and as we complete each phase of the building and the development, we plant in those areas. But, this area down here where the silt is I think, I have spoke with the Gannons out in the hallway before the meeting, what they are refering to is surface, as we started working, on Section 'B'. Is that correct?"

Joann Gannon: "No. That is incorrect. That silt that he has been talking about has been our problem. It started whenever he put in the sewerline that runs parallel with that ditch and he destroyed the ditch. That's been more than a year ago and he never put the swale back in and he didn't seed it. Since that time, and with the construction of Phase 'A', and then Phase II has compounded it. We have probably scraped off our road more than a ton of silt and sand and mud. It has got in the house, it has taken away our rock on our drive, it has denied us access to our property. We must be very dumb people, but Mr. Easley and everyone keeps saying this is the same amount of run off as before. We lived on the property six years and it flooded-not very often. It was very rare. If you had a very heavy rain in a short amount of time, nothing is going to carry it away, but now with what he had done with Hunter's Ridge, every time it rains-it floods. It runs over and we can't get in and out of our driveway. The people that live next door to us and across the street from us were here at the last meeting. Can you tell I'm a little nervous? This has been an emotional issue for us because it has been very, very disturbing. They can't be here this evening because he is out of town. They have an entrance to their home that is on the lower level. At one point when we had a rain this summer, it was within 6" of getting into their house. You know, I wish somebody would explain to us how if the run-off isn't any more since he has done that, we have nothing but mudding, and flooding and everything else. Phase 'A' has been completed and there are 5 or 6 houses there and he has yet to seed it, and that has been a year. So, we don't have a lot of comfort in the fact that he will seed it now. We are approaching December and January whenever you can't do anything. So, are we going to live with this for another year? We would like to do something with the backend of that property now, and it is under water everytime it rains. We have a real problem and we didn't have it before Hunter's Ridge."

Andy Easley: "What do you want us to do? We need to move forward and complete the work or we can discuss it month after month. Now what would you prefer that we do?"

Joann Gannon: "We think that the pipe underneath Red Gate Road is not adequate to carry that."

Andy Easley: "Did I disagree with you?"

JoAnn Gannon: "No, you did not. But whose responsibility is it going to be to take care of that?"

Andy Easley: "This has been submitted and it will be part of the plan that is approved and he is going to see that it's paved."

Mr. Borries: "Who's going to put it in? Jim's going to put it in?"

Andy Easley: "He is going to see that it is replaced."

Jim Fuquay: "I guess this is an off-sight problem that has surfaced I guess, as a result of the attention that has been brought in by the work that I have done at Hunter's Ridge. I talked to Bill Wittaking and I think that he said the project was originally approved with Red Gate Section 'D'. The preliminary was back in 1966 and the final was in 1987. The last date, which was 1987, that would be five years ago. Is it fair to ask the developer who is developing another piece of property to correct the problem that someone else created 5 years ago? I am asking a question."

Mr. Hunter: "Jim, I don't think this board is in anyway wanting to hinder your development. It just kind of appears that there was no problem until Hunter Ridge 'A' started and suddenly the adjacent property owners have a problem. So, the problem had to come from someplace."

Jim Fuquay: "Well, I certainly didn't have anything to do with the culvert. Right? The culvert is underneath of Red Gate Road. That was totally out of my hands."

Mr. Borries: "I don't see a drainage plan here. I just don't see any way that we are handling any more or less water off of this thing. I don't get it. If we needed to have a Hunter's Ridge Section 'B' then we needed to have a different configuration on this because obviously this part is higher. So we know where the water is going to go and anytime you are going to change the plan, my rule of thumb always is that you got to take care of your water. If it doesn't, if it's going to impact on somebody else, then I'm not going for it."

Andy Easley: "This is off-sight water and if Section 'D' would have been sized properly, it would be big enough. Granted this ditch that was in here may have got some silt in it, but it could be cleaned out and everybody should be happy. But, the culvert wasn't big enough and if I think Mr. Fuquay, either working with Mr. Wittaking or by himself, will have to put in an additional culvert and then this ditch will have to be restored and it will then handle the water that it is supposed to handle and ..."

Mr. Borries: "But all of that should be on the plan Andy."

Andy Easley: "*It is on the plan*, Mr. Borries. It is right there and it can be approved subject to that this work be done. We haven't designed it yet as far as a plan that we could hand to a contractor to construct it, but this is a conceptual design."

Mr. Borries: "But that doesn't help us on a flat piece of paper. What I want is something for Section 'B' that shows me that it will work and keep that water on that particular property and not make it worse for the other people."

Andy Easley: "It will and this is all you need to approve."

Drainage Board Meeting
October 26, 1992

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Mr. Hunter: "Let me ask you, you also have submitted a letter from Darrell Rice of the Soil Conservation Service. Which of the recommendations that he makes have been incorporated?"

Andy Easley: "He has told us how, in his opinion to control any erosion in the bottom of this channel. He says that it should have Encamats and..."

Mr. Hunter: "But, has that been done?"

Andy Easley: "It will be done on the construction plan. We are asking for conceptual approval here that is what we are asking for."

Ms. McClintock: "But you are asking for conceptual approval...what is that?"

Andy Easley: "That means a 36" culvert and a ditch with a 4 foot bottom width. We want this approved in this location."

Mr. Borries: "What did you base your hydraulic calcs on then? Eleven houses? Higher rate?"

Ms. McClintock: "Wait. Can I ask a question? Are you trying to get approval tonight simply for cleaning out and excavating this ditch and replacing this culvert with a bigger culvert?"

Andy Easley: "No, it is an additional culvert."

Ms. McClintock: "An additional culvert to take care of the problems that are currently there now?"

Andy Easley: "That they are complaining about."

Ms. McClintock: "And then, if we gave approval to do that tonight, then you would come back with your drainage plan for Section 'B'?"

Andy Easley: "We can submit the plans for the County Engineer's Staff to check, but we would like to go to the Plan Commission and get permission to..."

Ms. McClintock: "Wait a minute. We don't approve conceptual drainage plans. I have been on here almost 4 years. We approve the drainage plans. Yes or no."

Bob Brenner: "His whole plan is based on, there will be less run off when the construction is completed than there is now. Is that correct?"

Andy Easley: "The same amount. When the construction is finished and is seeded..."

Carolyn McClintock: "But the plan is not on here."

Bob Brenner: "In subdivisions, when you build a subdivision, you usually have water left over that you have to hold in some manner."

Andy Easley: "Remember, we have 10 houses on 10 acres and if you flatten out some of the ground and you take the impervious area and the wooded area and take the percentages of roofs and driveways and patios and on paper it comes down, and it is using the HERPIC material, and honest to God, please, it is the same amount of run off."

Mr. Borries: "But that is like asking Vern on a commercial that you come out and you get so far behind that you think you are ahead. You are not giving the grade, where this water is coming from, how fast it is, how high this area is..."

Andy Easley: "Yes we have."

Mr. Borries: "I don't see it on here. I don't see it on that plan."

Andy Easley: "We are talking about, this is the run-off coefficient analysis, this is the time of concentration and the area and the sea-is where we come up with this 131 CFS-is coming out of there."

Ms. McClintock: "Mr. Hartman, are you saying that you agree or disagree?"

Dan Hartman: "I do not agree with them."

Mr. Hunter: "Well let's ask David too. He is a PE, and he is acquainted with the HERPIC'S coefficients. What is your feelings on this."

David Savage: "HERPIC'S Coefficients can be subject to quite a bit of judgement. Do you have a copy of the tables?"

Andy Easley: "We have taken the most conservative-*not the most liberal*-the most conservative."

David Savage: "They give a range and you have taken the most conservative?"

Andy Easley: "Yes, we have. Let's just take one minute and run. We have identified the soils that are here. Silty loams. The woodland, it is hilly 10-30%, that is with the loam. And all of the loams are checked off. Half of it will run off. We have taken an analysis of the impervious areas and you can adjust-now we went to another book here on landscape architecture that you adjust the period from a 10 years storm to a 25 year storm, you use this factor 1.1. And we used that to..."

David Savage: "I agree. What was your end resulting?"

Andy Easley: "Going up to here we get this. We used 1.1 on the impervious which takes up to 99% for an impervious area."

Mr. Borries: "We aren't getting anywhere here."

Mr. Hunter: "I think the feeling is that there is a problem with 'A'. And until that is corrected, then I am not sure that we can deal with 'B'. I don't know how Commissioner Borries feels, but ..."

Mr. Borries: "I am not satisfied with it."

Andy Easley: "Well, we want permission to, if you want us to present plans for this trapezoidal ditch and replace, and put in the additional 36" culvert in, we are asking...Mr. Hartman has had that since last Tuesday and he never said that he disagreed with it. He never called me and told me he disagreed with it and I was assuming that it would be presented and it would be approved conceptionally. We would draw plans to replace, grade the ditch and have an additional culvert."

Mr. Borries: "Whose detention pond is on here? Who is going to maintain that? How big is that?"

Andy Easley: "There are no retention ponds."

Mr. Borries: "There is one that is marked up on here."

Joann Gannon: "There was a pond there, but when he put in 'A', he filled in the pond."

Mr. Borries: "What kind of streets have you got on Section 'A'? Do you have concrete on Section 'A', with rolled curbs and gutters?"

Andy Easley: "Yes."

Jim Gardner: "Here on Lot #1 in Hunter's Ridge, which under subdivision 'A'. And that was approved. Right? Is that correct?"

Mr. Borries: "Yes."

Jim Gardner: "If that was approved, there obviously was some type of plan submitted, correct? And so now you are telling me that there is a problem with the lot that I bought, that I own, that was approved? I don't understand it. If this Commission approved that, then I assume that Lot 1 and all of Hunters Ridge 'A' stands approved."

Rick Borries: "Where is Lot 1, Jim?"

Jim Gardner: "It doesn't make any difference. It is that whole first subdivision Rick. And it was approved."

Rick Borries: "It had to be approved otherwise you wouldn't have been able to build on it."

Jim Gardner: "Yes sir, that is correct and therefore if Lot #1 or if that entire section has been approved, then as far as I am concerned, how can you come back and say we have to do something else with it? Or, that it is anybody's responsibility that owns on those lots to maintain that drainage, when this Board approved it? You just admitted that you did approve that."

Mr. Borries: "How do we make the Section 'A' work?"

Andy Easley: "It will all work if we can get permission to put the trapezoidal ditch in there and put the additional culvert in. We will have to maintain the silt fences until the grass is established, but you aren't going to get any progress by delaying."

Mr. Borries: "Mr. Gardner has a good point. We approved this. It is the only way you can build on anything if you have a drainage plan approved. Before this thing goes forward, I would like to see the plan for Hunters Ridge 'A' and figure out what is not working on it and then I would like to see a plan on how 'B' fits in there before I make any decisions on 'B', but I need to know here, apparently there are some problems on 'A' because it is not working. There are people down here tonight telling us that it is not working."

Jim Gardner: "Rick, one of the problems on 'A' is the time factor. Some of the things that were approved to be done in a time slotting have not been completed yet. There is all kinds of construction in the City of Evansville where there is silt problems and drainage problems and mud problems, all over the city. Mainly it is there because construction takes time and it takes time to get grass seeded, it takes time to get grades done. It takes all this kind of time to get it done. You can't expect to come in and take things off of the soil and expect it to immediately not have any problem. You can go out there on Green River Road any day of the week and there are problems. You can go anywhere in the city that construction is going on, whether it is a small building or a major building or road or whatever and there is some problems until Mother Nature and time re-establishes itself. And that hasn't happened yet, but you have approved a situation and now you are coming in and trying to explain to me, as a homeowner out there, that the problem is going to be changed by building silt ponds and all kinds of other things that will infringe upon the land that I bought under faith because you people approved it. Now, that is not the way, I don't think that's the way government works. That is an after the fact situation and this other situation might rectify itself if we allow Mr. Easley and Mr. Fuquay to go ahead and complete the game plan and look at it honestly and give it some time to straighten out. The original problem was done on another thing that was approved on Red Gate. Someone had to approve the culverts and the way that was done down there, plus there has been some misarrangement in the way that thing was aligned for a road, possibly for another subdivision that Wittaking was going to put in that was re-established, and now that road is part of their property. Now, somebody approved that. I assume these things have all been approved."

(unaudible)

Andy Easley: "But that culvert was approved in 1987, I assume by your office. We couldn't find any drainage calcs in your office for some mysterious reason."

Jim Gardner: "To come back and say you are going to do certain things, I mean they put a silt pond back there which was a silt fence. Nobody came in and talked or anything. Mr. Hunter was out there. He came around. No one came around and said anything. They just automatically started doing things on something that had already been approved. That was done because Mr. Fuquay agreed to try to get something done. It was done by request by someone, I assume in this office. No one talked to me about it all. As a matter of fact, I was not even approached and Mr. Hunter was out there and saw me one day and never said one word or asked one question about my position or my land or what was being approved. Now, I don't understand how this whole thing operates when all of a sudden you come in and you are going to make back statements on something that you have already approved. Now if the problem is there, which I know the problem is there, there is a silt problem, but time will solve that silt problem with some seedage and some other proper arrangements. But to come back and say we are going to solve this problem by doing something on something that you have approved that I own, I can't understand that!"

Mr. Hunter: "I was there, but I was simply looking trying to get a handle on what the problems were out there. I was not on this board when subdivision Hunter Ridge 'A' was approved and apparently there was a lack of knowledge on the fact that there was an adjacent subdivision."

Jim Gardner: "But somebody was on the Board that approved it. Okay?"

Mr. Hunter: "Like I say, I wasn't on the Board, but we currently have a problem and I think we need to try to resolve that problem for everyone concerned."

Jim Gardner: "I think that is true, but stopping the progress is not going to solve the problem. It is just going to allow the problem to set there and fester and to come back and say that you are going to put something else on our property that you have already approved doesn't fly. Legally or any other way."

Mr. Hunter: "Mr. Brenner, what do you and Mr. Hartman suggest? You were the ones that approved the 1967 subdivision and then recommended, you must have done something on this. We do have a problem."

Bob Brenner: "Like I said, very possible. I still think we need to go back and, when do you have to be before Area Plan, Andy?"

Andy Easley: "We have already missed two meetings. He's got people who are interested in buying that property. He has a cash flow to maintain. We would like to get on and clear up the problems. We need to go to the November meeting. The first Wednesday in November."

Bob Brenner: "We should be able to handle that. The first Wednesday in November? No we can't."

Andy Easley: "There's not another meeting for this."

Bob Brenner: "Well, there can be. The Board can call a meeting anytime they wish with the proper notice. I don't see how you can approve it tonight. I really don't. I think you need to see if there is something wrong with 'A' and everybody has made mistakes and maybe there was a mistake and maybe there wasn't on 'A'. I don't know, but we need to find out what..."

Mr. Hunter: "Would you be willing to go out and look at 'A' and see what has happened out there and if we need to call a special meeting, we certainly will, but I am not comfortable with this."

Bob Brenner: "Certainly."

Mr. Borries: "Jim, do you have any suggestions on what these people can do and how we resolve all of this?"

Jim Fuquay: "This ditch which Andy has drawn is more like a swale. On the southside of Pine Gate Road. This is the 200 or so feet that we are talking about where the silt accumulates and causes the problem with the flooding out at the Gannon's."

Rick Borries: "How about the Gardner's and some of these other people that are in 'A'?"

Jim Fuquay: "Okay, that silt is coming down from along this area back here where we put sewer in, there's a low area right along here where we put sewer in and that silt is washing down and accumulating here, so we built a silt dam right in this area which is on Mr. Gardner's property. The point that I want to make is, if you would physically, if you would go out there and look at this ditch the way it used to be, it is very, very close to what Andy is proposing here. In other words, the ditch has been filled with silt in some areas and it is no longer in this configuration. It is very flat in some areas which is causing the flooding. If we establish this back to the way it originally was, plus Andy has come up with another foot or about 6" of depth. We are essentially back to what was originally there and if we stop the silt, then this will take it. Then we have the question of the culvert. So you have two issues here."

Mr. Borries: "But you see, if you have altered this plan, and that is Mr. Gardner's point, then, if that wasn't approved on the original one, then that modifies and changes the whole plan on the first one."

Andy Easley: "We are not working within the boundaries of Section 'A'. This is offsite to restore a ditch that was probably there years ago and maybe, I would venture to say that when the Gannon's moved in, that ditch was not 2½ feet deep on the southside of Pine Gate."

Joann Gannon: "That ditch, whatever its' depth was, always handled the water unless we had a once every five year rain and nothing will handle it there..."

Andy Easley: "We would like permission to restore it so it will handle the water, and it has to handle 131 cubic feet per second."

(inaudible remarks)

Andy Easley: "I still say, plus or minus this is not too far from being off. If you want to juggle your percentages a little bit, but we tried to do this in a conservative manner. You are saying that the ground was completely flat. I don't think that has that much to do with it..."

Mr. Borries: "Sure it does."

Andy Easley: "Just a minute. On the analysis, the time of concentration comes into the steepness of the ground. The time of concentration is influenced by the steepness of the terrain and the length of flow."

Mr. Borries: "But we don't even have a handle here on how high it is. I have asked you earlier what the grade was and I couldn't get an answer on that."

Andy Easley: "The contour lines are on here. There is quite a difference in elevation ..."

Mr. Borries: "I understand that. I can see that."

Andy Easley: "The grade of the street doesn't interfere with the amount, doesn't have much to do with the amount of water that runs off of it."

Mr. Borries: "But when you change the land Andy..."

Andy Easley: "We aren't changing that much. We are changing a little narrow sliver in here, and we put a culvert under the road and all of the rest of it Mother Nature takes down that valley. And that's the truth, we are not..."

David Savage: "It's a balance of the pervious coefficient run-off, or how much it will soak in, and the impervious. And what's been done is, for the whole lot it is 50% and we are going to take 12% of the lot and make it 99%, that's the pavement, and we are going to have 88% left at some number and you are using a number for 7% lawns; whereas, the before number that you were using was for 10%-30% wooded and I know that these numbers, you can't make them exactly. But, if you were re-grading you whole lawn area, the entire lot, so it was basically much flatter than it was, then what you are saying, I think, would be true. But are you doing that, or are you basically leaving the lot the same as it was except where you are going to build your driveway and your house? If you are going to just do that, then the rest of the lot should be figured at the 50% that it was before and not at the 35% for 7% lawn. I've not gone over that in detail, so they may be doing that."

(inaudible remarks)

Mr. Hunter: "When you put the sewer through, did you go back within 30 to 45 days or whatever it is and reseed that area that was disturbed?"

Jim Fuquay: "This side area was not. I guess that was an oversight on my part. I never even thought about it, the off-site here. I was more concerned with the on-site and maybe that was part of the plan in Section 'A' and that would be my oversight."

Mr. Hunter: "Quite frankly, I am not willing to act on this until Mr. Brenner has had an opportunity to look into this to see what kind of a problem we may have started back in the '60s or whenever it was. I would like some recommendations from you or your office as soon as possible and if necessary, we will have a special meeting. Commissioner Borries, how do you feel?"

Mr. Borries: "I don't know if we can cure all of the problems that happened back in the '60s when we didn't even approve drainage, but I certainly don't get the one that is out there now, because I don't understand it. If 'A' is not working, I keep coming back to that, and we approved it, then I don't see how I can approve anything until 'A' works."

(inaudible remarks)

Jim Fuquay: "If 'A' is not working, it is a result of the silt that has accumulated down here which, that is the problem we need to address and take care of."

Rick Borries: "And some seeding and some stuff that needs to apparently be on here, Jim that apparently was all part of what your drainage plan would have been on 'A'. It is tough to do seeding. I understand that now, but I don't see how it gets any better if we turn around here in November and approve a plan when there is not even going to be any grass growing in another month. How are you going to seed when you can't grow grass? I am no Science teacher like Jim Gardner, but I have been able to figure that out. I usually don't mow my grass in December so I figure it doesn't grow too much then."

(inaudible remarks)

Mr. Borries: "Would you guys go out there and work with them to get those items squared away so we could get some kind of resolution? They have some problems with it and there needs to be some communication here and they could probably tell you what needs to be done on it."

Andy Easley: "We would like, before we go out and get out the backhoes and buy the pipe, we

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would like a conceptual approval of what we are proposing. If somebody wants to say that 36" isn't big enough, make it a 42", then all I ask is show me your calculations and if they want a bigger ditch, show me your calculations and then we will commit ourselves to do what we agree on."

Mr. Hunter: "I think all we are asking here is that something be done that works so we don't have people lined up saying this doesn't work."

Andy Easley: "We want to cooperate. Sixty days ago I said that I would-he was out of town-I said I will do something immediately, and didn't I do something almost within 2-24 hours?"

Joanne Gannon: "The day before the meeting, the ditch was dug, the straw put back in and the several silt screens were put up. In 20 days the ditches filled and silt screens are broken down."

Don Hunter: "There seems to be some concern on Darrell Rice's part about the silt fences."

Andy Easley: "He has recommended additional silt fences, we are questionig if we get the construction finished [break due to changing of tape] I don't know that we are going to need all the silt fences, but I can talk to Darrell Rice and if he insists that we add additional silt fences, he spent well over \$1,000 on the silt fences. We would like to see if we could trap the silt with the two fences that we have, but if we can't, we can't."

Mr. Borries: "There are people out there that have spent more than \$1,000 to buy a house and they have some rights in this deal too. We need to work through these."

Andy Easley: "That is correct, but we are delaying the solution to the problem by not..."

Mr. Borries: "We are delaying a lot in December. I'll tell you that."

Andy Easley: "Do you agree with 36" culvert and do you agree with that ditch?"

Dan Hartman: "I agree with the 36" culvert and I agree with the ditch. I do not agree with your no detention pond at the end of Section 'B' or 'A'. The project itself on the downstream side of the culverts. I think you should have a detention pond there."

Andy Easley: "What do you base that on? Have you got a calculation to show us?"

Mr. Hartman: "Yes, I have run-off on it, Andy."

Bob Brenner: "What it boils down to is, is that they disagree on the calculations."

Mr. Hunter: "How about you all working it out and then when you come back to this board let's have some positive recommendations that will take care of Mr. Fuquay's problems and at the same time will take care of the problems in the adjacent subdivision."

Steven Vanderver: "I am a resident of 12721 Red Gate Road just north of Mr. & Mrs. Gannon. We have a small drainage ditch that runs across our yard from north to south and into the Gannon's yard, which also feeds into the culvert that goes under the Red Gate Road culvert that has been under discussion. My ditch has been filling with silt also, but only since the part 'B' has been under construction and all the dirt moving up there. Mr. Easley has assured me that none of the run-off from there is coming into my ditch, but it is filling with silt and the volume of water is considerably more than it ever has been before the construction started up there. This only adds to the volume of water flowing under Red Gate Road that is not coming around behind the Gannon's and on to Pine Gate where the drainage ditch is. I wanted to insert that just to make sure that it was considered and I understand the problems of planting and seeding and timing and all of that, but I don't feel that the other adjacent property owners should have to suffer during all of this time. That's something intermediary should be done to prevent any excessive drainage or any other problems to the adjacent homeowners."

Mr. Hunter: "Mr. Fuquay, are you willing to work with these neighbors to try to solve all of these things and if they call you, you will return their calls and if you need to sit down, you and Mr. Easley and the Surveyor's Office, can we do this? I want to get this resolved because I realize this is costing you money and it is keeping houses off the tax rates for Vanderburgh County, but at the same time, these folks in the adjacent subdivision have to be taken care of in an acceptable manner."

Mr. Fuquay: "Certainly. I want it resolved too."

Jim Gardner: "Rick, has anyone considered that this summer has been an unusual water flow summer? Last summer we could have done this and we would not have any problems. Two summers ago we might have had some dust storms, but there would not have been any silt. This summer has had several storms. Matter of fact, I think it has had three series with volume and time that has been greater than we have had probably in the last four or five years. So, then to compare water flow, one is going to have to consider the time factor and the amount of water that was dumped on that land in a given time and it has been incredibly higher this summer than it was in previous summers. That does not change the amount of water flow or the amount that has fallen on the ground."

Mr. Hunter: "We have tried to tell some homeowners that in Old Petersburg Place too that have some drainage problems and they don't agree with us at all on that. I agree with what you are saying."

Mr. Borries: "And that is why it ought to be designed for a twenty-five year event. That is the county specs."

Jim Gardner: "That is why these gentlemen need to get the ditch deeper and the culvert and get on with it. If you have another big rain next month, you're going to have exactly the same problem if not worse. And if nothing is done and the ditch is not made deeper, and the culvert in not put in it's going to get worse and worse and worse. Mother Nature is not going to repair itself in that lenght of time unless we come in and help it along. These gentlemen need to get on with the ditch and the culvert and the rest of this or it's going to sit like that and just get worse-and the silt the next time a big rain comes, or that sandstone when it starts freezing and thawing is going turn into some stuff that resembles puddy and it is going to start flowing and it is going to be an awful mess."

Mr. Hunter: "Okay, I think all of the participants are here. They are all willing to work together on it to get this resolved. Bob, can we assume that you will head this resolving group up? And as soon as you get something, come back to us."

Bob Brenner: "Yes."

RE: LOT 14 OLD BOONVILLE HWY. COMMERCIAL PARK

Submitted by Morley and Associates.

Dan Hartman: "Morley is essentially adding this pipe here in lieu of this open ditch here."

Mr. Hunter: "I have read through this and I guess I've got a question that I would address to the County Attorney and that is, 'Do we have any authority on drainage easements that don't impact?' He's wanting to move something, if I read this correctly. Do we even have that authority?"

Jeff Whilhite: "It's not on a county right-of-way? What are we talking about?"

Mr. Hunter: "As I understand it is not on right-of-way. I question whether we could even do this or not."

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Mr. Borries: "He still has to come to the Drainage Board to get approval if he is going to move something from the original drainage plan. Did we approve the original drainage plan?"

Bob Brenner: "Yes."

Mr. Borries: "Then we probably have to approve his move."

Bob Brenner: "Yes we do, but, what he is saying is, 'Can we approve the easement change?' The ditch before-was not in the calculations-were storage, so it has absolutely nothing to do with that. What has happened is that they have a large building and they need to move it and the question really is, hydraulically we recommend this totally. It will work. It has no impact on the drainage plan. The impact is that you have an easement here that they wish you to abandon, and an easement that they wish to grant to you, a different one."

Mr. Borries: "It is kind of like a revised drainage plan."

Bob Brenner: "We took the easements we should be able to give them back."

Mr. Hunter: "Do you agree that we can do this?"

Bob Brenner: "Sure. Sure. It was a 20 foot open ditch and they are going to move it over to be a 12 foot pipe. So you only need..."

(inaudible)

Jeff Whilite: "There is still...this presents the question that we have been struggling with. These drainage easements, we approve them but we don't actually accept them for maintenance and now the language here is to vacate-when in fact, we never accepted it."

Mr. Borries: "Yes, we did accept it. Merely because we are accepting a revision, if this is going to be a revised drainage plan, doesn't mean that we are going to maintain it."

Mr. Hunter: "So, what are you saying on this? Do we have the authority to do it?"

Jeff Whilite: "You have the authority to do it. It is up to the Board as to whether it is a workable plan."

Mr. Borries: "Do you recommend that we approve this?"

Bob Brenner: "Yes, we do."

Rick Borries moved to approve. Motion was seconded by Don Hunter. So ordered.

RE: REPLAT OF LOT 1, KIRCHOFF SUBDIVISION

Dan Hartman: "This was Lot 1. The whole thing was Lot 1 and Scott, from Sam Biggerstaff's will tell you what is going on here."

Mr. Hunter: "Is this Kirchoff out on County Line Road?"

Scott Buedel: "Yes."

Mr. Hunter: "Have you been out there?"

(inaudible)

Mr. Hunter: "Have you worked with the Soil Conservation Service on this? There is no way I will approve this. I went out on this, this summer with four or five of the advisors and the SCS

people and they had major concerns about what had or had not been done out there, and the fact that there had been no drainage plans submitted. Do we have a drainage plan here?"

Mr. Borries: "Are they going to have sewers on this?"

Scott Buedel: "No storm sewers, just sanitary."

Mr. Hunter: "The problem was that there was existing flooding right now and if he put in a culvert that it would simply compound the flooding and there was some real concern. Have you talked to Darrell Rice on this?"

Scott Buedel: "No. I haven't."

Mr. Hunter: "I am not willing to work on this until you and Darrell have worked something out because I spent an hour out there on that sight this summer with them and there is some real concern, in fact, I have a phone message laying in here now from them...from one in that office on this subdivision. I am sorry, I can't approve it until we get that worked out."

RE: BLUE CLAIMS SUBMITTED

Dan Hartman submitted the Blue Claims as follows²:

1. Terry R Johnson #1052 #234-038
Additional maintenance Sonntag-Stevens ditch. Pay 85% 816.00
2. Terry R Johnson #1052 #234-015
Eastside Urban N½. Pay 85% 3419.58
3. Terry R Johnson #1052 #234-019
Henry Ditch summer/fall mowing. Pay 15% 123.50
4. Terry R Johnson #1052 #234-017
Harper Ditch second summer mowing. Pay 15% 131.77
5. Terry R Johnson #1052
Kolb Ditch summer mowing. Pay 15% 242.07
6. Terry R Johnson #1052 #234-006
Aiken Ditch summer mowing. Pay 15% 280.98
7. Terry R Johnson #1052 #234-038
Additional Maintenance Sonntag-Stevens. Pay 15% 144.00

President Hunter entertained a motion for approval of blue claims.

So moved by Commissioner Borries, with a second by Commissioner Hunter. So ordered.

RE: ADDITIONAL MAINTENANCE CONTRACT PROPOSAL FOR KOLB DITCH

Bob Brenner: "Similar problem as on Hunter Ridge except it's in the flats. When they built I-164 and there is a lot of house construction going on out here. The ditch has silted in and running from Covert-remember the lake we took in and we don't maintain that, so they will take care of that-and we want to clean it out. Bid it out. The part in yellow is it. It comes up, there are four culverts in there that have quite a bit of silt in them and we bid this two ways in the specs. We said they could either have them clean it or have the county bridge crew clean it. If it is staggering, we will be back to the Commission to talk about cleaning this. This is Kolb Ditch on the east side, due to I-164 and all this construction, the ditch has silted in. We have more complaints on this ditch with mosquitos this summer than the rest of them put together. It will definitely come in under the \$25,000 figure. The specs are here."

Mr. Borries: "Are you going to advertise it then?"

Bob Brenner: "I don't think we have to. I know we don't have to since it is under \$25,000.00."

²Copies of Blue Claims and Surveyor's Reports included with the 10-26-92 minutes.

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Mr. Borries: "I would like to see it advertised just for the heck of it. Don't you figure you are going to get more than one bid on it."

Bob Brenner: "I am going to get more than one bid. I have to."

Mr. Hunter: "Is there some reason not to advertise it?"

Bob Brenner: "This is the same story you heard about the grass not growing. We have to re-seed it and we would liked to have done it this year, but..."

Mr. Borries: "Are you saying this is an emergency then?"

Bob Brenner: "No. I'm not saying that it is a emergency. They have lived with it this long..."

Rick Borries so moved. Don Hunter seconded, so ordered.

RE: 80/20 GRANT

Bob Brenner: "The next one is what is called some good news. There is a grant of 100,000.00 dollars for one of our ditches. It is a 80-20 grant. We talked the people at DNR³. This is one that we have been surveying on, the ditch, the bottom is absolutely falling out of the ditch. Something is happening. Whether it was the bridges we constructed-something has happened on that ditch and it needs some major work and I would like permission to start. It is going to take some work but, they will pay 80% of any bank stabilization we come up with."

Mr. Hunter: "Was this the same legal drain that Bernardin-Lochmueller were fooling around with?"

Bob Brenner: "Yes, absolutely."

Mr. Hunter: "They did all that survey work on it and made a presentation on it at the Hornville Tavern. So some of the work has already been done?"

Bob Brenner: "No. They just looked at it. They talked..."

Mr. Hunter: "But they didn't come through with it. I thought they were going to do a pilot project on that. I remember the presentation."

Bob Brenner: "They were wanting to put in things that the farmers have been working to take out."

Mr. Hunter: "So you want us to do what? Give you the green light on this?"

Bob Brenner: "Just tell me you are interested in it. It needs to be done so we can start surveying on it and come up with some kind of plan. Soil Conservation is interested in it, they need to participate. I sent them, every property owner in the area can get part of the grant to put a lake in, pull some water out of it..."

President Hunter entertained a motion to approve. Rick Borries so moved. So ordered.

There being no further business, the meeting was adjourned at 7:35 p.m. by President Hunter.

PRESENT:

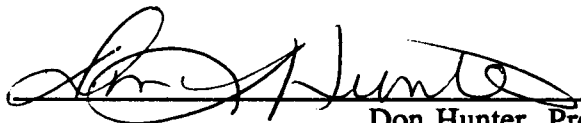
Don Hunter, President


³Copy of letter from DNR to Gary Rexing, regarding Barr Creek "T by 2000" grant of 100,000.00 dollars.

Drainage Board Meeting
October 26, 1992

19

Richard Borries, Vice-President
Carolyn McClintock, Member
Bob Brenner, Surveyor
Dan Hartman, Surveyor's Office
Dave Savage, County Engineer
Andy Easley, Easley & Associates
Jim Fuquay, Fuquay Construction
Tim Gannon
JoAnn Gannon
Linda Vanderver
S.H. Vanderver
Scott Buedel
Kay Ankenbrand
Jack Weber
Brenda Weber
David Byrne
Members of news media
Others-unidentified
Secretary: Joanne Matthews
Transcribed:sbt


Don Hunter, President

Rick Borries, Vice-President
Carolyn McClintock, Member

SURVEYOR'S OFFICE
VANDERBURGH COUNTY
ROOM 325 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

TO: Vanderburgh County Drainage Board
FROM: Robert Brenner
DATE: October 21, 1992
RE: Drainage Board Agenda

We are requesting the following subdivisions be put on the Drainage Board Agenda for your consideration and approval.

Hood Subdivision located on Schenk Road south of Orchard Road. Submitted by Three I Engineering.

*app'd
with stipulation*

Oak Wood Subdivision located on Boonville New Harmony Road west of Browning Road. Submitted by Fred Kuester Engineers.

Postponed

Pleasant Hill Subdivision located on Whetstone Road East of Petersburg Road. Submitted by Andy Easley Engineers.

*app'd
with stipulation*

Replat of Lot Maplewood Ridge Estate located on Oak Hill Road north of Bergdolt Road. Submitted by Sam Biggerstaff.

Postponed

Hunters Ridge Sub. Section "B". Submitted by Andy Easley

Lot 14-Old Boonville Hwy. Commercial Park. Submitted by Morley and Associates.

cond. answering

Additional Maintenance Contract proposal for Kolb Ditch.

Blue Claims submittal for Contractual maintenance of Legal Drains in Vanderburgh County for the year 1992.

*

If there are any questions pertaining to this material this Office will answer them.

Dan G. Hartman

X BARR Creek/GRANT

Postponed



INDIANA DEPARTMENT OF NATURAL RESOURCES

PATRICK R. RALSTON, DIRECTOR

Division of Soil Conservation
402 W. Washington St., Rm. W265
Indianapolis, Indiana 46204
317-233-3870

Date: 10/8/92

Name: Gary Rexing, Chairman Vanderburgh Co. SWCD
Address: 12445 Awy 41 N
Evansville, IN 47711

RE: Barr Creek

Dear Mr. Rexing:

On behalf of the State Soil Conservation Board and the Division of Soil Conservation, I would like to advise you that the Vanderburgh Co. and Posey Co. SWCDs have been awarded a "T by 2000" Lake and River Enhancement grant of \$100,000 for the purpose of targeting land treatment practices in the Barr creek watershed that will reduce the inflow of sediment and nutrients to Barr Creek. Enclosed is a document that briefly explains our watershed land treatment approach.

Since the "river" portion of the enhancement program is new, we will be contacting you soon to set up a meeting date to further explain the program and the funding process.

Until we meet, please start the process of evaluating the watershed land treatment practices needed and prioritizing their implementation. If you have already completed the "evaluating" process then please start contacting individual landowners about doing cost-shared land treatment practices on their land.

If you have questions, please contact me as soon as possible. We will be glad to provide assistance whenever possible.

Sincerely,

Harry S. Nikides
Assistant Director

HSN/qb

cc: John Simpson, IDNR
Wayne Bivans, IDNR
Charles Gossett, SCS
Robert Bunner County Surveyor
Tom Stefanavage, District Fisheries Biologist

Steve Qualkinbush, AD, Area 4
John Winters, IDEM
Durrell L. Rice, DC
Harold C. Thompson, AC

"EQUAL OPPORTUNITY EMPLOYER"



Three I Engineering Inc.

Engineers/Architects

812-423-6800

P.O. BOX 6562 • 2425 W. INDIANA ST. • EVANSVILLE, IN 47719

RICHARD BROERMAN, P.E.

RICHARD ROE, P.E.

THOMAS SOLECKI, A.I.A.

DAVID TIEKEN, P.E.

STEVE WUNDERLICH, P.E.

TRANSMITTAL LETTER

DATE: October 20, 1992

TO: County Surveyor's Office
Evansville, Indiana

PROJECT: Hood Subdivision

ATTN: Mr. Dan Hartman

PURCHASE ORDER NO. _____

BUILDING NO. _____ JOB NO. 92-287

We Transmit:

- ☒ Herewith ☐ Under Separate Cover
☐ In Accordance with your Request

Via:

- ☐ First Class Mail ☐ UPS ☒ Messenger ☐ _____

For Your:

- ☒ Approval ☐ Use ☐ Record
☐ Review & Comment ☐ Information ☐ _____

The Following:

- ☒ Prints ☐ Specifications ☐ Shop Drawings ☐ Approved
☐ Tracings ☐ _____ ☐ Approved as Noted
☐ Not Appr'd, Resubmit

Copies	Dated	Description
1	10-20-92	Site Plan Sheet and Drainage Sheet w/Highlited Areas and a Set of Drainage Calculations

Remarks:

Sincerely yours,
THREE I ENGINEERING, INC.

BY:

Tony Schnur
Tony Schnur

Copies to:

(with enclosures)

- ☐
☐
☐



(A)

TIME OF CONCENTRATION "KIRPICH"

AREA	ACRES	Ht	LENGTH	t _c
I	5.03	32'	570'	6.5 min
II	2.09	29'	470'	5.5 min
III	4.45	43'	445'	5.0 min
IV	1.06	2.5'	150'	5.0 min
V	4.14	44	400'	5.0 min

(B)

CALCULATE C_w FOR UNDEVELOPED AREAS

AREA I

C_{PASTURE} = .275

C_{WOODLAND} = .176

} - SEE ATTACHED
TABLE 11 FROM
BOARD of Public Works

$$C_w = \frac{3.18AC}{5.03} (.275) + \frac{1.85}{5.03} (.176)$$

AREA I
C_w = 0.24

AREA II

$$C_w = \frac{0.42}{2.09} (.275) + \frac{1.67}{2.09} (.176)$$

AREA II
C_w = 0.20

(B) CONTINUED

AREA III

$$C_w = \frac{0.45}{4.45} (.275) + \frac{4.0}{4.45} (.176)$$

Area III
 $C_w = 0.12$

Area IV

Area IV
 ~~$C_w = 0.12$~~ (ALL PASTURE)

Area V

$$C_w = \frac{0.62}{4.14} (.275) + \frac{3.52}{4.14} (.176)$$

$C_w = 0.19$
Area V

(C) CALCULATE NEW C_w FOR DEVELOPED AREAS BASED ON THE FOLLOWING:

1. Assume Lot "B", composed of 3 SEPARATE DRAINAGE AREAS, will have FUTURE DEVELOPMENT CONSISTING OF A LARGE HOME, DRIVES, PATIO'S AND OUT BUILDINGS THAT WILL CONSIST OF APPROXIMATELY 8000 SF of IMPERVIOUS AREA. THE DRAINAGE AREAS I, II & III will SHARE EQUALLY IN THE AMOUNT OF IMPERVIOUS AREAS; THEREFORE, THE FOLLOWING will be assumed



(C) CONTINUED

$$a \quad \frac{8000 \text{ FT}^2}{3} = 2667 \text{ FT}^2 / \text{AREA}$$

$$\frac{2667 \text{ FT}^2}{43560 \text{ FT}^2} = \boxed{0.0612 \text{ ACRES IMPERVIOUS PER AREA}}$$

b. New C_w (DEVELOPED) $C = 0.95$ DEVELOPED

AREA I

NOTE: "C" VALUES
TAKEN FROM
TABLE 11 BOARD
OF PUBLIC WORKS
EVANSVILLE, IN.
SEE ATTACHED
SHEET.

$$C_w = \frac{0.06}{5.03} (.95) + \frac{1.17}{5.03} (.176) + \frac{3.19}{5.03} (.275)$$

$$C_w = .011 + .042 + .174$$

$$\boxed{C_w = 0.225} \Rightarrow \text{Developed Area} \#$$

AREA II

$$C_w = \frac{0.06}{2.09} (.95) + \frac{1.41}{2.09} (.275) + \frac{1.67}{2.09} (.176)$$

$$C_w = .027 + .055 + .1356$$

$$\boxed{C_w = 0.22}$$

AREA III

$$C_w = \frac{0.06}{4.45} (.95) + \frac{0.45}{4.45} (.275) + \frac{3.94}{4.45} (.176)$$

$$C_w = .013 + .028 + .158 \quad \boxed{C_w = 0.20 \text{ AREA III}}$$



Three I Engineering Inc.

Consulting Engineers
812-423-6800

Project _____

Sheet _____ of _____

Order No. _____ Date _____ By _____

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- © AREAS IV AND V ARE EACH CONTAINED ON SEPARATE lots. SINCE AREA IV IS COMPLETELY ON LOT D AND THE BUILDABLE AREA IS ONLY SLIGHTLY MORE THAN ONE ACRE A 4000 SF IMPERVIOUS AREA WILL BE ASSUMED. AREA V WILL ALSO BE ASSUMED TO BE APPROX 4000 SF OF IMPERVIOUS AREA:

9. NEW C_w

AREA IV

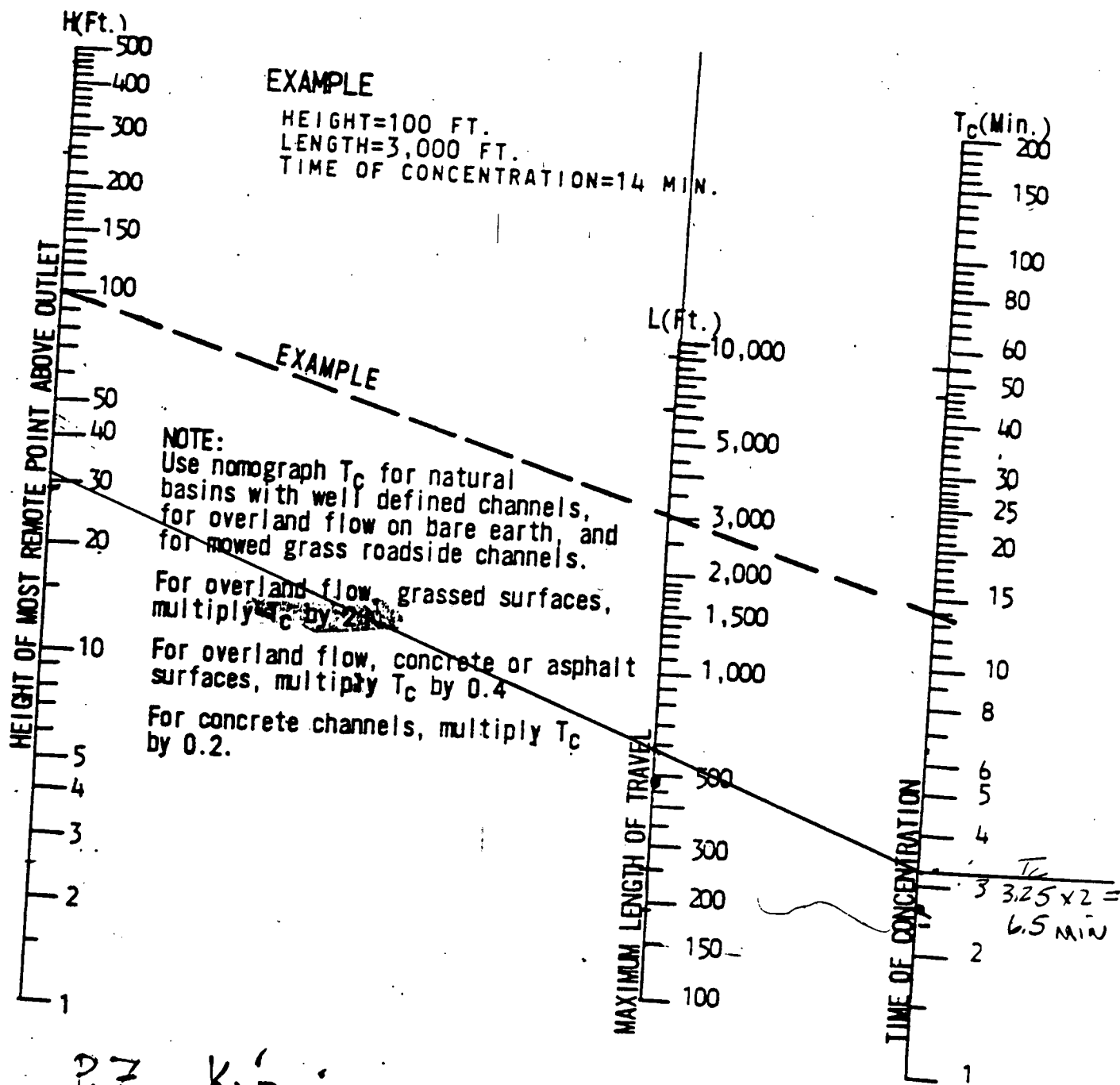
$$C_w = \cancel{0.09} (1.95) + \cancel{0.47} (1.174)$$

$$\boxed{C_w = 0.24} \\ \text{AREA IV}$$

AREA V

$$C_w = \cancel{0.62} (1.275) + \cancel{0.09} (1.95) + \cancel{3.43} (1.174)$$

$$\boxed{C_w = 0.21} \\ \text{AREA V}$$

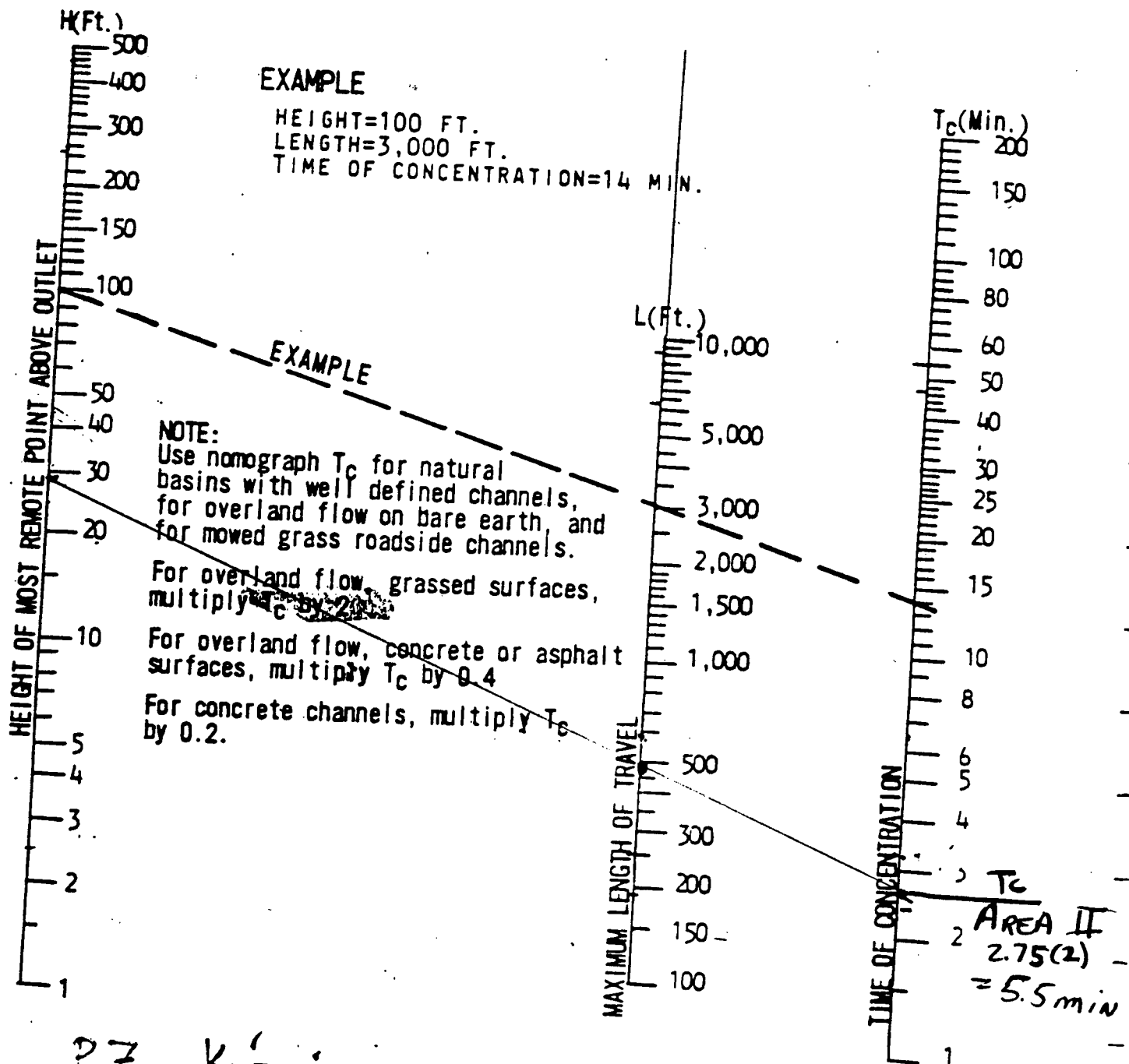


P.Z. KIR PICH

TIME OF CONCENTRATION OF SMALL
 DRAINAGE BASINS

FOR EXAMPLE: SEE 3) PAGE 41

FIG. 7-425.04 A

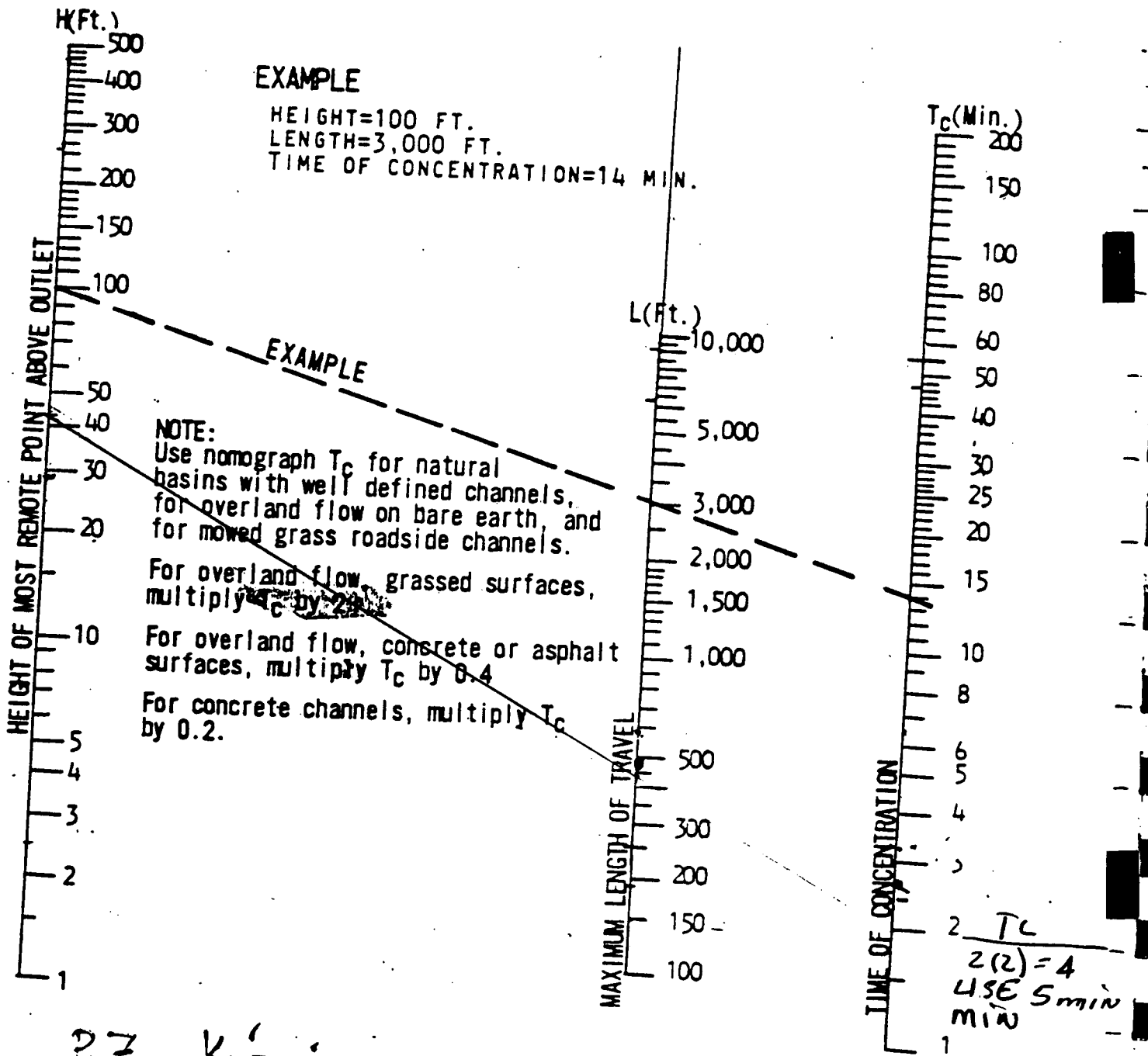


P.Z. KIR PICH

TIME OF CONCENTRATION OF SMALL
DRAINAGE BASINS

FOR EXAMPLE: SEE 3) PAGE 41

FIG. 7-425.04 A

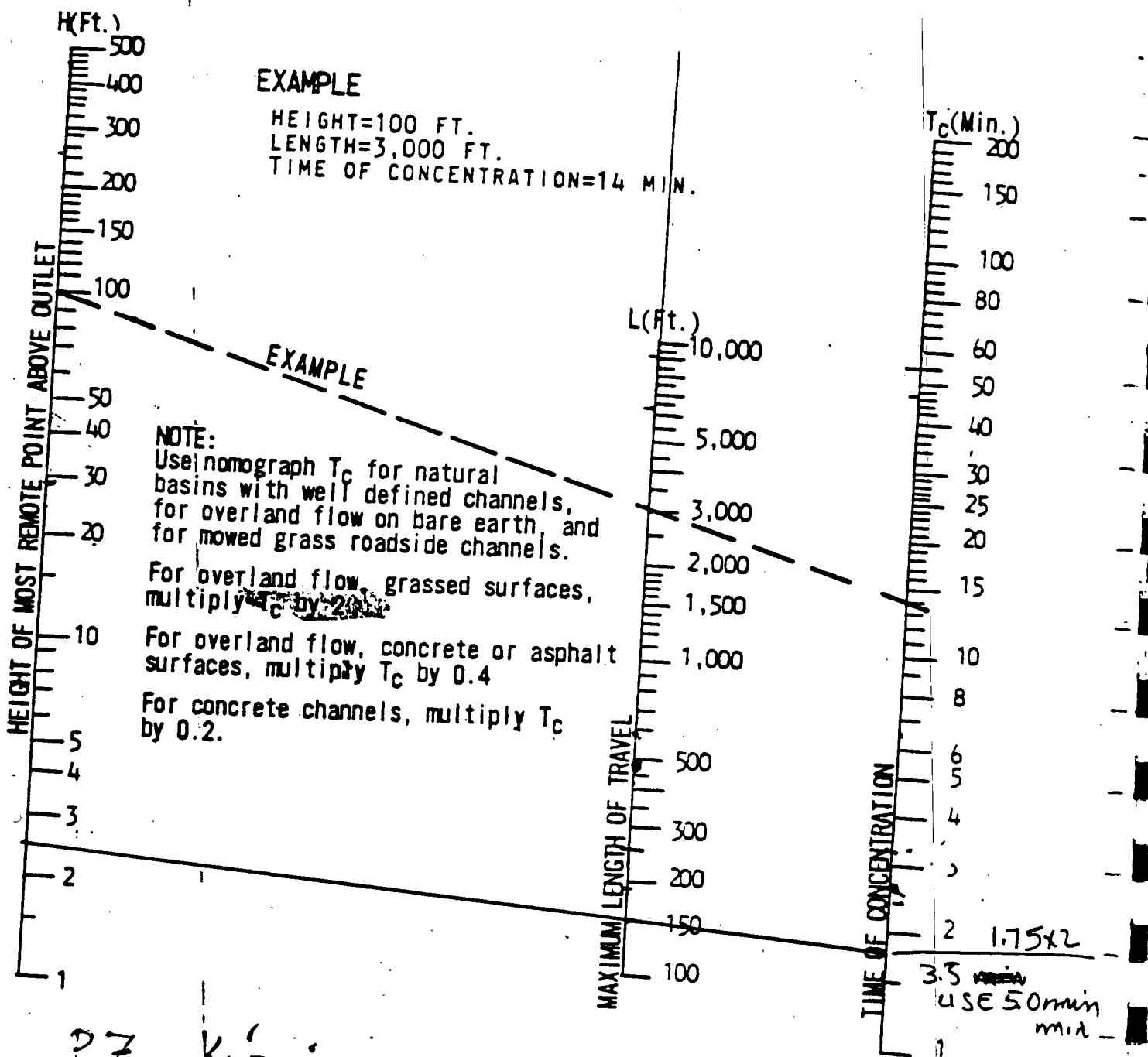


P.Z. KIR PICH

TIME OF CONCENTRATION OF SMALL
 DRAINAGE BASINS

FOR EXAMPLE: SEE 3) PAGE 41

FIG. 7-425.04 A



P.Z. KIR PICH

TIME OF CONCENTRATION OF SMALL
DRAINAGE BASINS

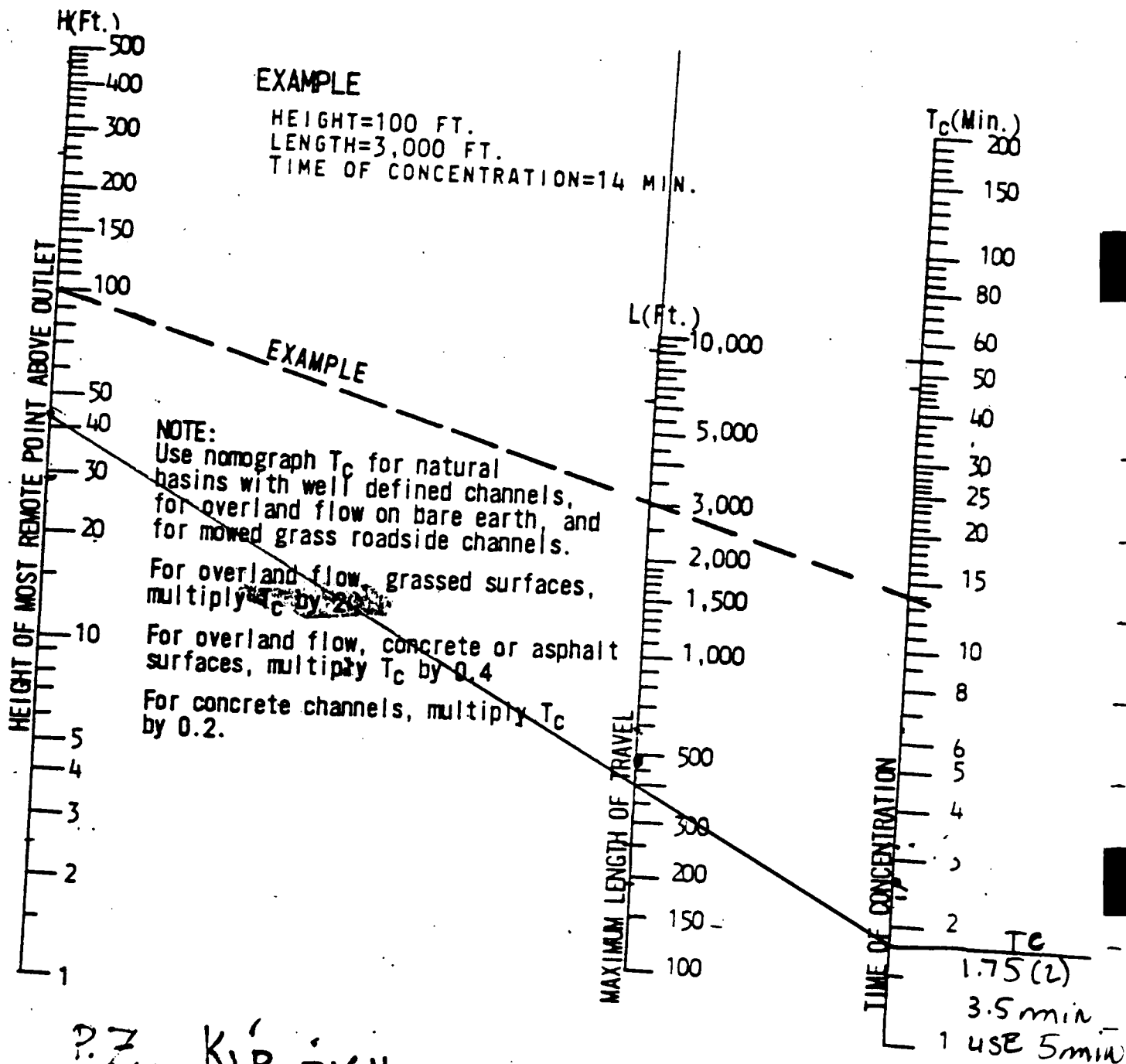
FOR EXAMPLE: SEE 3) PAGE 41

FIG. 7-425.04 A

7-425.04A

JAN. 1971

AREA V



P.Z. KIR PICH

TIME OF CONCENTRATION OF SMALL
 DRAINAGE BASINS

FOR EXAMPLE: SEE 3) PAGE 41

FIG. 7-425.04 A

HOOD

Project Detention Facility Design Return Period 25 yrs.
Designer 3 IE Release Rate Return Period 25/5 yrs.

Watershed Area 5.03 acres
Time of Concentration (undeveloped watershed) 6.5 minutes
Rainfall Intensity (i_d) 5.10 in/hr inches/hr
Undeveloped Runoff Coefficient (C_u) 0.4
Undeveloped Runoff Rate ($O = C_u i_d A_D$) 6.0 cfs
Developed Runoff Coefficient (C_D) 0.45

Storm Duration t_d (hrs)	Rainfall Intensity i_d (inches/hr)	Inflow Rate $I(t_d)$ $(C_D i_d A_D)$ (cfs)	Outflow Rate O $(C_u i_u A_u)$ (cfs)	Storage Rate $I(t_d) - O$ (cfs)	Required Storage $\left[I(t_d) - O \right] \frac{t_d}{12}$ (acre-ft)
0.17	5.45	6.85	6.04	0.81	0.013
0.33	4.15	5.12	"		
0.50	3.42	—	"		
0.67	2.85	—	"		
0.83			"		
1.0			"		
1.5			"		
2.0			"		
3.0			"		
4.0			"		
5.0			"		
6.0			"		
7.0			"		
8.0			"		
9.0			"		
10.0			"		

5000
489.6 ft

* Since $I(t_d) - O < \text{zero}$, there is no storage needed.

Figure 6.18 Detention Storage Calculations for the Rooftop
Using the Rational Method

Project Detention Facility Design Return Period 25 yrs.

Designer THREE I ENG Release Rate Return Period 25/5 yrs.

Watershed Area 205 acres

Time of Concentration (undeveloped watershed) 5.5 minutes

Rainfall Intensity (i_u) 5.4 inches/hr

Undeveloped Runoff Coefficient (C_u)

Undeveloped Runoff Rate ($Q = C_u i_u A_u$) 2.26 cfs

Developed Runoff Coefficient (C_D) 0.25

Storm Duration t_d (hrs)	Rainfall Intensity i_d (inches/hr)	Inflow Rate $I(t_d)$ $(C_D i_d A_D)$ (cfs)	Outflow Rate O $(C_U i_U A_U)$ (cfs)	Storage Rate $I(t_d) - O$ (cfs)	Required Storage $\left[I(t_d) - O \right] \frac{t_d}{12}$ (acre-ft)
0.17	5.45	2.51	2.26	0.25	0.635
0.33	4.15	1.91	"	"	"
0.50	3.42	"	"	"	"
0.67	2.85	"	"	"	"
0.83	2.62	"	"	"	"
1.0	2.30	"	"	"	"
1.5	"	"	"	"	"
2.0	"	"	"	"	"
3.0	"	"	"	"	"
4.0	"	"	"	"	"
5.0	"	"	"	"	"
6.0	"	"	"	"	"
7.0	"	"	"	"	"
8.0	"	"	"	"	"
9.0	"	"	"	"	"
10.0	"	"	"	"	"

* Since $I(t_d) - O < \text{zero}$, there is no storage needed.

Figure 6.18 Detention Storage Calculations for the Rooftop
Using the Rational Method

Project Hood Detention Facility Design Return Period 25 yrs.
Designer THREE E ENGR Release Rate Return Period 25/5 yrs.
Watershed Area 1.45 acres
Time of Concentration (undeveloped watershed) 5.0 minutes
Rainfall Intensity (i_u) 5.5 inches/hr
Undeveloped Runoff Coefficient (C_u) 0.8
Undeveloped Runoff Rate ($O = C_u i_u A_u$) 4.65 cfs
Developed Runoff Coefficient (C_D) 0.8

Storm Duration t_d (hrs)	Rainfall Intensity i_d (inches/hr)	Inflow Rate $I(t_d)$ $(C_D i_d A_D)$ (cfs)	Outflow Rate O $(C_U i_U A_U)$ (cfs)	Storage Rate $I(t_d) - O$ (cfs)	Required Storage $\left[I(t_d) - O \right] \frac{t_d}{12}$ (acre-ft)
0.17	5.45	4.89	4.65	0.24	0.0034
0.33	4.15	3.69	"	—	
0.50	3.42		"	—	
0.67			"		
0.83			"		
1.0			"		
1.5			"		
2.0			"		
3.0			"		
4.0			"		
5.0			"		
6.0			"		
7.0			"		
8.0			"		
9.0			"		
10.0			"		

122
147 ft³

122 147 ft³ < 200 ft³
NO. DOWN ROOF.

* Since $I(t_d) - O < \text{zero}$, there is no storage needed.

Figure 6.18 Detention Storage Calculations for the Rooftop
Using the Rational Method

280

Project HOOD Detention Facility Design Return Period 25 yrs.
Designer THREE I ENGR Release Rate Return Period 25/5 yrs.

Watershed Area 4.1 acres
Time of Concentration (undeveloped watershed) 5 minutes
Rainfall Intensity (i_u) 5.45 inches/hr
Undeveloped Runoff Coefficient (C_u) 0.17
Undeveloped Runoff Rate ($O = C_u i_u A_u$) 1.03 cfs
Developed Runoff Coefficient (C_D) 0.17

Storm Duration t_d (hrs)	Rainfall Intensity i_d (inches/hr)	Inflow Rate $I(t_d)$ $(C_D i_d A_D)$ (cfs)	Outflow Rate O $(C_u i_u A_u)$ (cfs)	Storage Rate $I(t_d) - O$ (cfs)	Required Storage $\left[I(t_d) - O \right] \frac{t_d}{12}$ (acre-ft)
0.17	5.45	1.37	1.03	0.34	1.0048
0.33	4.15	1.06	"	0.03	.00082
0.50	3.42	.91	"	—	
0.67			"		
0.83			"		
1.0			"		
1.5			"		
2.0			"		
3.0			"		
4.0			"		
5.0			"		
6.0			"		
7.0			"		
8.0			"		
9.0			"		
10.0			"		

(120)
0.14
208 FT.
~~32.45~~

* Since $I(t_d) - O < \text{zero}$, there is no storage needed.

Figure 6.18 Detention Storage Calculations for the Rooftop
Using the Rational Method

Project Hood Detention Facility Design Return Period 25 yrs.
Designer THREE I ENGR Release Rate Return Period 25/5 yrs.

Watershed Area 1.74 acres
Time of Concentration (undeveloped watershed) 5 minutes
Rainfall Intensity (i_u) 5.15 inches/hr
Undeveloped Runoff Coefficient (C_u) 0.44
Undeveloped Runoff Rate ($O = C_u i_u A_u$) 4.32 cfs
Developed Runoff Coefficient (C_D) 0.44

Storm Duration t_d (hrs)	Rainfall Intensity i_d (inches/hr)	Inflow Rate $I(t_d)$ $(C_D i_d A_D)$ (cfs)	Outflow Rate O $(C_U i_U A_U)$ (cfs)	Storage Rate $I(t_d) - O$ (cfs)	Required Storage $\left[I(t_d) - O \right] \frac{t_d}{12}$ (acre-ft)
0.17	5.15	4.74	4.32	0.42	0.058
0.33	4.15	3.61	"		
0.50	3.42		"		
0.67			"		
0.83			"		
1.0			"		
1.5			"		
2.0			"		
3.0			"		
4.0			"		
5.0			"		
6.0			"		
7.0			"		
8.0			"		
9.0			"		
10.0			"		

252
259A3

* Since $I(t_d) - O < \text{zero}$, there is no storage needed.

Figure 6.18 Detention Storage Calculations for the Rooftop
Using the Rational Method



DETENTION BASINS ARE REQUIRED IN DRAINAGE
AREAS I, II, III

ORIFICE CALC.

BASIN FOR AREA I

MAX HT OVER ORIFICE = 3.0

ALLOWABLE OUTFALL = 6.0 CFS

$$Q_{\text{allowable}} = C_d A \sqrt{2gh}$$

$$6.0 = .5 A \sqrt{2(32.2)(3.0)}$$

$$A = 0.86 \text{ FT}^2$$

$$\frac{\pi (D)^2}{4} = 0.86 \text{ FT}^2$$

$$D = 1.04 \quad \text{USE } 12" \phi \text{ RCP}$$



ORIFACE FOR AREA IV

$$Q_{\text{ALLOWABLE}} = 1.03 \text{ CFS}$$

$$Q_{\text{ALLOWABLE}} = 0.6 A \sqrt{2(32.2)(1.5)}$$

$$A = 0.21 \text{ FT}^2$$

$$\frac{\pi(D^2)}{4} = 0.21 \text{ FT}^2$$

$$D = 0.517 \text{ FT} (12) = 6.2''$$

USE 6" pipe

284



Three I Engineering Inc.

Consulting Engineers
812-423-6800

Project _____

Sheet _____ of _____

Order No. _____ Date _____ By _____

ORIFACE FOR AREA V

$$Q_{\text{ALLOWABLE}} = 4.32 \text{ cfs}$$

$$Q_{\text{ALLOWABLE}} = C_d A \sqrt{2(g)h}$$

$$4.32 \text{ cfs} = 0.5 A \sqrt{2(32.2)(1.5)}$$

$$0.88 \text{ ft}^2 = A$$

$$\frac{\pi (D)^2}{4} = 0.88 \text{ ft}^2$$

$$D = 1.05 (12 \text{"/ft}) = 12.69 \text{ [use 12" } \phi \text{ pipe]}$$

Rural Runoff Coefficients (1)

Type of Surface	Runoff Coefficient "C"
Woodland (Sandy)	
Flat (0-5% Slope)	0.10
Rolling (5-10% Slope)	0.25
Steep (greater than 10%)	0.30
Woodland (Clay)	
Flat	0.30
Rolling	0.35
Steep	0.50
Pasture (Sandy)	
Flat	0.10
Rolling	0.18
Steep	0.22
Pasture (Clay)	
Flat	0.30
Rolling	0.36
Steep	0.42
Cultivated (Sandy)	
Flat	0.30
Rolling	0.40
Steep	0.52
Cultivated (Clay)	
Flat	0.50
Rolling	0.60
Steep	0.72

The coefficients of this tabulation are applicable to storms of 5 to 10 year frequencies. Coefficients for less frequent higher intensity storms shall be modified as follows:

<u>Return Period (Yrs)</u>	<u>Multiply "C" by</u>
50	1.1
100	1.2
	1.25

(1) From Ordinance 81-16, Tippecanoe County, Indiana, A General Ordinance Establishing Storm Drainage and Sediment Control, November 1981.

34

MINUTES
DRAINAGE BOARD MEETING
NOVEMBER 23, 1992

The Vanderburgh County Drainage Board met in session on November 23, 1992, at 6:30 p.m., in the Commissioners Hearing Room 307, with Don Hunter presiding.

Ms. McClintock: "Ok, first of all, Mr. President I would like to make a motion that we accept the three checks for the storm sewer maintenance from Bussing Associates in the amount of 87.00 dollars, Bussing & Associates in the amount of 81.50, and Bussing and Kattman in the amount of 267.50. Subject to County Ordinance."

¹(Acceptance of checks from William Bussing for Storm Sewer Maintenance in: Brookview Sub-section F-2, Audubon Estates D-2, Brookview Heights Section IV. These checks were submitted on 8-10-92, at the County Commission's meeting. Attorney Whihite advises that the checks from Mr. Bussing can be accepted by the Drainage Board for deposit into the proper account.)

Second. So ordered.

Minutes of the October 26, 1992 Drainage Board meeting approved.

RE: REPLAT OF LOT 2 MAPLEWOOD RIDGE ESTATES

Mr. Hartman: "This was one lot and they divided up into several lots here and the drainage is going this way, and the drainage coming down in a well defined valley here under this drainage easement into this lake here. Instead of calling it a lake, we are calling it a retention pond, to make more of an emphasis on it."

Ms. McClintock: "And you have checked the calculations? And you are recommending an approval?"

Mr. Hartman: "Yes, Ma'am. I am recommending an approval. The Maplewood Ridge Estates has been divided into several lots there, four or five I think. The plans now call for the drainage to go to the rear, or go northwardly into the drainage easements and be collected between lots 2C and 2D. From there it will go northwardly in a drainage easement to the existing pond or lake, and there it will be retained as sufficiently long enough to withstand any storm that will come within twenty-five years of our area here."

Mr. Hunter: "I have a question. It says, 'occupant Lot 2A will maintain retention pond', but it doesn't say who is going to maintain the 15 foot drainage easement."

Mr. Hartman: "I imagine that Lot 2A will maintain it."

Mr. Hunter: "Well somewhere on here it is going to have to say that."

Ms. McClintock: "I will make a motion to approve with the understanding that the maintenance of the drainage easement-the 15 foot drainage easement-will be added to the plat for 2A."

Mr. Hunter: "I second and move it. Does Lot 2A go across the drainage easement? I see a 2A with a circle but I'm not sure what consists of 2A on here. So in other words this entire easement is in Lot 2A? Ok, I have no problem with that."

RE: REPLAT OF LOT 1 KIRCHOFF SUBDIVISION

¹Copies of checks and quietus' to the Vanderburgh County Treasurer from William Bussing (#1650 in the amount of 267.50, #682 in the amount of 87.00, and #1971 in the amount of 81.50); copy of letter to William Bussing from the Auditor's office dated 11-24-92, and copy of hand delivered letter to Gary Price from Richard Hawley Jr. dated 11-23-92 included with the 11-23-92 minutes.

Mr. Hartman: "I was asked to check Kirchoff Subdivision drainage plan and I have come up with a culvert 8 foot 10 inches wide, by six foot 1 inch in rise. And that will satisfy the 309 acres of drainage into this area here."

Mr. Hunter: "Now how does that size culvert compare to with the existing culvert on County Line Road?"

Mr. Hartman: "Very accurately, as close as they can measure it."

Mr. Hunter: "Aaron did you have a letter on this from..."

Aaron Biggerstaff: "Soil Conservation."

Mr. Hunter: "What does he specifically ask you for, because I don't have a letter."

Aaron Biggerstaff: "To be quite honest with you, that's why we would like some discussion on this. We have had three or four different individuals with input on the size of the pipe and we are kind of confused. We followed the formula we thought that we were supposed to use. There is a temporary pipe in there now which should come out. I will introduce Mr. Buedel who did the calculations on it and we met with the Soil Conservation people and talked to the County Engineer and we thought we had the size worked out, and we feel that the pipe under County Line Road now is too big to begin with and we don't think that we need that size of a pipe going under the road to the subdivision."

Mr. Hunter: "Unfortunately the State doesn't agree with you. The state engineer in Jasper feels that, that one might not even be adequate. From what my understanding of it is."

Aaron Biggerstaff: "Again, if you could give us a few moments of you time. I know that it has been a long evening..."

Mr. Hunter: "This has been dragging on for a long time, and you guys..."

Aaron Biggerstaff: "We would all like to get together and agree with the right side. We want to do it the right way also. Mr. Buedel will take over here."

Mr. Buedel: "Well I did my calculations and I came up with a 71 by 47, and when we met with Soil Conservation Service they just mentioned that, they did some rough calculations and they mentioned that they came up with a 72 by 48 which is an inch bigger each way and so we both agree that the pipe in the road now, should come out. Then it went to Valarie at the County Engineer's and I went and met with her and she came up with basically the same size but she said to bump it up one more size, and that would be sufficient."

Ms. McClintock: "So what size would that be?"

Mr. Buedel: "She came up with a 79 by 49 inch pipe. I was under the impression that whatever she said was to go, that's what the Soil Conservation Service was going to recommend, they would agree with her. Then it was sent to Jasper and they said nothing should be put in smaller than what's under County Line Road. I mean if three people in Evansville have come up with the basically the same size pipe, I don't understand why this person in Jasper. I know..."

Mr. Hunter: "I guess the reason I'm hedging on this, somewhere in the back of my mind, this has been on our agenda numerous times and this goes clear back to last summer or late last spring. One of these work sheets that comes from the Area Plan Commission where they keep a record of each time these things are brought up. It says very clearly on there that you have to have the recommendations of the Soil Conservation Service before this can come before the Drainage Board. And that is the reason that I am questioning it. It is very clearly typed on there, and that was the reason that I didn't hear you or somebody the last time, because that is kind of the way that it was left."

Aaron Biggerstaff: "We understand that and that is why we met with the Soil Conservation Service and we discussed it, like Mr. Buedel said, we have had so many comments here and there, and Mr. Mayes doesn't know what he...he is agreeable to do anything within reason the way it should be but we went to a lot of trouble to figure the contours and the vegetation. We went through the acreage and we have been out there on numerous occasions. We have taken pictures. We have letters from the neighbors. We have spent countless hours and I felt that we came up with a workable solution to the problem and Mr. Mayes agrees, he is more than happy to do that."

Mr. Hunter: "How much longer is the one that you want to put in than the one that the Jasper Engineer recommends?"

Aaron Biggerstaff: "Well if you go with what I came up with a 71 by 47, and then Valarie at the County Engineer, it was a 79 by 49."

Ms. McClintock: "What does Jasper want?"

Aaron Biggerstaff: "I don't know."

(inaudible remarks)

Mr. Hunter: "The existing one is 8-10 by 6-1."

Ms. McClintock: "Dan, this on the plan is the recommendation from Jasper?"

Mr. Hartman: "No, that is my recommendation."

Mr. Hunter: "Ok, and that is within an inch of the existing culvert that goes under the road now?"

Mr. Hartman: "Those pipes are put in, they are a given size and when they put in they compact them differently and they do give laterally and vertically too."

Mr. Hunter: "That is quite a lot of difference. Between what you guys are talking about and what Dan's talking about."

Mr. Hartman: "With your permission then we will sit down with Mr. Biggerstaff and Company and figure it out then."

Mr. Hunter: "You are talking about 71 inches and if my math is right here, you are talking about 106 inches. That is a lot of difference, and a lot of volume."

Aaron Biggerstaff: "Well we knew that it wouldn't be resolved but we have heard from so many different people and we were confused as to what we should go by. I know Mr. Hartman is confused..."

Mr. Hartman: "I never had seen their calculations."

Mr. Hunter: "Can I make a suggestion-that you not only sit down with Dan but since the information from Area Plan mentions SCS on it very clearly that you also sit down with them and then you come back to us next month with everybody happy with what we are going to have? Is that Ok?"

Aaron Biggerstaff: "Yes, that is fine because the engineer from Jasper came as a surprise. We just heard about that last week. We had met Darrel and Mike from Soil Conservation out there and spoke with the County Engineer's office and we thought that we had some workable solution."

Mr. Hunter: "Well, I had spoke to Darrel about it and Darrel is not an engineer, he doesn't have the expertise, so he felt that he would be more comfortable if their Jasper people looked at it, and that is what they came back with. So let's have all of you sit down between now and the next Drainage Board meeting and get this worked out. Thank-you."

RE: AUTUMN HILLS III & MT. ASHLEY SUBDIVISION

Mr. Hartman: "I have no plans regarding Autumn Hills III and I have the calculations for Mt. Ashley Subdivision given to me at 3:45 this afternoon, so with your permission I would like to cancel the item 5 altogether."

Mr. Hunter: "May I also make another suggestion? I am having phone calls from Autumn Hills II. Let's get those problems sorted out whatever they are. There seems to be streets on somebody's right-a-way, streets are in the wrong place. They are concerned that the drainage from Autumn III will come down on Autumn II. It sounds like another Hunter Ridge, and I don't want that. So let's get all that sorted out and bring that back to us next month."

RE: HUNTER'S RIDGE SUBDIVISION SECTION B

Mr. Brenner: "You notice that you have no protestors. I went out the next night and met with the adjoining property owners, and Mr. Gardner. I reached an agreement with them and they trust us enough to fix the problem for them²."

Ms. McClintock: "So, based on that then, you are going to give a recommendation to approve it. With..."

Mr. Brenner: "Autumn Hills I, when we started looking at it a little stub of a street, Pine Gate, was mislocated."

Mr. Hunter: "Part of it was on county property and part was on private property. The Gannon's."

Mr. Brenner: "They worked out some agreement, he paved it but the road is still on their property. So when this happened, when they put this over here, they left county right-of-way on this side of the road, and that is the drainage easement from I (one) came down and stopped at the back of Gannon's house. It truly did. We have moved it over. They are going to furnish us with a new easement. The existing ditch did not run down the easement. So they are obtaining an easement that will make the ditch fit in the right-of-way. Then we will come with the ditch down in the old Red Pine Gate right-of-way and come with a new 36 inch pipe under the road. There is a 30 here now. Dan's calculations and Andy's both say that we can fit all of it through those two pipes. It falls into a ravine that is hugh and there is nothing there."

Mr. Easley: "It is an old creek channel, it is a pretty good size."

Mr. Brenner: "It is a good place to put it."

Mr. Hunter: "And everybody thinks that a 36 in place of a 30 will get the job done?"

Mr. Brenner: "No, in addition. In addition. The 30 remains, you can see that the 30 doesn't really line up. This one will line up. We will fit the biggest ditch. Andy has the sizes on the ditch here."

Ms. McClintock: "You are going to fit the biggest ditch to the 36 and also leave the 30 in. So you will have 66 inches of..."

²Copy of letter from Andy Easley Engineering to Bob Brenner dated November 18, 1992, regarding Hunter's Ridge Subdivision Section B offsite storm drainage included with the 11-23-92 minutes.

Mr. Hunter: "...so it will properly drain all this."

Mr. Brenner: "Yes it will, and we have no retention, there is nothing required in a subdivision ordinance that says we have to. We have a good place to put it. The fact is I think we would be remiss if we held it. And that is what the people were upset about. They did not wish the lake up in here. We do have some retention in the ditch size that we are putting in there."

Mr. Hunter: "Who is picking up the tab for the new 36 inch pipe? The developer is?"

Mr. Easley: "The developer."

Ms. McClintock: "So, the developer is agreeing to all of this."

Mr. Hunter: "What else is the developer paying for?"

Mr. Easley: "This is an off-site storm drainage improvement for Section 'B' and this ditch will have to be excavated and a ..."

Ms. McClintock: "So he is paying for all that, is the question. Yes, is the answer."

Mr. Hunter: "The county has to pay for nothing."

Mr. Easley: "He is not asking the county to pay for anything."

Mr. Brenner: "He is responsible for erosion. Which is the thing that we had. Whether he mats it, sods it, something. He has to hold the dirt and it is our request, when you approve this that it be done now. Immediately. Because there is a problem there and we either have to straw bale down the road, to try and keep stuff off of it. We want him to fix it."

Mr. Easley: "Well now, ordinarily the improvement would be done prior to recording the secondary or put up a letter of credit, and I will relay your request that he do it as soon as possible."

Mr. Brenner: "This is extraordinary because we have a problem created by the other way, and this is a way to fix..."

Mr. Hunter: "Then you are saying that if we fix 'A' then 'B' will not be a problem? Is that what you are telling me?"

Mr. Brenner: "If you put this in for 'B', 'A' will no longer be a problem."

Mr. Easley: "This is all part of the primary approval for Section 'B'."

Mr. Brenner: "Right. You see you had some hostile people, really hostile people in here. They are not here. They know exactly what we are proposing and you have no opposition whatsoever."

Mr. Hunter: "We took some copies of this so these people are comfortable that their problem will disappear, because before 'A' went in they didn't have a problem."

Mr. Brenner: "Absolutely. They are aware they will get a ditch. A sufficient ditch, on the other side of the road."

Mr. Hunter: "Now, whose maintenance will that be? County?"

Mr. Brenner: "It is in the County right-of-way. And the pipe under the road is yours."

Mr. Hunter: "Ok, let's go backwards into 'A'. What about the silt fences and so forth are they still going to be in place?"

Mr. Easley: "They should remain in place until everything is seeded. They may be there for a couple of years."

Mr. Hunter: "Now, do the neighbors out there understand? The Gardner's seem to have some concerns about that."

Mr. Easley: "I haven't talked to him since the last meeting, quite honestly."

Mr. Hunter: "Have you Bob? Is he happy?"

Mr. Brenner: "Yes."

Mr. Hunter: "He is a Biology teacher, he ought to understand the significance of this."

Mr. Brenner: "Their main concern was that they were going to put a lake on their property. I said that they can't do that anyway, that is yours. They are happy."

Mr. Hartman: "And again, the ditch itself, about 1100 to 1200 feet of ditch itself will be a sufficient amount of volume to retain the water."

Mr. Hunter: "There was also some question Mrs. Gannon brought about an area where a sewer was put in, it was never revegetated or..."

Mr. Brenner: "Same area? Here are sewer manholes and vegetation wouldn't have done anything because it was filling with the stuff-sand."

Mr. Easley: "What little ditch was there was pretty well silted in."

Mr. Brenner: "I think that it is a good deal for the county and we would recommend that it be approved."

Ms. McClintock: "I will so move approval."

Seconded, so ordered.

RE: BLUE CLAIMS CONTRACTUAL MAINTENANCE LEGAL DRAINS 1992

Bob Brenner submitted the following Blue Claims³ from the Surveyor's office for Contractual Maintenance of Legal Drains in Vanderburgh County for 1992:

1. Leo Paul #1484 Wallenmeyer Ditch 234-040	
85% payment	1029.76
2. John Maurer #1483 Hoefling Ditch 234-020	
85% payment	473.54
3. Eugene Rexing #1227 Singer Ditch 234-037	
85% payment	229.08
4. Ralph Rexing #1228 Pond Flat Lat'B' 234-033	
85% payment	544.90
5. Ralph Rexing #1228 Pond Flat Lat'A' 234-030	
85% payment	632.01
6. Ralph Rexing #1228 Pond Flat Lat'B' 234-031	
85% payment	332.84
7. Terry R Johnson #1052 Eastside Urban N½ #234-015	
15% retainage due	603.45

³Copies of Blue Claims and Surveyor's Reports included with the 11-23-92 minutes.

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8. Terry R Johnson #1052 Eastside Urban S½ #234-015	
15% retainage due	1547.95
9. Terry R Johnson #1052 Sonntag Stevens #234-038	
15% retainage due Fall Mowing	336.40
10. Terry R Johnson #1052 Harper Ditch #234-017	
15% retainage due Fall Mowing	131.77
11. Terry R Johnson #1052 Keil Ditch #234-022	
15% retainage due Fall Mowing	94.65
12. Terry R Johnson #1052 Kolb Ditch #234-025	
15% retainage due	242.07
13. Terry R Johnson #1052 Sonntag-Stevens #234-038	
15% retainage due	479.93
14. Big Creek Drainage, Barrs Creek #234-009	
45% payment due	1861.92
15. Big Creek Drainage #0986 Maidlow Ditch #234-028	
45% payment due	1260.29
16. Big Creek Drainage #0986 Buente Upper Big Creek #234-010	
45% payment due	1544.92
17. Big Creek Drainage, Pond Flat Lat 'G' #234-032	
45% payment due	487.94
18. Big Creek Drainage #0986 Rusher Ditch #234-035	
45% payment due	239.98
19. Big Creek Drainage #0986 Pond Flat Lat 'E'	
45% payment due	195.26
20. Big Creek Drainage #0986 Pond Flat Main #234-029	
45% payment due	2155.84
TOTAL	14,424.50

Based on the approval from the Surveyor's office, Ms. McClintock moved for approval of all claims. Seconded by Mr. Hunter. So ordered.

RE: WANNERMUEHLER MINOR SUBDIVISION

Mr. Hartman: "With your permission we have dropped number 5 but we have added Wannermuehler Minor Subdivision."

Mr. Morley: "About a year and a half ago, Arby's Minor Sub on Highway 41 next to McDonald's. Wannermuehler Oil was going to locate in an Amoco station right next to the Arby's. We prepared a drainage plan for that-drawings-and submitted it. All the while talking to Wannermuehler about how in the world he could cram all of that onto that small site. He has now decided to move right across the street and buy a larger site. This is essentially the plans for the new Amoco station. It includes collection of all of the storm water on the site, construction of the storm water detention basin at the northwest corner and maintained by the owner. The covenants are on the Minor Subdivision Plat. The Minor Subdivision Plat will contain that information. We made an assumption we don't know what is going into the western portion of the site so we went ahead and assumed that it was nearly all paved and calculated the storm detention accordingly. So you are collecting all of it, putting it in a basin through an 18 inch pipe and taking it out through a throttled inlet that's 7½ it gives the square inches, a throttled pipe out of it into the drain, and then goes on to Rusher Creek. So, it has throttled outfall."

Mr. Hunter: "You said drain, it goes out this way. What about this? Is this going to be grassy or something here?"

Mr. Morley: "The property owner maintains this-the ditch, the pipes and then there is a, it goes into an existing drain that is out there that was constructed all as part of this Rusher Creek Road Development."

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Mr. Hunter: "There will be statement that says that all..."

Mr. Morley: "Yes. A statement on the plat that all of the drainage facilities on the property and adjacent to the property or are on the property are maintained by the owner of the lot. That is correct. Yes. That appears on the plat."

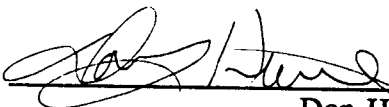
Mr. Hartman: "I would recommend that it be passed."

Ms. McClintock moved for approval, Mr. Hunter seconded. So ordered.

There being no new or old business the meeting was adjourned at 7:00 p.m.

PRESENT:

Don Hunter, President
Carolyn McClintock, Member
Sam Humphrey, Auditor
Jeff Whilite, Attorney
Bob Brenner, Surveyor
Dan Hartman, Surveyor's office
Aaron Biggerstaff
Mr. Beudel
Andy Easley
Jim Morley
Joanne Matthews, Secretary
transcribed:sbt


Don Hunter, President

Rick Borries, Vice-President


Carolyn McClintock, Member

MINUTES
DRAINAGE BOARD MEETING
DECEMBER 14, 1992

The Vanderburgh County Drainage Board met in session on December 14, 1992, at 7:12 p.m., in the Commissioners Hearing Room 307, with President Don Hunter presiding.

RE: BLUE CLAIMS

The following Blue Claims were submitted from the Surveyor's office by Bob Brenner¹:

1. Big Creek Drainage Association #0986	
Maidlow Ditch #234-028 15% retainage due	420.10
2. Big Creek Drainage Association #0986	
Buente Upper Big Creek #234-010 15% retainage due	514.97
3. Big Creek Drainage Association #0986	
Barrs Creek #234-009 15% retainage due	620.64
4. Big Creek Drainage Association #0986	
Rusher Ditch #234-035 15% retainage due	79.99
5. Big Creek Drainage Association #0986	
Pond Flat Lat E #234-034 15% retainage due	65.09
6. Big Creek Drainage Association #0986	
Pond Flat Main Ditch #234-029 15% retainage due	718.62
7. Big Creek Drainage Association #0986	
Pond Flat Lat C #234-032 15% retainage due	162.65
8. Albert Steckler #1243	
Baehl Ditch #234-007 15% retainage due	732.06

TOTAL	3314.12
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Motion for approval to accept Blue Claims by Don Hunter with a second by Rick Borries. So ordered.

RE: TIMBERLAND SUBDIVISION

Bob Brenner requested that Timberland Subdivision be put on the next Drainage Board agenda for consideration.

No action taken.

There being no further business the meeting was adjourned at 7:15 p.m.

PRESENT:

Don Hunter, President
Rick Borries, Vice-President
Jeff Wilhite, Attorney
Bob Brenner, Surveyor
Cindy Mayo, Chief Deputy Auditor's Office
News Media

Joanne Matthews, Secretary
transcribed, sbt

¹Copies of Blue Claims included with the 12-14-92 minutes.

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Don Hunter, President

Rick Borries

Rick Borries, Vice-President

Pat Tuley

Carolyn McClintock, Member

Pat Tuley

DRAINAGE BOARD MEETING
JANUARY 25, 1993

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 7:00 p.m.	1
Election of Officers for 1993	1
Resolution re Meeting Dates	1
Oak Wood Subdivision/Request for Approval of Drainage Plans/Fred Kuester	1
Mt. Ashley Subdivision/Drainage Plans (Deferred)	4
Timberland Sub/Request for Drainage Approval/S. Biggerstaff .	4
Kirchoff Subdivision/Request for Drainage Approval/ S. Biggerstaff	10
Claims	14
New Business	14
Technical & Financial Assistance/Barr Creek Water Shed	
Meeting Adjourned @ 8:30 p.m.	15

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MINUTES
DRAINAGE BOARD MEETING
JANUARY 25, 1993

The Vanderburgh County Drainage Board met in session on January 25, 1993 at 7:00 p.m., in the Commissioners Hearing Room 307. Meeting was called to order by Commissioner President Rick Borries.

RE: ELECTION OF OFFICERS FOR 1993

Rick Borries, President of the Board of Commissioners stated that Officers for the Drainage Board should be elected at this time for 1993.

Mr. Borries then nominated Mr. Pat Tuley for President of Drainage Board. Motion was seconded by Mr. Don Hunter. So ordered.

Mr. Borries then turned the meeting over to Mr. Tuley.

Mr. Tuley then entertained a motion for Vice President.

Mr. Hunter nominated Mr. Borries. Motion was seconded by Mr. Borries. So ordered.

RE: RESOLUTION RE MEETING DATES

Mr. Tuley: The next item of business will be a Resolution concerning the meeting times of this County Drainage Board. Mr. Tuley then read the Resolution:

"According to the I.C. 36-9-27-8, the Vanderburgh County Drainage Board shall hold a regular meeting at least once a month and at other times as needed to conduct all necessary business and dates of regular meetings shall be established by Resolution at the first meeting of January of each year.

NOW THEREFORE LET IT BE KNOWN that the meetings of the Vanderburgh County Drainage Board shall be held on the fourth (4th) Monday of each month immediately following the regularly scheduled meeting of the Board of Commissioners. If a holiday falls on Monday, then the meeting will be held on the following business day unless otherwise stated by the Drainage Board in an open meeting.

Approved this ____ day of _____, 1993."

Motion by Mr. Hunter to approve said Resolution, with a second by Mr. Borries. So ordered.

RE: REQUEST FOR APPROVAL OF DRAINAGE PLANS/OAKWOOD SUBDIVISION:
FRED KUESTER

Oakwood Subdivision (Located off Boonville-New Harmony Road between Browning Road & Old State Road)

Fred Kuester: I am Fred Kuester, the Engineer on the project and this is an eight (8) lot sub out on Boonville-New Harmony Road just East of Camp Reveal. We have some drainage calculations on here and I think there are six (6) points where water-drainage gathers and leaves this property and after working with Dan in the Surveyor's Office, we have come up with a recommendation of two (2) detention ponds on the east side of - I guess would be considered small detention ponds - and you can see the size of them there (on the plans). Of course we have different notes and notations on there about to try to control sediment and all of that during construction. I guess the main item for the Drainage Board would be these detention

basins.

Dan Hartman: They also had release pipes here and the size of those are given on the plans. I agree with those down to the inch.

Don Hunter: Are these ponds that will hold water on a permanent basis or just during periods of...?

Fred Kuester: They should read detention and retention. They will go dry.

Dan Hartman: Also it is included that the persons who will be responsible for those....

Rick Borries: That was what I was going to ask you. Are these on the plat?

Fred Kuester: We have a note there that the owner of that property from now on will be responsible for that. Yes, that is on the plat.

Pat Tuley: Dan, you approve and agree that this is proper and correct?

Dan Hartman: Yes, I approve of them. I recommend to the Board that they approve this plan as drawn by Mr. Kuester.

Rick Borries: Apparently there is no sewer system as such out here at all. Is there?

Fred Kuester: There is no sanitary sewer. These will be septic. The smallest lot there is 2 1/2 acres and I think we have a seven (7) acre lot. The 2 1/2 is the minimum. Well, basically it is. We have some, if you get good health department reports, you can go under that sometime, but that is pretty well the rule of thumb there.

Don Hunter: There are no other subdivisions that will catch the drain off that we are anticipating here?

Dan Hartman: That is correct.

Rick Borries: This is sized for what kind of an event then - 25 year?

Fred Kuester: Twenty-five (25) year - yes.

Don Hunter: My question is whether this note here is sufficient to be carried out - can it be proven or can it be carried out in the manner in which the consultant has wanted to?

Pat Tuley: The note on who is responsible for maintenance.

Fred Kuester: That the owner is responsible for maintenance?

Don Hunter: Is that sufficient? We have been putting it on I know that, but is it sufficient, is it legal?

Fred Kuester: Well yeah I think it's legal because it in effect is on their property and what it does is clearly state that as a property owner they are responsible for their own property.

Rick Borries: Where it seems to me, we get into situations here where when these things come back and as you well know, drainage is a 'hot potato' from time to time. We get into situations where no one can tell who is responsible for it and if it is not on county right-of-way, then as long as it is on there and that owner clearly sees that, in my opinion, I think we are alright.

Dan Hartman: Can I ask the question that the consultant put all of this in red on the

original drawing so that I can put it on record. Otherwise it is strictly (inaudible).

Fred Kuester responded affirmatively.

Rick Borries: That leads me to at least one question or at least a request here of your office Dan, I know that there are modifications of all of these and I can see the typographical things here and the changes - When, as a rule, do you set any kind of guidelines as to when, for example, a person like Fred here has to bring these things in to you so that -- and then what happens to this?

Dan Hartman: All of them. All of the....

Rick Borries: By what time of the month? Is there any specific time?

Dan Hartman: I would really like to have them within two (2) weeks of the meeting tonight.

Rick Borries: I think we need to set these things up because this Board needs to consider some way to insure that prompt attention is given to developers request, but what happens is, and you are exactly right, things change and there are modifications and this happens and then what happens to this particular plat? Does Fred get this back or do you get it or where does it go?

Dan Hartman: Area Plan gets that.

Rick Borries: We have some things that nobody can find. The mysterious ones that have been lost somewhere and so, there ought to be a procedure where these things go and a check list kind of thing. Would you...?

Dan Hartman: We have that with the Area Plan.

Rick Borries: Do you have a check list or some kind of thing?

Dan Hartman: Yes. I can get you one.

Pat Tuley: You can develop one as each stage of the process goes on and present it to the Board to see.

Dan Hartman responded affirmatively.

Rick Borries: I would like to see it. As long as you concur with these, it seems to me that you could address some questions, it is okay, but I think you are right. Some of this stuff, if we could work on it in advance, then you could bring a finished - something finished to us. You know when we need it according to the resolution.

Barbara Cunningham: We don't get copies of drainage plans. Those are all in your office.

Dan Hartman: Okay. Would it be helpful if you got a copy of it? We can get you a copy of it.

Barbara Cunningham: That would be fine. He - You still have to interpret it.

Dan Hartman: I like the way this is drawn up in red like this because it does show you the outline which are the important points as far as drainage is concerned; however, it is not....it is just in pencil and it should be in ink and registered.

Barbara Cunningham: We don't, in Area Plan, until you all give preliminary approval,

and Dan does this, we don't hear it unless it has Drainage Board preliminary approval.

Don Hunter: What I am concerned about is, how close in advance - we know we meet the last Monday of every month. When do you get these to have enough time to get everything lined up so you can set the table and bring it to us?

Dan Hartman: It depends on how it comes in. They all come in at the last damned time when I don't have time for that obviously.

Rick Borries: What do we need? Tell me what you need so we can set some guidelines.

Dan Hartman: Give it a month ahead of time and

Rick Borries: What do you think here?

Don Hunter: If he says a month, then let's give him a month.

Rick Borries: I think we need to get a little more study on some of this....
Fred, I don't mean to single you out on this...

Fred Kuester: That's fine.

Rick Borries: I'm just trying to get some guidelines set up here so we don't end up like Bozo the clown sometimes if we can't get all of this stuff out.

Barbara Cunningham: I'm halfway into this, maybe a month might be...why don't Dan and I get together and see the schedule and see when they file...see they have a filing deadline with our office when they have to file...then it goes to sub-review and Mr. Hartman is part of that Board that can be perhaps at that time when it went to sub-review a drainage plan can be presented to him in time enough so he can study it and get all of the answers. I think he really needs to have everything in a timely manner to give to you all in a timely manner. I think this is really important. We get more complaints on this than probably anything. I will go down and get a schedule right now before this meeting is over and let me tell you when they have to file for what date and all this kind of stuff.

Rick Borries: I move then, with the corrections that have been highlighted in red..I move that the drainage plan be approved.

Motion was seconded by Don Hunter. So ordered.

RE: DRAINAGE FOR MT. ASHLEY SUBDIVISION

Deferred as per Mr. Hartman.

RE: REQUEST FOR APPROVAL OF DRAINAGE PLANS /TIMBERLAND SUB/SAM BIGGERSTAFF

Timberland Subdivision (Darmstadt Road south of Wortman and north of Schenk Road) - submitted by Aaron Biggerstaff.

Aaron Biggerstaff: What Mr. Hartman said, I totally agree with. By the time the filing deadline - all of the filing deadlines are at the end of the month. Then it is approximately two (2) weeks thereafter that the Sub- Review meets and sometime we have the drainage done and sometimes we don't, because at the Sub-Review, I think one of the most critical meetings, where they tell us - give us their input and at that point we make our changes, so that is why I think a month would be too long.

Rick Borries: Aaron, do you see it from our standpoint? We get into situations here. What would make it easier for you? What do you mean 'filing deadlines?'

Aaron Biggerstaff: All of the filing deadlines on - like for February would be due by December 25th.

Rick Borries: Does this go to Sub-Review after we have seen it?

Aaron Biggerstaff: Before. There is only like two (2) weeks in between each jump - between filing deadline - sub-review - drainage board and then the ABC meeting probably - is the 1st Wednesday of each month, so we can get it in a month beforehand, but we are worried about the changes.

Rick Borries: The longer the better for us because we have to have...I feel more comfortable with completed plans.

Aaron Biggerstaff: My input would be two (2) weeks. I think two weeks, if we got them in on time, not at the last 'damned' minute. But, I think anymore time would probably hurt most Engineers that help us in meeting our deadlines because now if you file in December, you won't hear it until February and then it could be March.

Barbara Cunningham: Do you want to know the filing deadline? For this February meeting, the deadline to file for a subdivision was December 29th. Subdivision Review is January 12th, so that is about two (2) weeks after it is filed. Then, it is heard February 3rd, so there....you don't have that much time in there. Our problem - why so many of them are continued, they are continued because when they are filed they are not necessarily filed with all of the information that is needed. Our sub-review has some additions that they want made to it, so they continue it then for a month.

Rick Borries: So, when can there be a deadline to him with the corrections from sub-review so that we can get something final?

At this point, two (2) people are talking at the same time and the voice in the background is inaudible.

Barbara Cunningham: If the Drainage Plan....I don't know, is it feasible to have the same filing deadline that we have - December 29th, if you file the subdivision, you should have everything that is on the checklist then and you could have your Drainage Plan at that time? And then it would follow the same schedule and then perhaps Mr. Hartman can come to our sub-review meetings. He's always invited.

Rick Borries: That would be a month. Could you do that?

Barbara Cunningham: If they want the same filing deadline - if the developers, when they got ready to file a subdivision also filed a drainage plan at the same time, then you've got plenty of time in there. You've got at least a month or six weeks in there to get everything done. See, and then sub-review, like December 29th is the filing date - sub-review is January 12th, your meeting is probably the next week after that, you know, at least, so even some things that could come up at sub-review that could impact on this, it could all work together and work a lot better so he can bring a more accurate presentation to you all.

Fred Kuester: Made comments, but was not speaking into the microphone and comments are inaudible.

Barbara Cunningham: That may be true, but if you wait until after sub-review, then you are just giving him a week or so to get the whole drainage plan for you - the times

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that you have to change from a recommendation of subdivision review to the time that you don't have to change a street or anything - I mean those are not that often that it happens that way - it might be better for you all. John, what do you think about it?

Mr. Tuley: If this is going to be a policy, then word has to be disseminated, "this is the way we are going to do things," and then everybody has to get notification here.

Barbara Cunningham: We can, for final....what he can do is send a letter out to all the..which we do any time we have any change in of the check list or anything.

Rick Borries: I want to make it work with the developers and make it easy form them, but on the same time, we have to see some finished stuff here. This is complicated here. This is a tough one because if you don't make the right decisions on some of these drainage, we will hear about them forever, and ever, and ever.

Barbara Cunningham: There are builders and people who have worked in the field here that are here tonight, is it reasonable to have the drainage plan the same time you file the subdivision? You really should have everything - you should know what your drainage plan is going to be when you do the subdivision anyway. That should be really part of it.

Aaron Biggerstaff: I agree with that. I also agree with what Fred said. It has happened before. But, that way we can tell a developer up front, "Hey, we gotta have this done, so don't come to us

Barbara Cunningham interrupted: And you are just doing a preliminary drainage plan. You're not doing a final, I mean, they are just doing it with the understanding that you might be changing some things, aren't ya?

Affirmative response.

Dan Hartman: I would like to see them come in at the same time that they come into your office.

Barbara Cunningham: I think all that would take would be a letter from either...from him, who reviews the plans for you - to all the engineers and developers and we can help you with the list - and saying that from now on in order that drainage plans can be approved in a timely manner, they need to be submitted at the same time as the subdivision is submitted and I think that is really....

Pat Tuley: Dan, you'll do that?

Affirmative response.

Motion to this effect so moved by Mr. Borries with a second by Mr. Hunter. So ordered.

Rick Borries: Did you see this one, Scott, here that Fred had? Where is that other one? How did you evaluate this one Dan?

Aaron Biggerstaff: In this situation, there is a need for potential (?) for a sort, but the flows are very natural out there and now there is an existing lake.

Rick Borries: On whose property here though? You are going to put water into that lake?

Aaron Biggerstaff: That's what naturally drains now, but the actual increase in runoff,

these lots are so large...

Rick Borries: They are large lots and I don't know of a drainage plan that you can plan to put on somebody else's property. I don't usually do that.

Dan Hartman: I might add that in this case here.....

Rick Borries: Are they aware of this?

Dan Hartman: They are very much aware of it because there is a ditch that comes down this way and it will feed directly into that lake and this area here leads into that same ditch.

Rick Borries: Are there pipes and stuff here that are going to be going down here?

Dan Hartman: There must be a bridge right here over this road here where it passes through this area here into that lake.

Don Hunter: Who is this? Is that your property or somebody else's property?

Scott Beudel: It is somebody else's property.

Aaron Biggerstaff: I think what Scott is saying is that it won't change, according to the calculations, whatsoever. It is going to be like it is. If the maximum is figured, I think the rainfall, if the maximum, would not even raise the lake 1/2 inch. Everything would stay the same and that is the natural drainage area right now and it is not going to change.

Don Hunter: Whose bridge is this, your's or their's?

Inaudible response.

Don Hunter: And how big is that opening?

Scott: It is a rather good sized ditch.

Rick Borries: Who maintains the ditch? It isn't a legal drain is it?

Negative response.

Rick Borries: Where is the house going to be on this property?

Scott: On this property, the house is in this area here (shows plans). You can tell by the contour that there is only one or two places on the lot that can't feed up there. He hasn't sold the other part, but Roger Lehman, they are putting a finished floor out there (inaudible)

Rick Borries: The plan doesn't look complete to me.

Don Hunter: Is there a key on here that tells me this is a 100 year....

Scott: Yes, it's on there and we have a note here too explaining....We are not changing...

Don Hunter: Let me ask a question here, be the Devil's Advocate, we went through this at Hunter's Ridge, where that the house building wasn't supposed to change the amount of water until those folks in the next subdivision came in raising cane with us because they were getting drowned out. Now, my question is this - let's assume that the amount of water off of this particular water shed area is changed, and that the

bridge here can't handle it and that the golf course is unhappy with having that additional water dumped in on them. I've got a concern with, have they been consulted on this and is there anything in writing that gives you permission to perhaps dump additional water into this lake?

Dan Hartman: There is an area for retention on there. I can say that for it.

Don Hunter: In an area where for retention?

Dan Hartman: Right here on this property.

Don Hunter: If this is in the flood plain, isn't this low here? Does that all dry out? There's a natural retention is what you are telling me?

Aaron Biggerstaff: There is a retention pond. It is full there and there is a possibility of building a retention pond if needed. If we feel that this is not being satisfied by the area opening down there, we can just request that a retention pond be put in that area on the west side of the ...I might add that Darryl Reising looked at this also and he has agreed with Scott's calculations and also the Soil Conservation Service has too. They can monitor, during construction, with this subdivision and they can fine developer for not following through with an erosion control being put on the plat. We have spoke with Darryl and he has been out there.

Rick Borries: Maybe that is what is missing on here. Usually there is some kind of calculations or something on this.

Aaron Biggerstaff: Darryl spoke with Scott and he said everything looked fine.

Don Hunter: The one Mr. Kuester had had the whole thing on here so we know exactly what he is going to do and when and where he is going to do it.

Aaron Biggerstaff: Again, this is a different...I mean we basically are not going to...the drainage calculation...

There are four (4) large lots and it's going to be a gravel road and I figured it for concrete garage, but it will most likely....

Don Hunter: What is going to be a gravel road? This is going to be gravel? Off of Darmstadt in them big lots with no curbs and gutters?

Aaron Biggerstaff: It is county standards, but it is a private road.

Rick Borries: That means that we don't do any maintenance on it. On the other hand, my guess will be that that won't stay gravel long.

Pat Tuley: That's what I am saying, when you look at this location out here at Darmstadt and we are looking at lots like this, we are not going to build 1,000 square foot homes back there and they are not going to stand for gravel roads for long.

Rick Borries: What do you say Dan?

Dan Hartman: The assumptions on your run-off are so vague and are so pliable that you look at it one way and you need a retention pond and you look at it another way and you don't need any and besides that, like I said before, the big lake is right there on the other side of the road should we have a retention pond on this side of the road also?

Rick Borries: That is the thing that bothers me is that I always go by..a drainage plan, somebody has to verify that they take care of their water on their plat. I usually don't

design them...or I don't usually feel that I can accept a design when you are telling actually that you are putting...that this lake is going to take care of somebody else's property. It may, but I am not sure...Have the Clearcrest folks been notified to that.

Aaron Biggerstaff: We sent them a letter of our intentions. Not as far as the drainage because we would have if we felt that we would change the drainage but I understand what you are saying too.

Don Hunter: Let's just assume for a second here, one of the first things that is going to happen is that that road is going to be black top or concrete and that is going to move a lot more water a lot more quickly and we know that right off the top. So, let's assume that puts more water in that lake that you don't own.

Pat Tuley: It would be awfully nice to have something from Clearcrest that says they are fully aware of what is going on over there.

Rick Borries: That and there are some drops in this thing. There is 20 feet. I can show you some on the east side where you won't have five feet difference all the way across them. There are some drops in here. Here's one 20 feet, 465 to 445. I guess what I am saying in terms of the calculations....

Dan Hartman: Those that you are pointing out though are undesirable to build on. Only the level points..

Rick Borries: But you are saying that the whole subdivision is designed with this thing here (points to plan). That's the deal, huh?

Dan Hartman: That is the whole deal right now.

Barbara Cunningham: On the subdivision, I think that the past site reviews, that the sub-review is subject to Drainage Board approval and I think two of the things that were said at the time was that the Building Commission wanted the elevation for the house and the Health Department wants to either have a statement on the plat, they want to know the location of the septic.

Rick Borries: That brings up another point and I am not going to belabor all of this because we are all getting tired, but shouldn't somebody have some written comments from the subdivision review and I'm not doubting your word on this, but shouldn't we have something written here as to what their recommendations were?

Barbara Cunningham: I tell you what we can give you Rick, we can give you....

Rick Borries: I would think it ought to be helpful, at least to the President of the Board, or somebody to have this stuff down because...are we doing the same thing...

Barbara Cunningham: We will send you the staff....we just assumed that

Our staff field is going out next week and we will send it out to you.

Don Hunter: It is very nice to have that packet a week before the meeting so we can set down and look at it. What do you think Mr. President? Don't you think so?

Mr. Tuley: I think it would be great.

Rick Borries: The more information, the better as far as I am concerned.

Barbara Cunningham: I can't promise the week before. I can promise to send it out as soon as it is done. And it was done last Thursday or Friday, so we would send it

out immediately.

Dan Hartman: I therefore recommend to the Board here that we put this on hold for one month.

Rick Borries: Okay. Will you contact these people over here please so they will have some idea what the impact is here.

Pat Tuley: Let's look at this too, because that's not going to be a gravel road and nobody believes that it is. It may start out that way, but it sure isn't going to stay that way long.

Don Hunter: I realize it is on the plat, but it would sure be helpful to us if we could see the procedures you are going to follow to comply with Rule 5 too. That is the soil erosion control and all the steps that you are going to take. For example, Fred had on his the types of material that he would use and the grades that would present problems in the different areas. That would sure make it a lot easier on us. Again, if we had that beforehand so that we could look at it because that it is a vital thing. As you said, you could be fined and etc.

Mr. Tuley entertained a motion to act one way or the other on this.

Rick Borries: I would rather that we just put it on hold for one month.

RE: REQUEST FOR DRAINAGE APPROVAL - KIRCHOFF SUBDIVISION

Kirchoff Division - off County Line road near St. Phillip Area - Aaron Biggerstaff.

Dan Hartman: All that has to be resolved here is the one (1) culvert.

Gary Kercher: We had three (3) different inputs, Dan, ourselves and the Soil Conservation, so we all came to the same conclusion I think, as far as the size of the pipe.

Dan Hartman: We all came to the conclusion that they needed a 84" diameter pipe or 38.48 square feet, or one (1) pipe. What they are wanting to do, they are wanting to put in two (2) 60" of corrugated pipe in lieu of one (1) pipe, because of clearance purposes.

Pat Tuley: So, you did all come to an agreement, right?

Dan Hartman: We did all agree upon the size, but whether - we want to put one pipe in there or if we want to put two pipes in there. One pipe would be more appropriate.

Rick Borries: A double pipe? Don't do a double pipe.

Aaron Biggerstaff: The only reason we requested that was because of the existing grades that are down there now. We have seen it done in the county and we checked around and that's why we came up with this.

Rick Borries: They are a maintenance nightmare. Stuff gets stuck in them and one of them will crack. I think they impede the flow of the water.

Don Hunter: One of the early staff field reports on Kirchoff stated that you had to have, not approval, but recommendations from the SCS. What was their recommendation on one vs two pipes?

Aaron Biggerstaff: It is a comment that when you have two pipes setting together

they have a tendency to have problems with catching in the middle.

Don Hunter: Why are we even considering the subject?

Dan Hartman: They don't want to foul the grade up. They want to keep it as low as possible. Rather than go over one pipe, you can go over two small ones more easily.

Rick Borries: Who is going to maintain these double pipes? Is that going to be on the county right-of-way?

Dan Hartman: I don't know.

Aaron Biggerstaff: We were going to put something on the plat that the developer be responsible for the maintenance in that area.

Rick Borries: What is the disadvantage did you say of putting one pipe in?

Dan Hartman: The road has to be higher.

Dan Hartman: Mr. Brenner does not recommend double pipes. He recommends the single pipe.

Aaron Biggerstaff: The only reason we did this was to fit the contours, like the elevation. There is more than enough room for double pipes. In several new projects in Vanderburgh County, we have seen the double pipe lines.

Rick Borries: Where?

Aaron Biggerstaff: At I64 and Morgan Avenue and that area there. We have seen them on St. George Road at Lynch Road.

Rick Borries: New ones?

Dan Hartman: You see pictures of them all of the time, but.....

Rick Borries: I know they have been used in Vanderburgh County, but I can show you some on Volkman Road and a couple of other places and they are a mess. I'm trying to think where we took one out.

Gary Kercher: Out Seven Hills Drive at Lynch Road. We replaced two of them because the road was already there and we didn't have.....

Rick Borries: It seems to me that there have been some on Big Creek too. I am really not a fan of them, I will tell you. I just don't see how they promote...I mean there is debris and everything else gets in there, but you tell me Dan what you think.

Dan Hartman: As I said before, Mr. Brenner recommends that you not approve double pipe. Single opening is what these are to have there. They do have what they call a metal box culvert. Now, it is more expensive and all, but it is possible to get that pipe down in that case and still get that 140 square foot opening in it. But, it is a lot more expensive.

Rick Borries: Is this road paved now?

Inaudible response.

Rick Borries: Other than this pipe, do you think it is going to work?

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Dan Hartman: Affirmative response.

Rick Borries: I move that the drainage plan be approved with a single pipe. Motion was seconded by Don Hunter. So ordered.

Gary Kercher: We were talking about the Drainage Board Meetings. We have had one that was postponed tonight because Dan hadn't had a chance to completely look at the drainage plans. He has them and has had them for a while. I guess what I am requesting, and I may be out of line, if there is anyway possible, because everything else has been worked out, if the Board could call a Special Drainage Board Meeting before the Area Plan Commission Meeting because this subdivision has been on hold for six (6) months. We have worked with the adjoining property owners. We have held meetings with them and ...

Rick Borries: If everything has been worked out, then why are about a half dozen or fifteen people going to come down here?

Aaron Biggerstaff: Everything has been worked out except Dan has had it and he wants to look at it. We are putting in a retention pond and we met with the Homeowners Association last Thursday and we have explained to them and explained to them and I know that you are not going to make everybody happy, but they are complaining about their pre-existing problems and not what we are doing, we are doing, and we tried to explain to them that is going to help the existing problems that were in Brookview Subdivision, with that retention pond. I think we just got to Dan last Wednesday or Thursday, but Darryl Reis has looked at it and we are trying to take it and work with the neighbors. We don't want to rush it through, but it has been several months and I am just making a request that if Dan has enough time....

Dan Hartman: I can bring the approved plans to the Board and they can decide then whether they want to call a Special Meeting or not.

Don Hunter: I have talked to Darryl Reis about the meeting last Thursday, and his concern, to be very honest with you, was that things that you and him had talked about and apparently agreed upon and the developer, Mr. Fritz...., that those things that had been agreed upon were not agreed upon in the meeting last Thursday, that the different set of guidelines suddenly came forth and that was where the neighbors became agitated and concerned. This was from Darryl and I wasn't at the meeting.

Aaron Biggerstaff: They were agitated before that, but what we did, we had two different...we changed the drainage plan to put in a retention pond. For two reasons: for the lots Darryl and Scott and I had worked with them with a new, like a stairstep, drainage plan. We were going to use that, but Ms. Studer that lives down at the East end was still concerned about the water being dumped into her lot, so Scott worked out a good drainage plan, using a detention pond and we presented it to Darryl that night and that's what he is reviewing. He admitted that they have used that and it works and what we came up with and what we tried to explain to the property owners and submitted to Dan before that, that this detention pond will help eliminate some of the pre-existing problems they had out there.

Don Hunter: So, you just gave that to Dan Thursday night, so he hasn't had an opportunity to....

Affirmative response.

Aaron Biggerstaff: Since we are on the subject of the neighbors, I will interject real quick. A lot of the problems we will show, which every time the meeting is held, a lot of the problems I want to be known, that they created themselves. There were drainage plans and swales that were supposed to be included in the plat on Brookview

and they filled it in..they've covered them up and they have changed the drainage make up themselves.

Rick Borries: That is precisely the reason - and you are right - there are some things there that they have changed and we have addressed this before. We have heard a lot about Brookview. That is for sure. But, the only thing that we can do on a flat piece of paper is to say, "Will it work?" in the area property and what is going on?

Aaron Biggerstaff: That's all we want you to look at.

Rick Borries: That is certainly valid, but what also happens is, if we can't get everything - if we start changing stuff back and forth here, then we get put into a position where we have to make an immediate decision on a flat piece of paper without any advanced information on it and it sounds like that is what happened in this situation. He has to agree because I probably would not approve a drainage plan - I will just tell you up front - unless this guy here gives his technical. He is the technical advisor to the Vanderburgh County Drainage Board. We will try to get these things in a timely fashion, but

Aaron Biggerstaff: That's why I said - everything is hinged on if Dan has time and I understand that.

Don Hunter: Let me ask one other question. Why did you guys change on Thursday what you and Darryl had apparently agreed upon previously. I'm kind of confused there.

Aaron Biggerstaff: We were looking at it and we had some more calls from neighbors and we went out there. Theirstep thing would work, but we thought the detention pond would work better and it would look better. They use a lot of these stairs out in farm areas, but they are harder to maintain. Each of those individual lot owners with that stairstep in their back, they would have to maintain an area 20' wide and you would have the problem of maintenance of the grass and they might not do it, so Mr. Fritz gave up one building lot. He bent over backwards to alleviate some of the problems. It would look better, the maintenance would be better and in the long run it would be a better project as far as the drainage and the esthetics of the whole area.

Rick Borries: What happens to us too Aaron is, we are going to have to request more and more information. You guys have a right to develop and we encourage development, putting things on a tax base and stuff like that, but as more development occurs, there are greater problems all the time with this drainage stuff and I have seen it not get any better and I have seen it sometimes get a lot worse, so if we don't insist that we get the maximum amount of information, it is tough.

Don Hunter: What is happening, you guys are, some of the good flat land where you can set a house down and it ran out the driveway to the curb and down the curb to the sewer, those are gone and now you are dealing with some pretty sophisticated hills and it is going to take some pretty sophisticated techniques in order not to create problems, plus erosion you have to live with now.

Aaron Biggerstaff: I appreciate the new Commission's input and I think something should be done. It would help us to help our clients and developers too and I think it's a good idea that you guys are establishing rules and guidelines and they should be strictly adhered to because it would help us too and I would like to see it because I know it is getting bad.

Rick Borries: I don't know if it is getting bad, but it is just not getting any easier. I would say if you get the information to Dan, it's his call.

RE: CLAIMS

Rick Borries moved that the following claims, which have also been signed off by the County Surveyor, be approved. Motion was seconded by Don Hunter. So ordered.

1. Union Township Ditch Ass. #1259 Kamp #234-021 85% Payment due	\$284.58
2. Union Twp. Ditch Assn. #1259 Barnett 234-0088 85%	\$355.22
3. Union Twp. Ditch Assn. #1259 Helfrich-Happe #234-018 85%	\$323.80
4. Albert Steckler #1243 #234-007 - Baehl Ditch 15% retainage	\$129.19
5. John Maurer #1483 #234-020 Hoefling Ditch 15% retainage	\$83.56
6. Leo Paul #1484 Wallenmeyer Ditch #234-040 15% retainage	\$181.72
7. Ralph Rexing #1228 Pond Flat Lat.D #234-033 15% retainage	\$96.16
8. Eldon Maasburg #1485 Kneer Ditch #234-024 85%	\$258.06
9. Eldon Maasburg #1485 Maasburg Ditch #234-027 85%	\$131.26
10. Eugene Rexing #1227 Singer Ditch #234-037 15% retainage	\$40.42
11. Ralph Rexing #1228 Pond Flat Lat B. Ditch #234-031 15% re.	\$58.74
12. Ralph Rexing #1228 Pond Flat Lat. A Ditch #234-030 15% ret.	\$111.53
13. Union Twp. Ditch Assn. #1259 Edmond Ditch #234-016 85%	\$392.57
14. Union Twp. Ditch Assn. #1259 Cypress-Da, Maddox Ditch #234-012 85%	\$609.12

RE: OLD BUSINESS

Mr. Tuley entertained a motion for approval of Drainage Board Minutes as of 12/14/92.

Mr. Borries moved these minutes be approved, with a second by Mr. Hunter. So ordered.

RE: NEW BUSINESS

TECHNICAL & FINANCIAL ASSISTANCE/BARR CREEK WATER SHED AREA/SOIL & WATER CONSERVATION DISTRICTS

Mr. Tuley read a letter from the Vanderburgh Soil & Water Conservation District addressed to Mr. Borries:

The Vanderburgh & Posey County Soil and Water Conservation Districts are pleased to inform you that \$100,000.00 has been provided for cost share and incentives to land users in the Barr Creek water shed. These funds are made available through the T by 2000 lake and river enhancement program in order to be used to provide technical and financial assistance for projects aimed at controlling sediment, nutrient inflows from agricultural sources. Cost share rates for practices implemented within the Barr Creek water shed can go as high as 80% of the cost of installation. You are cordially invited to attend a public informational meeting for all land owners and

operators within the water shed area. It will be held in the basement of the St. Wendell's Knights of St. John on Thursday, January 28, 1993 at 7:00 p.m. Detailed information about the administration of the program will be provided at this time. While water shed projects are approved for up to a five (5) year program with funding allocated on annual basis, the initial \$100,000.00 might be allocated by June 30, 1993. Therefore, it is important that anyone interested begin their planning as soon as possible. If you are unable to attend this meeting or have any questions or concerns, please call your S.W.C.D. office - 867-0729. We strongly encourage anyone who might be interested in doing any conservation work to attend this meeting. We look forward to seeing you there. Sincerely, /s/ Gary Rexing

All three (3) Board members expressed that they have previous engagements for this Thursday meeting.

Rick Borries asked how they could get this information out to people along the Barr Creek.

Mr. Tuley stated that they had already been notified.

Mr. Tuley further stated that he would call Mark Abell and ask him to attend this meeting.

Rick Borries asked Dan Hartman if he was going to attend.

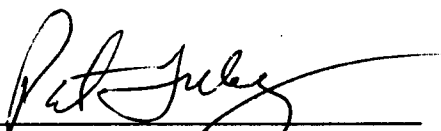
Dan stated that he knew the building it was going to be in because he had attended other meetings there. He further stated that he would be able to attend this meeting this Thursday at 7:00 p.m. and if he could not, he would let somebody know.

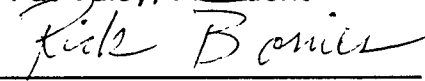
Rick Borries stated that we would prefer Dan attend the meeting than anyone else because he is their Technical Advisor.

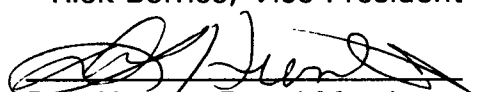
The Chair entertained further business to come before the Board. Being none, the meeting was declared adjourned by Mr. Tuley at 8:30 p.m.

PRESENT:

Pat Tuley, President
Rick Borries
Don Hunter
Alan Kissinger
Sam Humphrey
Dan Hartman
Aaron Biggerstaff
Scott Beudel
Fred Kuester
Gary Kercher
David Savage
Others unidentified
News Media


Pat Tuley, President


Rick Borries, Vice President


Don Hunter, Board Member

Joanne Matthews, Secy.

Transcribed by B. Miles

NOTICE OF CANCELLATION
OF MEETING
VANDERBURGH COUNTY DRAINAGE BOARD

NOTICE IS HEREBY GIVEN that the regular scheduled meeting of the Vanderburgh County Drainage Board on Monday, February 22, 1993 has been canceled.

The next meeting of the Vanderburgh County Drainage Board will be held on Monday, March 1, 1993 in Room 307, Civic Center Complex, Evansville, Indiana immediately following the regular scheduled meeting of the Board of Commissioners.

VANDERBURGH COUNTY DRAINAGE BOARD

Patrick Tuley, President
Richard J. Borries, Vice President
Don Hunter, Member

Sam Humphrey
County Auditor

Alan M. Kissinger
County Attorney

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MINUTES
DRAINAGE BOARD MEETING
MARCH 1, 1993

The Vanderburgh County Drainage Board met in session on March 1, 1993, at 6:35 p.m. in the Commissioner's Hearing Room 307, with President Pat Tuley presiding.

Motion made by Commissioner Borries to approve the minutes of January 25, 1993, and seconded by Commissioner Hunter. So ordered.

RE: REQUEST FOR APPROVAL OF DRAINAGE PLANS

A. Mt. Ashley Subdivision-Sam Biggerstaff

Commissioner Tuley: "We have a room full of people in here, so is there anyone here that wishes to address the Drainage Board with reference to Mt. Ashley?"

Commissioner Borries: "Mr. President, I think that we should probably hear from either Dan Hartman at this point from the Surveyor's office-our technical advisor-or from, at this point, Mr. Biggerstaff. Has this been amended since our last meeting, Dan?"

(inaudible)

Aaron Biggerstaff: "I represent Associated Land Surveyors and the developer. We have submitted a drainage plat for the Surveyor's office and for your review. The change that we have made we discussed at the last meeting as the detention pond. We have shown the areas in concern and the drainage (inaudible)"

Commissioner Borries: "Now, are these detention ponds on whose property? Are they on the current particular drainage plot?"

Aaron Biggerstaff: "Yes, they are right on this area here."

Commissioner Borries: "So you have two separate ones right here?"

Aaron Biggerstaff: "No, there is just one. This is the old original lot line through here."

Commissioner Hunter: "Who would be expected to maintain those?"

Aaron Biggerstaff: "I talked with the County Surveyor, originally what we intended to do was we took out one lot. The developer sacrificed one lot. Lot nine (9) was originally going to maintain part of lot ten (10). We spoke to the Surveyor's office today and I think that their recommendation is because of maybe future problems with one person not maintaining his part. I just briefly spoke with the developer and I don't think that he has actually made up his mind yet, but in other words, one person would be responsible-the owner of that lot until that time. The developer, Mr. Fritz, is responsible for maintaining the detention pond until it is sold. So until it is sold it would be his responsibility. Now, I think that's the way normally it would be. We have preceded with the detention ponds of the past."

Mr. Hartman: "Right. Now, is that for continuous-from after the subdivision has been sold out-number nine (9) or number ten (10), will continue to maintain that?"

Aaron Biggerstaff: "Yes, that is part of the plat that was recorded."

Mr. Hartman: "The problem arises, is I think, is when the detention pond here is emptying and that is what we discussed with Mr. Biggerstaff this afternoon-that is Bob and I-we are going to pipe that directly into the existing manhole here. We are not going to let that grate there pick it all up. We are going to pipe directly into that manhole there. It will be continuation here, it won't be as it is here-disjointed."

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(inaudible)

Scott Beudel: "I am Scott Beudel from Associated Land Surveyors. As far as continuing that pipe into that inlet, the reason I broke it right there was the fact that there is a twelve (12) foot PU easement there and there is going to be a sanitary sewer coming through that area. I mean, three (3) feet under ground there and this pipe would have to be fairly deep to be able to connect in with that inlet. I don't think that's possible. I think a nice valley..."

Mr. Hartman: "I don't think that this drain inlet here will pickup that ten inch (10") flow line from that pipe. That is why we suggested that you make a continuous pipe out of it."

Scott Beudel: "Ok, we could work that out."

Mr. Hartman: "It has to be worked out."

Scott Beudel: "I am just telling you the reason I didn't do it. I didn't want to interfere with the sanitary that is going to..."

Mr. Hartman: "Ok, fine, explain the capacity of the need and the capacity of that detention pond as it is now."

Scott Beudel: "What I did, I took the total drainage area coming down through here, that includes area eight (8) and what is coming off the road from these two inlets."

Mr. Hartman: "The yellow portion and then this area here, nine (9)."

Scott Beudel: "This entire area is going to flow into the detention pond. There are forms that you fill out for the drainage plan that are pretty simple. You just fill them out and it gives you the required storage needed."

Mr. Hartman: "These are following HERPICC recommendations?"

Scott Beudel: "Yes. They give you a cubic feet of storage (CFS) required and from that you can, just doing a little bit of geometry, just coming up with the size of the detention pond and the depth of it and so forth, to give you adequate storage available for that water."

Mr. Hartman: "Now, if I'm not mistaken, if this were plugged up here, if this were not draining at all, this detention pond was sufficient to carry about 3 hours of runoff."

Commissioner Borries: "Based on what kind of event, twenty-five?"

Mr. Hartman: "Twenty-five year. But while it is filling up, of course, we know that it is draining at the same time and that involves calculus or something."

Commissioner Borries: "Well what do you think? Will it work?"

Mr. Hartman: "On paper it will."

(inaudible)

Bob Brenner: "When you have your people speaking about this I think you will find these areas here, nobody will talk about. There are no problems, everybody is in agreement with that. The problems are the water that is running off the hill on the north side, there are lots here in Mr. Bussing's subdivision-Brookview, yes-and it runs down into the back of their lots. We think that they will improve along this side."

Commissioner Borries: "Is there going to be a swale in here in some way?"

Bob Brenner: "Yes. Three-to-one (3-1) slope. We think there should be because this is extremely critical. Swales have a tendency to not be maintained or filled in-what have you. We think there should be some sort of 'deed restriction' that this be maintained by each property owner. If that is not there, the additional flows straight down on the people at the bottom of the hill. So where we normally don't require a 'deed restriction' on individual lots I would strongly recommend that you do this. They did agree, they were going to make two property owners maintain this,..."

Mr. Hartman: "They have changed it to one."

Bob Brenner: "They have agreed to do one. So at least we only have one person to fight with."

Commissioner Tuley: "What kind of teeth, or who is the enforcement agency on maintaining this stuff so that these people down there can be assured that something can be done if what's not agreed upon is done?"

Bob Brenner: "It is right here, right now."

Commissioner Tuley: "That is the part that bothers me with entering into all kinds of agreements, but if nothing is followed up and if it is not enforced, then what good is the agreement to start with?"

Commissioner Borries: "And what you are making a decision on, is on a flat piece of paper and that is what is tough."

Commissioner Hunter: "Aaron, let me ask you a question. You work pretty close with the Soil Conservation Service on this. Has the Soil Conservation Service folks looked-is this the one that you worked with Darrel Rice on?"

Aaron Biggerstaff: "Yes. We spoke to Darrel today. Scott spoke with Darrel today. When did he get the plans?"

Scott Beudel: "He has had it for almost a month. It was quite a long time ago that I gave it to him. We had a meeting out at the 4-H Center with the surrounding property owners and the developer and just tried to explain to them..."

Commissioner Hunter: "This is the meeting that you had on a Thursday evening?"

Scott Beudel: "Yes. Darrel was there and that is when I gave it to him. Then I had talked to him after that time and he had said he didn't pick out anything specific but said he thought that it was a good plan and that is all he ever said about it."

Commissioner Hunter: "This one that you are presenting to us tonight is the one that Darrel said was a good plan?"

Scott Beudel: "Yes."

Commissioner Hunter: "And is it different than the one that you had talked to Darrel previously about, prior to that homeowner's meeting?"

Scott Beudel: "Well, previously we were going to dam up this swale at like, 100 foot intervals. Dam it up and make the swale big enough and put a field tile in there to drain that swale and that field tile was going to flow all the way down through here and then connect to this inlet. Whenever I started to try to figure out how big this swale needed to be, it was going to be this huge 20 foot wide thing that was full of water behind everybody's back yard and we kind of talked about it and said that aesthetics and everything that wouldn't be very good. So we just decided to do a detention pond and whenever we gave the plan to Darrel Rice, he hadn't known that we were changing it to a detention pond. He had it that night and he hadn't had a chance

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to look at it but I had talked to him a week or so later and that is all he had mentioned, is that."

Commissioner Hunter: "So if we called Darrel Rice and asked him if he likes this, he is going to tell us, 'Yes.'."

Scott Beudel: "That's what he told us. Yes. I mean Dan more or less picked out specifics that you should check this and Darrel just made that general comment..."

Mr. Hartman: "We are going to change some of these type of pipes- like at the entrance ways and underneath the roadways, we are going to change them to either a corrugated metal pipe or concrete. I think that they want to put the corrugated metal pipe there and the plastic pipe we are going to allow at places where there are no loads, superficial loads on top of it, but we are going to insist on a rigid pipe here because plastic pipe needs a stone reinforcing to maintain it's..."

Commissioner Borries: "Like rip-rap?"

Mr. Hartman: "Yes, of course if you have stone there you have means of leakage and you don't want that, so we are going to go to a rigid type of pipe."

Commissioner Hunter: "Now, if you are going to move dirt to make a swale what provisions have you made to comply with the new State Rule Five? I don't see that on here anywhere unless it is here in the notes."

Scott Beudel: "That is what I called Darrel about today. About the Rule Five on erosion control, and we have been working on it and..."

Commissioner Hunter: "You don't have a plan on it yet? On Rule Five?"

Scott Beudel: "We are working on it, and we talked to Darrel and he said that, that is fine, just give it to him in due time. But we are planning..."

Commissioner Hunter: "There is considerable grade there open to erosion."

Scott Beudel: "We are planning on silt fencing and everything. We just don't have it on paper right now. But, I talked to Darrel today about that and he just said next week or something he would like to have it next week."

Mr. Hartman: "I believe that you have on here, on the dam site you have a three (3) or five (5) foot surface, and we are going to increase that to eight (8) foot because of maintenance demands."

Commissioner Borries: "What is this going to drain into down here?"

Mr. Hartman: "It is going to be piped from the detention pond directly into this existing pipe here-fifteen inch pipe-and from there it is going down to the system itself. The Brookview system of drainage itself. We are restricting the discharge into that, and we are only allowing ten (10) inch diameter pipe to be put there and that restricts the stream enough that the existing Brookview system will take of that."

(inaudible remarks)

Bob Brenner: "We are speaking strictly to the area that flows into the retention basin. The basin, the volume of it is adequate probably three or four times what is needed. That is what has convinced me that it will work, but we need to finish contours and show us how they arrived at that volume. We will go for that volume that they have shown there but we need specifics-engineering wise to show us how they obtained that volume. We disagree at the moment. I am going to call it a dam, on the back side we are going to widen the top to eight (8) feet, the side

slopes will all be three to one (3-1), both inside and outside. Where the pipe comes through there must be at least one foot clearance between the top of the dam and the top of the pipe. We are going to have them put a keyway in for the dam where the compacted earth will tie into undisturbed earth. Plastic pipe will be replaced on the outflow with a concrete pipe and the overflow spillway will be moved to where it is on undisturbed ground. Where it will not be in the dam itself, it will be to the side, and they have to find a way to route it over there. There is another little item. There is in the yard right here, there is a grate where water does come shooting up through it and we believe that it should be a solid cover and they have agreed to put a solid cover on it because the pipe makes a jog there and because of the obstruction it tends to come out rather than stay in the pipe and we would like to see a solid cover put on that. The other thing that they did just agree to was, we were looking for a pipe to go into, pipe to, the outflow all the way in to the inlet here, but now there is just sanitary sewer there that they cannot do it. So they have to improve this inlet-somehow. Right now we do not believe that it will work. They need to improve it to take this flow-they have agreed to do it-you will see pictures, this half of the people's yards that are here, you will see pictures, that these are flooded. This swale should intercept the water that is coming off the hill that is running down the hill, and it still runs into the same inlet. The water in here should be less."

Commissioner Tuley: "Is this part of Mt. Ashley or is this part of that Brookview?"

Bob Brenner: "It is Brookview. See how they have sort of a ridge line through there? The back half right now floods. The whole thing floods."

Commissioner Tuley: "So you are saying that a swale down through here should prevent, along with these other corrections."

Bob Brenner: "But the swale will improve for these people, this is where we have taken the water and changed."

Commissioner Borries: "The key to it is maintenance of the swale."

Bob Brenner: "Absolutely."

Commissioner Borries: "If they start doing what they have done in some subdivisions and blocking these up or putting yard wastes in there-by that I mean grass clippings and stuff like that-then the problem is there is no enforcement. The only way you can do it like what he said is put it on the deeds. You could almost put a concrete bottom in that for a swale, couldn't you?"

Bob Brenner: "Yes, certainly. It is very expensive but it could be done."

Commissioner Hunter: "That is one way of keeping the swale clear."

Bob Brenner: "That is correct. The other thing, the last item that they agreed to, was there will be a concrete apron put at the inlet so that you can identify if the thing is starting to fill up with mud, when it needs repair, and you have a reference point that this is the bottom and the rest of it had best look-I'm not going to make them concrete the whole thing-but a reasonable pad so that you can tell that this pad had best come out of water. If it doesn't come out of water, there is something restricting the outflow. Because we are building a dam. There are two houses down stream, you can call it a berm or whatever you want, but it is a dam and there are houses down stream of it."

Commissioner Borries: "Where is that going to be built?"

Mr. Hartman: "The dam that we are speaking of is 3½ feet high-approximately."

Bob Brenner: "That is the one that we have moved out where the top is going to be eight (8) foot, based on three..."

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Commissioner Borries: "Based on what kind of event, twenty-five year?"

Mr. Hartman: "Twenty-five year."

Bob Brenner: "But, it has a overflow. But it will hold three or four times a twenty-five year storm. It will. That is what has got me. And a retention basin can be made bigger than that. It could be dug out, but three or four times should be enough."

Commissioner Hunter: "Is that a retention, or a detention and will it hold water all the time?"

Commissioner Borries: "Detention. It will not hold water all the time."

Commissioner Hunter: "Ok, so we are talking detention, not retention."

Bob Brenner: "That is why we want the slab in the bottom to tell me as a marker, that says this thing is fully drained or it is full of mud. If I can't see it and there is a dirt bottom then we know that we have troubles."

Commissioner Hunter: "If we have troubles, then who is going to be responsible?"

Bob Brenner: "He is going to tell me which one these lots, and we are going to have one person to go deal with."

Commissioner Hunter: "Let me ask you another question. Probably out in left field. Is there any way, shape, or form that any utility would ever be run through that swale? We have got one in Old Petersburg Place where they had a swale and the Cable TV people came by, destroyed it, and they have had problems since that time."

Bob Brenner: "Oh, I don't doubt it. Where is your public utility easement?"

Scott Beudel: "Legally binding when it is recorded there is no public utility easement."

Commissioner Hunter: "So there is no chance that, that swale would be destroyed or portion of it, to run some type of Cable TV or something?"

Scott Beudel: "It could not go through there. There is no easement through there for public utilities."

Bob Brenner: "Where will the utilities go?"

Scott Beudel: "They are all underground."

Commissioner Borries: "You still have to have something, somewhere though."

Scott Beudel: "Our public utility easement (inaudible)...They asked for an extra easement which we gave them somewhere else. Again, there is no easements through there."

Mr. Hartman: "As I explained before, gentlemen, I don't know the calculus involved here but, as this detention pond is filling it is also emptying at the same time, where the maximum amount of time or the minimum amount of time it takes to completely fill this detention pond, I don't know."

Commissioner Tuley: "Bob, is this the same one we talked about in the hallway the other day? You had some serious reservations about."

Bob Brenner: "Yes, I did. I still do, and they have agreed to fix the dam problems, the volume of the retention basin has gone up considerably. These two homes at the bottom, I don't want to flood them. You know that is our responsibility to see that they don't flood."

Commissioner Hunter: "They have agreed to do this, but who is to see that all those things that they have agreed to do are done?"

Bob Brenner: "That is the flaw in the whole setup. It has been for years. Once you approve it we don't have a stick. You hope that the Building Commissioner. You hope."

Commissioner Borries: "It is about that way in every county. Every Drainage Board has about the same principle as we do."

Scott Beudel: "The Soil Conservation Service now has teeth in it as far as erosion control and they can fine the developer."

Commissioner Hunter: "Yes, Rule Five, I'm not worried about."

(inaudible remarks)

Commissioner Tuley: "Ok, at this time, you have to bear with me because this is only my second Drainage Board meeting, so these guys are helping me along here, but at this time then now is the point where we need to ask for anybody who would like to speak with reference to this plan. Please if we can, do it in an orderly fashion and we would like to have as many of you have the opportunity, but we don't need to sit here through 30 or 40 minutes of hearing the exact same words over and over. I am not trying to cut you off, you have a right to speak, but in the essence of time, we have got 8 others. So if we could go ahead do that at this point and time if anybody that wishes to speak if you would please come to the microphone, state your name, state address for the record because these minutes are all being recorded. So anybody that would like to at this time be first one, please come forward."

Jerry Studer: "My name is Jerry Studer. I live at 601 Brookview Drive. That is in Brookview Subdivision. I'm kind of speaking in general for a lot of the other homeowners which basically were very concerned. We are all, if you have ever been to the site or looked at the diagrams we are all in the base of this subdivision that they are proposing to go through with. The biggest concern that we have got, we have had a lot of flooding already that has been created. What we are concerned about is this not going to add to the flooding that we have already got around our homes? I do have some pictures that I would like to show you to give you just a general idea. The other big concern that we've got, we want to make sure that something is enforced after the subdivision is put in, that as you mentioned, the swales are maintained whether it be by the property owners or whomever. We just don't want the thing to be basically developed and finished and then have the thing getting clogged and so forth and running off on our property. I do have pictures and I just want to give you a general idea of what we are facing right now without the increase. This is really just to give you an idea of the slope of most of properties that are around the subdivision. That is where they are building up and this is basically somebody's property in Brookview Subdivision."

(discussion over the photographs)

Jerry Studer: "I have seen during heavy rains-I have lived there for three years now-I have seen it actually spouting up or fountaining back out of the drains. To where it is getting clogged up already. What I am concerned about is, with this kind of waterflow here we got that problem, what happens when all this is diverted. Even though it is a retention pond and it is going to be a metered flow coming out it is still going to obviously increase the flow of water that is coming down."

(inaudible remarks)

Commissioner Tuley: "Let me ask you something here Bob, to make sure I understand this. Everything that has been done out here, has been done without permits?"

Bob Brenner: "Absolutely."

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Commissioner Tuley: "And everything that has been agreed upon, has been agreed upon by the same person who did all this other without getting permits?"

Bob Brenner: "That is correct."

Commissioner Tuley: "So we didn't follow the rules to start with, but now we are to understand that they are going to follow the rules and agree to do all this other stuff."

Bob Brenner: "I'm not sure that there are any rules on grading. The only rules that you would have would be cutting into road..."

Commissioner Borries: "I'll tell you what, this thing bothers me. I would like to have this thing all down in writing one more time maybe and then come back one more month."

Commissioner Tuley: "I hate to keep complaining, but we need to get this resolved..."

Commissioner Borries: "If it is worth it for you to develop this, these people have to have some kind of insurance that this is going to work. I'm getting to a point where we have so much static with this I'm about to revise the whole code. I would like to see it go for a fifty year event. I want to crank it up. I am getting tired of..."

Bob Brenner: "They have got the room to do it. They have got the room to hold it."

Commissioner Borries: "But all these things that they have agreed to and along with maybe a swale in here that would be where we would have all that information about what is going to be on those plots, and it is going to be a concrete bottom. All that needs to be down in writing."

Commissioner Hunter: "And the erosion control, Rule Five."

Commissioner Borries: "So that we are flooded with all this information. We get flooded in our heads here, and there is always something that maybe we are going to miss, and if we had one more month to work with them and get all this stuff down maybe then we could understand. We could have a real clear understanding of how this thing is going to work, cause I'm with you, I just don't want to see it impact on somebody else and it happens time and time again. And my rule has always been, 'Whoever it is has to take of their water on their property'. This is probably getting close but I don't know if we have it yet, cause this guy here is saying that it may not. If there is water here that is going to come down and impact his property then we haven't approved a good plan."

(inaudible remarks)

Bob Brenner: "...even if we make it on the south side of the road only."

Commissioner Tuley: "Not to extend beyond Lot eleven (11)."

Bob Brenner: "Make it twelve (12). That will give him something that he can do."

Commissioner Tuley: "Go back and work on from here, and give him time to come back with something satisfactory to everybody on this other side."

Bob Brenner: "The whole problem is here."

Commissioner Hunter: "Are you recommending that?"

Bob Brenner: "Yes, I see nothing wrong..."

Commissioner Tuley: "Just on this side here, the problems are always on this side over here."

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Mr. Hartman: "Area eight (8) where your finger is right there."

Bob Brenner: "We can call the lots out, eighteen (18), seventeen (17), sixteen (16), fifteen (15)-specifically down to twelve (12)."

Commissioner Tuley: "Not to go beyond twelve (12)."

(inaudible remarks)

Commissioner Tuley: "We are going to try to keep moving here. We are trying to reach some sort of agreement, but we also before we can continue, we are looking at the possibility of agreeing to the plans on the south side from lots eighteen (18), seventeen (17), sixteen (16), fifteen (15), fourteen (14), thirteen (13), and twelve (12), but not beyond so that we can come to terms that are agreeable to the developer and this Drainage Board and the residents of Brookview. Is there anyone who is afraid about these lots eighteen through twelve (18-12) that would want to speak to us about that-afraid that we should not do this, or don't want us to do that part of it? Is there anybody that wants to address that?"

Commissioner Borries: "This would be on the south side it would be away from, not the ones closest to Brookview, but the ones away from Brookview."

Commissioner Tuley: "The Surveyor says that, that should not be a problem, and we will stop it at a point of Lot twelve (12) until at such time that we can work out a solution for eleven (11), ten (10) and back up to the north side. Is there anyone that wants to speak to that?"

Commissioner Borries: "Bob, one of the things that you probably need to develop, you may have some of it, but at least for a frame of reference begin to have a check list put together of what you want done here."

Bob Brenner: "If you delay it, it will be on the next (inaudible) you get."

Commissioner Borries: "I will go for that compromise but I can't go for the whole plan yet, it is just too much."

Jerry Studer: "What kind of swale would that be through there?"

Commissioner Borries: "Well, that is going to have to be worked out. I will just tell you up front my feeling..."

Commissioner Tuley: "It is not going to happen on here."

Bob Brenner: "Nothing on your side of the road, or the retention basin or Lot one (1) is being approved."

(inaudible remarks)

Commissioner Tuley: "So I will entertain a motion as such, to that point."

Bob Brenner: "We really need to look at that concrete all the way through there. We will come back with a recommendation on that. That changes the speed that it runs out of there, we want to look at that."

Commissioner Hunter: "But, if you have sufficient excess capacity at that pond, then it shouldn't impact it that much-should it?"

Bob Brenner: "If I may, you would probably do well to hear the people, you may learn something."

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(inaudible remarks)

Motion made by Commissioner Borries to accept the partial drainage plan on Mt. Ashley Subdivision the parts to apply only to twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), and eighteen (18). Seconded by Commissioner Hunter.

Roll call vote taken: Commissioner Hunter, yes. Commissioner Borries, yes. Commissioner Tuley, yes. So ordered.

B. Ashwood Subdivision-Veach, Nicholson, Griggs

Commissioner Tuley: "Is there someone here from Veach, Nicholson, and Griggs?"

Bill Nicholson: "I am representing the developer. We have essentially broken this one down into two separate drainage areas. Each area there is going to be a lake constructed both for aesthetics and also to acquire addition fill dirt to fill some of the areas in the lower part. We have filed our drainage plan with Dan and he has looked it over and I think everything is in order. We would be glad to answer any questions for you."

Commissioner Borries: "How many lots are going to be in this?"

Bill Nicholson: "Fifty-nine."

(inaudible remarks)

Gary Yelling: "I'm with Veach, Nicholson, and Griggs the engineers. Basically what we have is two lakes, the north lake and the south lake. This lake here (inaudible)

Commissioner Borries: "This will be a lake here, who will maintain it?"

Bill Nicholson: "The owners. It is stated on the subdivision-maintained by the adjacent lot owners-by the statement on the plat and also the future restrictions that will be submitted along with it."

Commissioner Borries: "How big are these lots here?"

Gary Yelling: "Twelve thousand (12,000) square feet. The corner lots are fifteen thousand (15,000). Eighty foot frontage by one hundred and fifty (80 x 150)."

Mr. Hartman: "Now where does this eventually drain into here?"

(pause due to changing tape)

Gary Yelling: "On Lynch Road there is a structure there, I think it was a forty-eight inch (48") pipe. That they have planned we are going to lease and go through that pipe and it goes down eventually into Pigeon Creek."

Commissioner Hunter: "What happens when Pigeon Creek is at flood stage?"

Bill Nicholson: "It is going to inundate through that property anyway, across the lake."

Commissioner Borries: "What part of your property here is this close to Pigeon Creek. Is that in the one hundred year floodplain?"

Bill Nicholson: "This part is. The approximate line right here will be in the one hundred year flood, yes. That is the area of the lake. The lots themselves will be built above the one hundred year floodplain. That is the purpose of digging this lake out and building this property up. This

is a pretty good size hill, you can see the contours. This is going to be cut down and tear this down and this lot filled out in here. We have an elevation that they have to be filled to and I don't see that on there right now, but..."

Commissioner Tuley: "So as you tear these down you are building this lower end up? Is that what you said?"

Bill Nicholson: "They will be built up above the floodplain, yes."

(inaudible remarks)

Commissioner Borries: "I don't know if you can figure putting a pipe in there-Lynch Road we are some years away from constructing that, I mean we are buying property there."

(inaudible remarks)

Bill Nicholson: "If you look at the contours, the contours lends itself to drain that way anyhow. It is like this lake here, this middle lake is going to drain out that way."

Commissioner Borries: "Lynch Road is going to be built up, though."

Bill Nicholson: "True, but there is going to be a pipe at a certain elevation to take care of the drainage."

Mr. Hartman: "I went through their calculations and I agree with whatever they have said here thus far. And I further recommend that you pass the thing."

(inaudible remarks)

Commissioner Borries: "I expect it will be built, but we bought too much property. We are too far down the road on it now. It is going to be higher, a lot higher, it has got to stay out of the flood."

Bill Nicholson: "That's true. But the flow line of the pipe is going to be at that elevation where the road is going to be up here, but the pipe is still going to be down at that area. If this lake were never built and this area where coming down, draining down through here as it is now, it would have to drain out through there otherwise, you couldn't build a road in there. You would pocket water up there. So the outflow pipe that we are talking about that will eventually be under Lynch Road is going to be at a proper elevation where it should be."

Mr. Hartman: "The outlets of these lakes are here and here. This is a drop inlet there, and it runs down this valley here. This little space."

Commissioner Hunter: "So, you are saying this whole thing drops from south to north? I think we are looking north here."

Bill Nicholson: "There is a swale here, a valley, that comes down toward Pigeon Creek here. This is high. This is your ridge right here and it drops off into this way. These contours are stepping down in southeasterly direction."

(inaudible remarks)

Commissioner Tuley: "Is there anyone who wishes to address the Drainage Board with reference to Ashwood Subdivision? Apparently not."

Commissioner Borries: "Do you have any modifications at this point, Dan?"

Mr. Hartman: "No modifications at all. Especially with these lakes here, the reservoir more or

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less, to stabilize the waters."

Commissioner Borries: "What about the swales? Where are we on the swales here?"

(inaudible remarks)

Commissioner Borries: "Have you got anything on here in terms of..."

Bill Nicholson: "Maintenance, well there is a general statement, yes and the property owners are to maintain..."

Commissioner Borries: "And to avoid putting any kind of structures in those?"

Mr. Hartman: "That is usually understood."

Commissioner Borries: "Well it is understood but,...they are doing it."

Bob Brenner: "That is what happened on Little Pigeon."

Bill Nicholson: "Like I said, this will be on the plat itself which will be recorded, plus a statement in the restrictions as to the maintenance of the lakes, drainage swales, so forth."

Commissioner Borries: "I move that Ashwood Drainage plan be approved."

Seconded by Commissioner Hunter. So ordered.

C. Kirchoff Subdivision-Sam Biggerstaff

Mr. Hartman: "This is an old problem here, gentlemen. We agreed the last time to put in one pipe rather than put two of them in. The only deal was the two pipes were not showing on the plans. Now I have a plan here that shows that there is a single pipe. Right here, in yellow the big pipe right there."

Commissioner Hunter: "What is the size of that pipe?"

Mr. Hartman: "Eight foot two wide by five foot nine tall (8'2" x 5'9"). Elliptical. The same as an eighty-four inch (84") diameter round pipe."

Commissioner Hunter: "How far off is that and what is stated or originally recommended?" Is that the same thing? I think they recommended a ninety-six (96), that is the reason that I am asking."

Mr. Hartman: "About the same thing. That is the only thing different. That is the only thing that has been added to the plans-or changed to the plans."

Commissioner Tuley: "Once again, we are going to keep asking. Is there anyone here that wants to address Kirchoff Subdivision?"

Mr. Hartman: "I recommend that you pass it now that they have changed from two pipes to one pipe."

Motion made by Commissioner Borries to approve drainage plans for Kirchoff Subdivision be approved. Seconded by Commissioner Hunter. So ordered.

D. Timberland Subdivision-Sam Biggerstaff

Mr. Hartman: "They are showing a lot more evidence this time than they did the last time, which is what you requested."

(inaudible remarks)

Aaron Biggerstaff: "If I may interject here, we spoke with the owner of the Country Club. He spoke with myself and Greg Townsend from the Health Department and he is submitting a letter and you all will get a copy of his. There is no problem with it whatsoever."

Mr. Hartman: "It will raise up the lake up .05 feet-½ inch."

Commissioner Borries: "Yes but, Aaron, you've written me and I have written you back. I mean this is the kind of stuff that we ought to have in place if you want to have this heard. I mean the *letter*. You are asking us to hear things in timely fashion, and we have a lot of pressure on us in terms of doing things like that. But by the same token, we ought to have the same kind of thing from you."

Aaron Biggerstaff: "We have talked to them and he said he would send a letter, but because of the snow and everything he had his daughter do...she is President or Vice-President of catering at the Country Club and again, our calculations that we submitted, the calculations last time and we disagreed, we felt that it wouldn't affect the lake. I spoke with..."

Commissioner Borries: "I still have a problem with it. I always go with the idea that a person, if you are going to develop a piece of property then you ought to make sure that you take care of the water on your piece of the property. Now, that sounds real simple but that is the way that it has got to be because otherwise, we have got all these other people out there that they don't know what is going to happen. That is why I had to confirm if you are saying you are going to put water in somebody else's lake then we need to have some kind of written 'OK', or written approval that, that is right to do that."

Aaron Biggerstaff: "I think that the point is again, ½ inch Rick. I mean it is going there now. I mean we are not changing, we are practically changing nothing in the development stage, that is what I am saying."

Commissioner Hunter: "That is not what we asked for in the last meeting."

Aaron Biggerstaff: "Well I talked to Mr. Voliva and to his daughter and they apologized for not getting the letter out and he said that he had talked to Brett Townsend and he spoke to Darrel Rice and everybody says there is no problem. Again, I can't make everybody come to the meeting but Mr. Voliva apologized for the letter. But I see no reason, you have done it before and I'm just asking if there is anyway you can additionally approve. The letter was mailed out today, she said. I not trying to pull anybody's leg. I talked to her this afternoon and I tried to talk to them the last three or four days and the letter *was mailed out*. I talked to him in person."

Commissioner Hunter: "Do these people live here locally?"

Aaron Biggerstaff: "He does, yes."

Commissioner Hunter: "I guess I'm just wondering why he couldn't have hand carried the letter here tonight. This is kind of a critical item."

Aaron Biggerstaff: "To be quite honest with you, he didn't think it was necessary. But we told him-he said he did not care. We explained to him..."

Commissioner Borries: "I bet he would care if he had a real problem on his lake."

Mr. Hartman: "Could you compose a letter for him, and write it for him, and let him sign it then?"

Commissioner Tuley: "He would be the first one up here raising cane if these calculations are wrong and his lake were inversely affected."

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Commissioner Hunter: "We asked for a letter the last time out and there maybe one in the mail but, it should be here."

Commissioner Borries: "What is all this right here? Isn't this already a one hundred year floodplain?"

Aaron Biggerstaff: "That is one hundred year floodplain. That is right."

Bob Brenner: "But you were suppose to have a letter, and you did say you would have it when you came tonight. We wouldn't even put in on to delay it. We would recommend that you delay it."

Commissioner Borries: "But, Bob don't you understand what I am saying?"

Bob Brenner: "Absolutely. We put it on the 'come' and we would recommend that you delay it. Because the letter is not here."

Commissioner Hunter: "The problem here is that the developer is losing money because this is not *happening*, and we asked for a letter 30 days ago and we don't have a letter. So now the developer..."

Bob Brenner: "Nothing has changed since the time you asked for the letter the last time."

Commissioner Tuley: "Then the developer ought to go to the owner of the lake and ask him, himself."

Aaron Biggerstaff: "Again, we spoke, we could not get him..."

(inaudible remarks)

Bob Brenner: "You need the letter."

Aaron Biggerstaff: "We could not have gotten a letter 30 days ago is what I am saying."

Commissioner Borries: "See, that is pretty unusual. What we do is we figure all these things. What would you do if you didn't have this lake down here? What would be your drainage plan? That is what I am asking. What would you do if you didn't have a lake down there?"

(inaudible remarks)

Kenneth Rueger: "Can I say something? I have lived out there for about 30 years. My name is Ken Rueger and I own the property that he is talking about. Our water has always went down to the golf course, and there is not going to be any more water go down there than there ever was. They built a lake down there about 3 or 4 years ago."

(inaudible remarks)

Commissioner Borries: "It depends. The same time how are you going to know that."

Kenneth Rueger: "You are not allowed to obstruct the waterway. We are not going to obstruct the water way. We are not going to contaminate it. We have got five (5) acre lots. The closest home is probably going to be a block away from it. It don't make sense."

Commissioner Borries: "It depends on how much dirt is going to be moved for one thing on a five (5) acre lake."

Ken Rueger: "Well it will be very little with four (4) houses. I sold the lot and the people backed out on account of this delay. I lost a sixty-thousand dollar (\$60,000.00) sale. I can prove that."

Commissioner Tuley: "The only thing that we are asking you to prove is that the owner of the lake says it is 'fine'."

Ken Rueger: "Then why don't a neighbor of mine have to get a letter from me saying he could build something above my ground?"

Commissioner Borries: "Because he might have had a plan that had what he was going to do to contain the water on his property. That is what we are saying."

Ken Rueger: "We are not going to add water to his property. The water comes here now."

Commissioner Borries: "When you have a drainage plan, Mr. Rueger, and you say my drainage plan is to put it on somebody else's property-then the very least that we ought to be able to expect as the Drainage Board is to say it is 'OK'."

Ken Rueger: "But the water is coming out of the same ditch that it always came out. The one that they put a culvert in, to take the water. They wanted the water. I don't understand why it should be a delay. In other words from what you are saying, I could go to my neighbor and say I don't want his swimming pool up here, it might drain on my property. Which it would."

Commissioner Hunter: "We are not talking about swimming pools."

Commissioner Borries: "If it is a swimming pool I would hope that he wouldn't..."

Ken Rueger: "Now, wait a minute let me say another thing. We have got a letter from him saying that he had no objection-right?"

(inaudible remarks)

Kenneth Rueger: "There were no objections to it."

Aaron Biggerstaff: "Initially that is what we thought it would be good enough, but again, we couldn't get the letter. We tried for two weeks to get him to write the letter and he wanted to talk to various heads of agencies..."

Commissioner Hunter: "Now, Mr. Rueger you and I spoke about this on the phone about four or five weeks ago and our concern is that the drainage plan is to put water onto somebody else's property. And all we were asking..."

Ken Rueger: "We put it where we always did. That has not been changed. It has always went there."

Commissioner Borries: "But it has never been developed before."

Commissioner Hunter: "But you are putting a subdivision in now."

Ken Rueger: "It is not like it is twenty houses. I am talking about four (4), five (5) acre lots. Five acre lots-not ½ acre lots. Not a lot that will be all concrete, these are going to be all woods. It's all woods. Isn't it?"

Commissioner Hunter: "I guess I don't understand what is so difficult about obtaining a letter that we requested five weeks ago, that allegedly is in the mail."

Ken Rueger: "Well that puts him in a position where he can hold me up. That is what it is."

Commissioner Tuley: "Why would he care to do that?"

Ken Rueger: "I don't know. But where is it written that some of these ordinances that you have

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to get a letter from the guy below you? If we are not changing, we are not changing the drainage, see?"

Aaron Biggerstaff: "I understand the problem, but we did try to contact him immediately and again, he wanted to talk to various different agencies. It is not like we talked to him today to write a letter. I understand him being concerned and calling around..."

Commissioner Borries: "Any time you put a structure on undeveloped land you have to come before this Board, you are changing something. You may have some big things here, and we understand that, but that is why I was asking, if you didn't have the lake down here you would still have to within the confines of your property, come up with your own drainage plan. You can't assume..."

Ken Rueger: "What they did was dam the ditch that use to run through there before they built the lake. The ditch use to go across where the lake is now. I guess their overflow goes out to where the ditch use to go. They use to have a golf cart bridge across it. Darrel Rice told me that he sees no problem with it at all. I have talked to him personally too, he said there is no problem with it. He is familiar with it."

Commissioner Hunter: "It is not that we see any problem with it, we would just like to be sure that the guy that is getting the water is willing to accept it. If it is increased."

Ken Rueger: "What if he don't want to accept it? Put in a dam and a lake of my own?"

Commissioner Hunter: "Then your drainage plan as you presented it is unacceptable."

(inaudible remarks)

Bob Brenner: "When you put in the impervious surfaces in, there will be additional water running off that used to be..."

Ken Rueger: "Very little, and it will be..."
(inaudible remarks)

Bob Brenner: "We don't care how little."

Ken Rueger: "Now wait a minute, this whole woods down here is going to absorb it. It will probably never get there."

Bob Brenner: "Are the woods there now? The woods are there now, see? In fact you are taking some of the woods out."

Ken Rueger: "Very little."

Bob Brenner: "But you are taking some out."

Commissioner Tuley: "The point is, at this point and time, this Board asked for a letter five weeks ago. The Surveyor's office is recommending delay until we get the letter, and unless there is a change a heart from the majority members of this Board, we are belaboring this thing for nothing. So we need to move on one way or the other."

Ken Rueger: "Well if we get the letter by tomorrow? Can't we still get it before this other Board?"

Aaron Biggerstaff: "Yeah, we'll have it tomorrow."

Commissioner Hunter: "It has to go to Area Plan and they won't look at it until we have

approved it."

Commissioner Tuley: "Even if approve it pending on receipt of that letter they are not going..."

Scott Beudel: "I agree with your decision that you made. The only other thing that I would ask, and it maybe improper, it is entirely up to you, if Aaron can not produce the letter to the Drainage Board tomorrow, if you could approve it on that condition. If you ever done that before-fine-if not then we will accept that. But the letter was mailed today."

Mr. Hartman: "Could they present the letter to me and I send a copy to each of you tomorrow before the Plan Commission, except the thing now on that premise the fact that I'll repeat the copy that Mr. Biggerstaff gives me and I will approve our end of the thing and then I will have each of you will have a letter on your desk tomorrow, or whenever it comes in, to the effect..."

Commissioner Tuley: "When is the next Area Plan meet?"

Commissioner Hunter: "Wednesday evening at 6:00. That is why I say, we are operating on a very, very tight line and they will not hear-period, unless it has our approval."

Commissioner Tuley: "Can we do what Dan is suggesting? Can we not approve it based on receiving the letter and without that letter by Wednesday's meeting it will be considered a-disapproval?"

Aaron Biggerstaff: "We are just talking about a letter, and I know that it is a major thing but if..."

Commissioner Borries: "You darn right it is a major thing, because that was your whole drainage plan."

Aaron Biggerstaff: "I mean if the letter is not there then it's not approved."

Bob Brenner: "I think that you function through your meeting."

Commissioner Tuley: "So in other words your recommendation, we can't do that."

Bob Brenner: "I don't think that you can do that. You function through your meeting. That is the only time you can take action."

Commissioner Tuley: "We can't do it. Then we will have to have a letter and hear it on the twenty-second."

Deferred until the March 22nd, meeting. So moved.

E. Long Road Subdivision-Hafer Architects

Bob Brenner: "This is Fuquay Road-it is a SIGECO substation. There is an existing pipe they wish to extend it on their property. It is in Nurrenbern ditch. The pipe is the same size as what is there, we would recommend that it be accepted."

Commissioner Hunter: "And it will in no way impede the legal drain?"

Bob Brenner: "No. It is exactly the same as what is there. They are making adequate joints. The only thing that we wish is an agreement that, *they maintain it*."

Commissioner Hunter: "Are they willing to do that?"

Bob Brenner: "*I don't care*. I'm sorry. If they don't want to maintain it, I am happy with the ditch open with the way it is. The ditch functions right now, and they will agree to it, because

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there is no reason if we put a pipe in someone's front yard-they maintain it. We don't put it in, they maintain it, even if it is a road ditch."

Commissioner Borries: "Ok, with the aspect of the maintenance, Indiana Gas and Electric, I move that the drainage plan for Eagle Crest be approved."

F. Sycamore Hills Estates II-Veach, Nicholson, Griggs

(Unidentified speaker): "This is Sycamore Hills Estates it was originally approved in, I think, the early part of 1990, I believe. What we are doing, is there was a lake here originally on this Lot ten (10) and eleven (11) and the developer wanted to remove the lake. As it was originally approved the overflow from the lake went through here, to a pipe, to a swale, into a ditch and into this pond here. All we are doing is taking a lake away and we are building another dry detention here just to catch this run-off from this hillside here so that it doesn't go right across this lot and then there is a natural drain there now that would drain it down to and then go into the storm sewer under the street and out into this pond down here."

Commissioner Hunter: "It currently goes into this pond, you say?"

(Unidentified speaker): "It was planned to go into that pond."

Bill Nicholson: "No, not this one, this is on the north side of this ditch here, remember? It was planned on going into this one. There was a lake here that took care of everything above it, the rest of it comes from the drainage system down to this one. The E-1 area is detained in this small detention pond here which is a dry pond. It will drain out, it is just a detention pond. It comes down through the drainage system. The additional flow that went into this lake will be detained down here now. This is on the other side of that ditch the one that comes through here."

Mr. Hartman: "Now, the system also satisfies area E-2, and H-1 and H-2 and so forth on down."

Bill Nicholson: "Yes."

Commissioner Hunter: "Who maintains this?"

Bill Nicholson: "Well it is the same as this lot here. This lot here maintains this as it is now. Likewise the swales and everything that is on their lot. It is all contained on that area right there. It will be on the subdivision as recorded, plus in the restrictions."

Commissioner Tuley: "Then the person who owns this lot or purchases this lot then, what you are saying, is responsible-and it is stated so on the plans?"

Bill Nicholson: "Right."

Commissioner Hunter: "Then you have another detention lake over here?"

Bill Nicholson: "No, that is not a detention lake, that is outside of the area of the subdivision, but that is essentially a detention pond because it was constructed for that purpose. It is actually a lake, it is constructed as a lake. Likewise the same way with this one, and this is working out real well. The people that own the property jointly are doing the maintenance on that."

Commissioner Hunter: "If this is just a lake then why does it say detention on it? Why does it say 'Detention Lake C' on here?"

Bill Nicholson: "Well essentially it is a detention lake, but it is outside of the bounds of this subdivision, so..."

Commissioner Borries: "It is not part of your drainage plan."

Bill Nicholson: "Not part of this drainage plan, no. Even though it takes care of some of the overflow water that comes across and drains this way."

Mr. Hartman: "I recommend that the Board pass this plan as is."

Commissioner Tuley: "Do we have anyone here in reference to Sycamore Hills Estates II?"

Motion made to approve by Commissioner Borries with a second by Commissioner Hunter. So ordered.

G. Bluegrass Farm Substation-Morley & Associates

Jim Morley: "On Bluegrass Subdivision there was a natural stream and it perhaps can most easily be seen by this small drawing. Let me highlight in yellow the natural stream. The natural stream comes down like this. At the time we originally designed the subdivision, we had planned on relocating a portion of this ditch, the developer said that he was going to dig it down like that and come across. He has not done that, he has left the stream alone, it has trees along the stream-a few-and his request is to vacate the drainage easement showing him rebuilding it and to dedicate a drainage easement right where it is at. That is indicated on the small diagram. It is his intention to create within there an additional building lot. That is the purpose of this request."

Mr. Hartman: "As I see it, Jim, we are just adjusting these lots. That is all we are doing. The same run-off."

Jim Morley: "Yes. This line right here is exactly where the stream is now. The request is not to dig that up and rebuild it along that line but to leave it alone just as it is and to dedicate an easement along it and leave it natural which would mean that we would want to vacate that easement and put it right here."

Commissioner Hunter: "How do people that live in lot twenty-one (21) keep up on it."

Jim Morley: "Well, I would assume that they would be quite happy. Their lot line is made to correspond. That is the lot line. He excluded, Mr. Buck, excluded from the sale. He sold them to the middle of the stream because they couldn't maintain on the other side of the stream and he had never rebuilt it. So, we either have to give them an easement where the existing stream is, or we need to make them dig it and put a new channel in."

Commissioner Hunter: "And the new channel was going to go right here?"

Jim Morley: "The new channel was going to go right there. That was what the original plan called for but since then they have determined that they are better to leave it undisturbed and to dedicate the easement along the existing channel. So that is the summary. So what he did is he sold the owner of lot twenty-one (21) right down, we surveyed it and he sold them right down the middle of the channel. So that really in essence all that we are talking about is permission not to dig the new channel and to leave the existing stream right where it is and dedicate the very same drainage easement along that existing stream."

Mr. Hartman: "I recommend that you pass it."

Commissioner Borries: "So moved."

Commissioner Hunter: "Seconded."

So ordered by President Tuley.

H. The North Greens Subdivision-Morley & Associates

Jim Morley: "Before I begin a discussion on North Greens Subdivision, let me offer what I hope is a helpful suggestion to the Drainage Board. As an engineer I would very much like to see you adopt a new Drainage Ordinance. I think that part of the problem that you are faced with and you are faced with tonight, several times, is the fact that you get only one chance to see something before it goes to Plan Commission and I truthfully think that if you would adopt a new Drainage Ordinance you could create within it the same thing that you do for the Highway Plans. You may take a preliminary look, but when it comes time for final approval, as you act as County Commissioners, you get to see 'as built' drawings and you get a letter of credit. Either he builds it to your satisfaction first, or you get a letter of credit saying that he is going to, and then there is a final inspection and there is 'as built' drawings. As you know currently your Drainage Ordinance does not provide for 'as built' drawings or, for any specific line item of drainage improvements that aren't within the highway. Purdue has created and perhaps the County Surveyor has a copy of it; The Model Drainage Ordinance. Do you have a copy of that Bob?"

Bob Brenner: "Yes."

Jim Morley: "Which essentially it is mostly all written for you, it needs to be modified specific for the counties and edit out what you want to edit out. But if you would create a two step process, that would provide the ability to see that these things are done. I understand your plight, as an engineer I actually am in part of that same plight. We can design anything that we want to, and it is suppose to work, but there is no check. Nothing comes down at the end, there is no 'as built' drawings, there is no commitment by the developers to do that, only what you extract out of them at this meeting, saying put this on the plat. You don't have a follow through. I would be glad, and I have offered in the past to help with this and I think that if you would see fit to write a new Drainage Ordinance and create this two step process-I have a copy of the Model Drainage Ordinance, Bob does too-it is a big start, it could be edited, adopted by you and it would give you that ability to have that line item in there and then that check back to see that everything is fine before you sign off on acceptance of this while there is still a certain amount of that money that is in reserve. I know that some developers actually build the roads and have you accept them first. Most of them just put up a letter of credit and a certain amount of money. But if you would line item your drainage that same way and treat it the same way I think that it would take the pressure off of you at this time preliminary to all of the completion of the roadway plans, so that you would have another chance to be absolutely sure that they would put it in exactly like you said, and that the sod and the grass established. I would be behind you 100%. You would take a lot of pressure off of us because I don't want to get up and you ask me, 'Well, why didn't this work?'. I designed it one way and it might have gotten built another. Or someone came in and messed it up, and I know that, that is a problem. For what it is worth I will help with if you guys want to do it. I would very much like to see it because you placed me in a position of arguing a case in which I understand there is no final check. I am powerless just as you are, and if you would write an ordinance we could handle it."

Commissioner Tuley: "No longer than I have been on this Board I would be inclined to agree with you. That was one of my questions earlier, once somebody agrees to do this, and they don't do it, then what happens?"

Jim Morley: "Right. That was the first question that you guys asked tonight. It takes you adopting an ordinance to put the final check on it. I would encourage you to do so. You would make our job easier too. You would make the legitimate responsible developers-somebody's that does it wrong gives everybody a bad name. I just wish that we could find a way to eliminate that. Now to the subject, North Greens is a subdivision of thirty-nine point six (39.6) acres. Located immediately north of Shady Hills Subdivision and Old Petersburg Place Subdivision, Section III. The project involves the development of this 39.6 acres into one hundred and eight (108) subdivision lots. The developer is Jagoe Homes. Bill Jagoe. I do want to point out one thing, you are looking at a final developed conceptual map that shows how all the areas are divided up and the individual storm sewers are calculated. I want to show you in this, that the

existing land is divided into two watersheds. One watershed toward the top of the page runs directly into the creek that flows through this property and then on down and joins as a tributary to Little Pigeon Creek down at Highway 41 and Old Petersburg Road. The south portion, the bottom half that you see, drains along and into a ditch next to the Old Petersburg Place Subdivision. It is immediately adjacent to that particular area. The reason I wanted to show you that I think that there are some people here-I will try in my commentaries just address what I think are the concerns and they are the concerns of the neighbors to the south and Old Petersburg Place Subdivision. What we are doing is intersecting all of the water, almost all the water, except a very small fraction in the area two (2), the portion to the south and diverting it north into two lakes that you see on the drawing. There is a bound drainage report of this project and I want to point out the two things that I think are the most significant. The south area that I showed you before, currently runs off on a twenty-five year storm at the rate of seventeen point eighteen cubic feet per second (17.18 cfs). This is found on page one of the drainage report. If you then turn to page 17 of the drainage report of all the various sub-basin calculations, you find that sub-basin twenty-nine (29) which is what this final product is, that final product that would now flow to Old Petersburg Place or in that direction is one point twenty-three cubic feet per second (1.23 cfs). We are reducing the direct run-off in that segment from seventeen to one point twenty-three (17 to 1.23). I think that's basically over a 10-1 ratio, over a 90% reduction that is moved and transferred into the lakes. The lakes in their combined outfall at a twenty-five year flow is only one point six cubic feet per second (1.6 cfs). So what we are doing is providing an interception of water that flows that direction. I think that's probably that most significant thing that you want to know about this drainage plans. These drainage plans do have page after page of calculation of the individual pipes and the inlets on the street and I am sure that Dan has had a chance to go over that but I know what you specifically want to know is, 'How does it affect the neighbors?'. The other thing that I do want to comment on is that you know approximately six months ago we were up here with this discussion of this same creek and what are..."

Commissioner Hunter: "That is what I was going to ask you. Is this the same creek that your office and extension walk along and took pictures and there are all sort of obstructions?"

Jim Morley: "This is the same creek. That is correct. That is right. There were two significant obstructions in the creek. There was in 1992, flooding of the north street in Old Petersburg Place. Not of the houses themselves because they are up high but of the street in front of the houses. What we learned was that there was a major obstruction. Following that meeting Darrel Rice contacted the farmer of that ground, Mr. Schlensker. I talked to Mr. Schlensker Friday of last week and he said that he guessed that Darrel had talked to him but they had not finished all of the things that they had planned to do this winter, and yes, it was still there plan to remove that log jam from that creek. As that's the time we also had the discussion of how do we make it, could we possibly make it a legal drain so that we would have the power to come in and do it and I think the feeling at that time is that's a complicated and costly system to put in place and that you didn't want to go ahead with it right then. That part has been done. Mr. Schlensker did not comment to me and I don't know if Bob has had conversation with him about there are some culverts, significantly down stream-they are probably not a controlling factor in any of this flooding-but this log jam in the creek is just immediately beyond the outflow from Old Petersburg Place Subdivision and is the significant factor that caused the flooding."

Commissioner Hunter: "Is this the log jam that he uses to move his equipment across?"

Jim Morley: "No. No."

Commissioner Hunter: "As an access to a field?"

Jim Morley: "No. This is one down stream approximately another 1/2 mile, the stream meanders, there is a culvert that is smaller than it needs to be and..."

Commissioner Hunter: "Isn't that a problem-based on what you said last summer?"

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Jim Morley: "Yes, it was a problem and creates flooding. Most of that flooding probably is over his fields but it is about ½ mile down stream. But anyway, what we are doing with this development is reducing the run-off rate into this stream. So given that criteria what Mr. Jagoe has proposed here as we dealt with this was a lake, it is a lake setting and it is oversized significantly. Ratio of about five times as large as it really needs to be. Certainly we are not at all opposed to voluntarily providing you 'as built' drawings of this completed facility or whatever. I would really urge that you do work on that ordinance."

Commissioner Hunter: "Where is Bob Court Street in relation to all this? I don't see it on here."

Jim Morley: "Bob Court is right here."

Commissioner Hunter: "And this is the low end of Bob Court?"

Jim Morley: "It is actually down here."

Commissioner Hunter: "Ok, and this is where, this is the low spot?"

Jim Morley: "Right. This ditch along here and beginning right here at the corner, remember, there were about four homeowners along there who had put little bridges and things across and that starts right in there."

Commissioner Hunter: "Have those been corrected yet?"

Jim Morley: "No. No corrections."

(inaudible remarks)

Phillip Ghosh: "I live 640 Bob Court. One of the creek is behind my house. Ok. I bought that house-it was VA loan. VA means federal involvement loan. OK. Somebody approved that, it was approved by the VA (inaudible) and Building Inspector, inspected the house. Otherwise you do not admit that house, I believe. So how do you approve that house? Now you are saying there is a bridge now? I don't understand. What's going on? *Tell me*. So you tell the VA (inaudible) that, 'Oh we made a mistake. We give you that approval then in '88, now we are taking it back.'. Number one question, number two question I had, he said he is going to dam the water to that south side of the creek. That creek is in private property. How do you allow to dam their water in private property?"

Commissioner Borries: "As I understand his drainage plan, he is taking care of his drainage..."

Phillip Ghosh: "No, he is not. That is not what I said."

Commissioner Borries: "He is taking care of his drainage by the lakes and the system that he has devised with these lakes that are going to be built on there."

Phillip Ghosh: "He is overflowing and putting back to the south side and the north side. That is what he said."

Commissioner Tuley: "What did you say Jim?"

Jim Morley: "To make this gentleman happy, I think that if would evaluate..."

Phillip Ghosh: "You do not have to make me happy. You make everyone happy over there. And somebody screwed up last time."

Commissioner Borries: "I still don't know, Jim, if we could wait just a minute. Sir, about this bridge."

(inaudible remarks)

Commissioner Borries: "What is the agency that you are talking about? Veterans?"

Phillip Ghosh: "Veterans Administration."

Commissioner Borries: "They have *nothing to do* with-they only have to do with financing the property."

Phillip Ghosh: "I think you have to approve the..."

Commissioner Borries: "No way. The VA has..."

Phillip Ghosh: "They don't? Do your Building Inspector, inspect the building and approve that plan? Do they? No? How do they do that here?"

Commissioner Hunter: "We don't even know if the bridge was there when the building was built."

Phillip Ghosh: "How do you know?"

Commissioner Borries: "I'm sure it wasn't."

Commissioner Hunter: "Well we don't know if it was."

Commissioner Borries: "Did you build the bridge?"

Phillip Ghosh: "I didn't build the bridge. It was there."

Commissioner Borries: "Well then they did it without approval of anybody."

Phillip Ghosh: "How do you know? You can not say that."

Commissioner Borries: "I can only say this, you are down here tonight because-regarding drainage and I can't ever remember approving a drain or a bridge over somebody else's property. We don't do that."

Phillip Ghosh: "That what he say, he is talking about the bridge and he is talking about that creek, and that creek is private property."

Commissioner Borries: "Right."

Phillip Ghosh: "He is trying to drain his water to that private property."

Commissioner Borries: "No, no."

Phillip Ghosh: "He is overflowing, that is what he said."

Jim Morley: "Let me re-explain because I think this gentleman has a misunderstanding. On the back of his property there is a constructed drainage swale and there is a bridge, a couple of bridges and some rip-rap along that area that is restricting the flow in that area. That ditch..."

Commissioner Borries: "And we have asked them to remove it."

Jim Morley: "Right, and you have asked them to remove it that is correct. And that ditch is entirely on their lots. It is not on the property to the north and that ditch was constructed under an approved plans by the Drainage Board and it is in a wide drainage easement. Now, this development to the north of there does not-there is some drainage, some seventeen cubic feet

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per second (17 cfs) coming down in that direction. We are intercepting all the flow north with a very minor exception of just extreme backyards of a few lots, everything is being intercepted and taken north to lakes and to the creek. The creek itself is on Mr. Jagoe's property, flows right through the middle of Jagoe's property and that is where we are going. So what I am telling you is we are diverting flow that does get down and into this ditch and we are dividing it north into the lakes and then into the creek."

Phillip Ghosh: "Sir, we have some picture if you want to see. (inaudible)"

Randy Pinkston: "I would like to speak a few minutes if I can. I live at 706 Bob Court. I brought a few pictures. I didn't take them, but some of the other neighbors-there are eight or ten people here that could make it tonight that is concerned. Mr. Hunter has been out to my house after one of these rains and I think that he would tell you that it is a nightmare from what he has seen and been at my house. Now, is it Ok, if I just come here and show you the pictures? I understand that what he is saying, they are going to-I don't really see it but they are going to transfer-well I have it here in a picture. This is that ditch that they are talking about, which is some of the neighbors property right here. This is my house way down here at the end."

Commissioner Hunter: "Is that the bridge that we are talking about too, right now?"

Randy Pinkston: "These little bridges in my opinion, I don't think

(break due to change in tape)

Randy Pinkston: "It is not going to touch the last four houses down this subdivision. The last three at this point. So the subdivision is probably going to end about right here. So they're going shoot that water over into this ditch right here. That ditch all goes down to the corner of Bob Court. That big ditch that they are putting it in, still is going to drain to within two hundred feet of Bob Court. This is my house last June. We had three rains that the water was so deep that if it had been an emergency I could not leave my house or an ambulance couldn't have got there. If you look close-and I have got a pretty steep driveway-you can see the water line how high it got right there on my driveway. I had water almost to the top of my mailbox. No argument on what they are really say, this right here is the intersection after one of those rains and if you look real close there is another gentleman's house across the street. He has got a tree right there. The water was above the tree here, came all the way across-that is how deep it was-almost to the top of my mailbox. And this wasn't one of the bad ones. I wasn't prepared for nothing when we had one of them real bad rains. This is some pictures of it you can see afterwards when we can take pictures out in it. You see this driveway right here where this picture was taken? That is this lady's house right here. This is her backyard. This is the ditch that they are going to run the water into and you can see how fast the flow is. Now, it will not maintain the water that is going into it now. And if it is the obstruction down in the ditch, if it is the row, if it is the dam that Hamilton's Golf Course has got built, it is slowing the water flow down. *It won't maintain it now*. A funnel is only so big. No matter what happens they are still going to put more water in over there. I have no objection to the subdivision, or putting it in, but until we can come up with a solution where I can live on a county road that's a bus route-they pick kids-if I am at work and we have a rain like this, I have to got to take off work and try to get home to make sure somehow or another-they can't even get my kids to their house and it is dangerous. That is my concern. If they do put that in over there and they are going to maintain. He didn't say they were going to maintain it all. A portion of it. That is just that much more that is going to go in. The reason that this small ditch fills up is because the big ditch that they are talking about putting all the water into fills up down here. This ditch don't have no where to run. This ditch actually if you see this corner right here it's running right down into this ditch behind this home. There is a lot between me and this house right here. It don't really that's the reason that I am saying the bridges, the bridges if they had any minor affect-they are really not hurting that much. This water don't have no where to go because the big ditch is filling up."

Phillip Ghosh: "Let me explain a little bit better. Ok, this is the whole area they are going to

build the houses or whatever. All this water is coming to this creek as well as running down through this lot and to Bob Court here. And what he is saying is going to put little bit of water, or is going to drain some of the water through here, some of the water through there. What I am saying, this is a private property. Everybody's knows that this is low land property. Bob Court is well-known for low lying property. Let me tell you Sir, I have a question. I have something to tell you. Two years ago when I had a big rainy day, I had almost flooded my house. I came to your hearing department and I said, 'Look, (inaudible) what can I do? Can you do something about it?'. He knew that. He said we know about that problem but we can not do anything. I said, 'What can I do?'. He said go out and talk to the Mayor. I didn't do it but that is what he said."

Randy Pinkston: "We are not here tonight against the subdivision. This point right here, here is that ditch that they are talking about putting the water in."

Phillip Ghosh: "Our only problem is, all of this low land. You can not put more water there. Not even a drop."

Randy Pinkston: "That main ditch that the water is going to be transferred to actually turns into this part that is about ten acres..."

Phillip Ghosh: "Whatever he says fifteen years, twenty years that is not right. I can produce fifteen years some kind of statistics. I can that is not a big deal. I can make it fifteen statistics. Whether it is valid or not that is a different station. I can make it a fifteen statistics. I can add fifty years to the statistics. You want one? I can give you two more. (inaudible)"

Randy Pinkston: "I can appreciate you taking all these pictures. I understand we have all these log jams and problems down the road."

Commissioner Hunter: "Is one of the bridges there, the one that is on this gentleman's property?"

Randy Pinkston: "One of these little ones right here."

Commissioner Borries: "Well, they can restrict the flow of water if the water goes above it, but the problem with bridges are, there are not suppose to be there."

Randy Pinkston: "The flooding is below those bridges though, the main flooding that we are having-the problems that we are having. If, and I can understand the fact that, and I have talked to everybody from Mark Abell, to Mr. Hunter, to Darrel Rice and concerning the farmers who have got the road in the pipe, Darrel Rice basically told me Friday that, that farmer told him, 'Tough luck, we are not moving it unless you make me'..."

Commissioner Borries: "*How can we make him?*"

Randy Pinkston: "I'm not saying that we can. But that is what I am saying. Based on all of their theory, the size of that ditch, it should handle all of it's water but it won't handle it with all of these obstructions in it. That is the point."

Commissioner Hunter: "That is another example of people being totally unwilling to cooperate..."

(inaudible remarks)

Randy Pinkston: "I agree 100%. That is the ditch issue that has got to be addressed for we can put in another subdivision. We somehow or other, these bridges and these roads farmers are using to cross this creek, that is holding the water up where it don't have no where to go. When it does come up in the corner of that subdivision, and we've got a gentleman that lives a block above my house and he had water so deep, I believe that it got in the floorboard of one of his

vehicles, that is how deep it was tonight."

(inaudible remarks)

Phillip Ghosh: "I have one more question. You give the subdivision, you will do it according to this today, but ten years from now what will happen nobody will know. That's is what happened in Bob's Court now. The subdivision when you approved the plan it was ten years ago, in ten years time the population has grown but there is maintenance there is no update of the sewer system or nothing, so what happened? Same sewer system which is ten years old, same diameter of pipe, which is ten inches or five inches, or ten inches or fifteen inches (10" or 5", or 10" or 15")-still there is no update of sewer system, naturally will be flooding. The same thing is going to happen again unless you foresee ten years from now this time. I can guarantee that it will happen."

Randy Pinkston: "I am going to leave a tape if I may. It is not a very good one, most of it is shot at night, and I am going to ask you gentlemen to look at it. It's only about ten minutes. I took most of it out of my garage. There is two segments, you'll have to fast forward. I think that if you just look at this-you will think-I've got a six year old about to start crying, we got to get out of here, Dad. I mean that is the way it is there. We have a gentlemen right here that lives a block above me, at least, that's higher ground than I've got, and his son has a vehicle parked on the street and the water got up to the top of ceiling. You can imagine how deep it is at mine. All I am going to ask the Board to do is somehow or another, we got to figure how to move all the obstructions before we can allow anybody else to build another house in there."

Stanley Hollingsworth: "My name is Stan Hollingsworth-7016 Southport Drive. I have got some questions for Jim. I might have made a mistake when I picked it off, but I would like to know the southern boundary-your highest and your lowest and your mean elevations? And on your northern boundaries, your highest and your lowest and your mean elevations? Picking off your map it looks to me like the southern boundary is (inaudible) 390.1, which is the highest and yet then northern is 390 even. The lowest on the southern is 386.7 and the lowest on the north is 389.4. If you are going to preform a miracle and make water run up hill. I would like to have those figures though. I have a question here. What guarantee do we have that no run-off from the proposed subdivision will reach the non-legal ditches on the back of the houses on the north side of Bob Court and Southport to Greendale Drive? I understood that there would be some run-off into those ditches, is this true? No, I understand that with this development there will be some. Did you not make that statement?"

Jim Morley: "Reduce ten fold. To be reduced ten times."

Stanley Hollingsworth: "There will be some run-off."

Jim Morley: "One tenth (1/10)."

Stan Hollingsworth: "There will be some run-off that is my point. Yes or no?"

Jim Morley: "Yes."

Stanley Hollingsworth: "Ok. How can the City Council or the Drainage Commission approve dumping water into a ditch over which they have no legal authorization? Those ditches are not owned or controlled by the County and I have documentation-a brief here from Berger & Berger's representative, Bob Pigman, where this was decided in July of last year. It is quite authenticated and the County has no jurisdiction over this. Therefore, how can you authorize to put even a cup of water in there from somebody else's property? You can't-legally. You have answered my question, thanks Jim. Now, the other question is more redundant because the south end of the water is going to be draining somewhat into the ditch on the north side of the properties abutting Bob Court. Now you mentioned also ½ mile down the creek, stream, there was a log jam."

Jim Morley: "No, there is a log jam, I think only about two hundred feet from the corner of the subdivision."

Stanley Hollingsworth: "I probably misunderstood you. This water from..."

Jim Morley: "There is a small culvert pipe about ½ mile..."

Stanley Hollingsworth: "Ok, the water from the center of this development will that not feed into that area?"

Jim Morley: "No. It will feed north into the lakes that are built and then into the stream..."

Stanley Hollingsworth: "You are going to pump the water from the lakes to the north are you?"

Jim Morley: "No."

Stanley Hollingsworth: "That is going to be a miracle. Believe me. I think if you would look at that closely you are going to find, like Randy said, some of that water is going to get down into that area that you indicated there and we already have a backup down there, and it is just going to create more chaos and more problems. Further more, you mentioned about this farmer with a, I think that he has got a pipe across the creek down there which is blockage and all, and according to the state environmental agency, no one can do anything about it and this is what Randy told me, to have that farmer to remove that pipe. Wishful thinking that's all it is. Gentleman I have expressed my points and I have got my answers and I would like to have those elevations, please. Thank-you."

Jim Morley: "I would like to try to respond to Mr. Hollingsworth's questions or statements. He is absolutely correct that if you look at the contours of the property you will see that the area north where we are constructing the lake is higher ground than the lower area to the south that drains toward the ditch behind their lots. That is true. That lake has to be over dug and the water surface of that lake level will be five feet below the existing ground. Approximately. It is an excavated lake for storage. It will not be pumped, and we are creating a lake at an elevation that the water from the south will drain to the north. That is the steps that we had to take in order to do that. As I stated earlier..."

Unidentified speaker: "Are you going to add dirt to the back where the water will drain more? You are going to raise the elevation of the south part...?"

Jim Morley: "Yes. Correct. That will be the south part of the subdivision, the home pads will be raised and the drainage from the homes will come toward the street. The street to the inlets, to the lakes, and the lake is excavated. And it is below ground level. It is below the existing ground level, the storage level. I guess in some rate what I am saying to you is that, we recognized the concerns that the people here have. We have offered a solution that I think goes far beyond what are general requirements are. We are taking 90% of all the south flow and putting it north into the lakes. We are taking an existing farm field run-off, of seventeen cubic feet per second (17cfs). The only portion we are not capturing, that we can't capture because it is so close to the edge is one point two cubic feet per second (1.2 cfs). The rest of it all goes into a lake and we are running off at one point five cubic feet per second (1.5 cfs). So I understand their problems we have talked to Mr. Hollingsworth before. There are two things; we need to capture the water and hold it back. That is our design. We also, as a general to the neighborhood need that log jam removed from that creek. At this point we depend upon the Schlensker's to do that."

Stanley Hollingsworth: "Probably according to the ordinance and all, this is not possible but we would like the Council to consider entering into a performance and payment bond with our engineers and with the developers up there and putting in a penalty bond in there of one million dollars (\$1,000,000.00) in case the thing didn't work. Then we would be able to take care of the problem."

(inaudible remarks)

Jim Morley: "Our lake set-up, is set-up that it doesn't even go over the overflow spillway until it reaches in excess of the one hundred year storm. We have got the overflow at the one hundred. We are maintaining..."

Randy Pinkston: "So that lake will maintain all the water unless we have..."

Jim Morley: "Unless you exceed a one hundred year. Isn't that correct, Keith? You have got it set right at the one hundred..."

Keith Poff: "We are 3½ times the one hundred year..."

Jim Morley: "Three and a half times the one hundred year flow. Ok."

(inaudible remarks)

Jim Morley: "We are doing what you need done. That's what I am trying to convince you. We are doing what you need done."

(inaudible remarks)

Bob Brenner: "There will be less water in the creek after this is done."

Jim Morley: "Absolutely."

(inaudible remarks)

Commissioner Borries: "Sir, let me, we have all wrestled with this."

Phillip Ghosh: "I understand, Sir."

Commissioner Borries: "No you don't. In some respects because we can't guarantee you 100% or risk-free that anything is going to work short of what the recommendations and short of what we have had to do this all over the county in terms of a flat map. What is different about this plan, as opposed to a couple of other ones that we have seen is, is that he does have a plan and put some numbers here to say that he is going to take care of the water on his property. He is going to say that. If he says that this works and these people who are our technical advisors say that the way this thing looks like that it would work, then that puts us in a hard choice not to approve it from the standpoint that he has a plan for taking care of property. That noticeably different than some of these other people who were up here who didn't have, would not make that guarantee. Now, I know of some developments like this on the east side that are flatter than a board. I mean flatter than a board, and the have constructed a system of lakes. I use to live near one of them."

(inaudible remarks)

Commissioner Borries: "The drainage I must say..just a minute..the drainage was better, the drainage was better in this situation because of the plan and what they decided to do to take care of the water. The other frustrating part to us is, and the gentleman talked about it here on this creek, we don't have any control over that creek. Unless you can put into a legal drain, which is a costly process, but you have got to get the people who would be willing to kick in, to pay the assessments. Then the county could come in. We do legal drain plans all over this county. We do them..."

(inaudible remarks)

Commissioner Borries: "Would be minimal. No question about it. But it is the only way that we

are ever going to solve this other problem. It is the only way."

(inaudible remarks)

Commissioner Borries: "You got to get a petition of all the people along the waterway and there are legal requirements."

Commissioner Hunter: "Everybody who property drains into the waterways?"

Commissioner Borries: "It is a watershed. Watershed."

(inaudible remarks)

Commissioner Borries: "We have to listen to him but I am only saying, in his defense, that what he has done is put a plan on this calculations on paper to control the water on his property. I know that doesn't solve your problem. I know it doesn't, but what I'm saying is, that, that's all I'm saying in terms of that. You are looking at whole situation here that along here, we can't solve tonight. We can't do it."

Phillip Ghosh: "Sir, I have a question. He said that he is going to put 90% on the other side and 10% on south side. Why not 100% on other side?"

(inaudible remarks)

Commissioner Borries: "Well because he can't put it..."

(inaudible remarks)

Phillip Ghosh: "**Don't say he can't. Yes you can!**"

Commissioner Tuley: "Let me see if I understand this."

Phillip Ghosh: "There is no such thing, you can't. It is expensive. Yes."

(inaudible remarks)

Commissioner Tuley: "Jim, we have gone through this a long time. Let me ask if I understand this. There are seventeen cubic feet per second (17 cfs) as it stands today with no development. On the south side."

Jim Morley: "That is correct."

Commissioner Tuley: "You are going to reduce that down to one point twenty-three (1.23) by taking it to these two lakes. What is..."

Jim Morley: "Those lakes, that lake will be below the ground surface level, as Mr. Hollingsworth pointed out. They are..."

(inaudible remarks)

Jim Morley: Those lakes, that lake will out fall it for a twenty-five year storm at only one point five cubic feet per second (1.5 cfs). Only one point five cubic feet per second (1.5 cfs). That is the out fall rate of that lake to the north-for a twenty-five year storm. Furthermore, we have oversized the lake and keep it going through the pipe, the overflow channel, that lake can hold three times the amount needed for a one hundred year storm. Again,..."

Commissioner Tuley: "Before the lake itself overflows?"

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Jim Morley: "Before the lake itself overflows. Before the overflow spillway. I understand their problems. We have done-I think we have gone way beyond what anything in the ordinance requires. I am willing to assist in any way I can with the other problems out there and certainly, Bob, if the homeowners would like to create this legal drain, we have already got the pictures of the drainage basin, so it would be pretty easy to, you know, if they want to get up a petition and do that so that you can get control over the log jams. I wish it would happen."

Commissioner Borries: "That is the only way I know that it can be done."

Commissioner Hunter: "Let me ask a question of you Jim. Will your plan alleviate the problem of water in front of this gentleman's house?"

Jim Morley: "It will reduce the problem of water."

Commissioner Tuley: "It won't clear it up."

Commissioner Hunter: "It won't clear it up."

Jim Morley: "This drainage basin is so big it goes all the way up to Highland School. It is huge."

Commissioner Hunter: "I understand that. You are talking about the whole area that drains into that."

Jim Morley: "Right. There are four hundred some acres going down through there and our parcel of ground is only thirty-nine point six (39.6) and we are capturing and holding on our thirty-nine point six (39.6) everything that is falling on it and reducing that run-off rate significantly from what it is as a farm field today. Significantly below the existing conditions. Now, I can not-but our little thirty-nine point six (39.6) acres can't solve the four hundred acres coming down against the log jam."

Commissioner Hunter: "So the water that comes rumbling down Bob's Court and ends up at the bottom of the hill in front of his house and his house is still going to be there."

Jim Morley: "Well, not as much. Not as much, because we're capturing, we are taking 90% of the flow on our south side of the property and taking it north to our lake. I don't know the complete evaluation of how much we would effect the last rainfall. Maybe we would drop it an inch or two inches. I don't know. That is very difficult to determine. But we are doing as much as we can do. We are doing the right thing. We are capturing it, holding it, and releasing it slowly, north into the creek. If we had a bigger project we would have a bigger effect on the overall drainage basin. But we are doing, at three times the one hundred year storm, retention in these basins-we are doing a lot. A lot relative to our forty acres."

James Pickerill: "I live at 7015 Northfield Drive, that is right on the corner of Bob Court and Northfield Drive. My wife's cadillac is the one that has water in it all the way up to the seat. But I understand Jim to say that, actually what you are saying, the flow of water in that ditch, 10% of it is going to be alleviated."

Jim Morley: "There will still be 10% of the water that will flow in that direction. That's right. Ninety percent of what flows that way now will go north."

James Pickerill: "Another thing, I would like to know where you guys was, when that subdivision was built? I like the way you are handling business. Should have had somebody like you guys up here, maybe we wouldn't have had the problems..."

Commissioner Borries: "I was there. I was there. I would have to go back and look at the whole thing, but..."

James Pickerill: "Ok, I have a drainage area behind my property that I understand it belongs to you guys. If I do anything to block that area I have to come and get approval from you. You got to come out and tell me, 'Hey, you can't build that fence there, you are going to block some drainage.'..."

Commissioner Borries: "Swale?"

James Pickerill: "Why can't you do something about this?"

Commissioner Borries: "Well,..."

James Pickerill: "I mean, you can tell me I can't build a fence or I can't do this or I can't do that on my drainage line behind my property-but you can't do nothing about this?"

(inaudible remarks)

James Pickerill: "So you are just telling me, I pay twelve hundred or thirteen hundred dollars a year in taxes, so I just have to go fight this firm myself. Right?"

Commissioner Borries: "What you pay in taxes though doesn't have anything to do with drainage easements and swales, see that is the thing."

Bob Brenner: "There is the possibility of all the Commissioners included of suing the man and getting him to move. If he is impeding natural flow which he is obviously doing...(inaudible remarks)"

Commissioner Hunter: "Based on your report and Jim on your report there are several people who are impeding the flow. And it is on private property. Am I right on that?"

Jim Morley: "Right. The bridges are on the recorded ditch are the ones that you have jurisdiction on and there are relatively minor as far as the effect on the flooding. The main thing is the big blockage in the creek. That is the main thing."

Commissioner Hunter: "But if I recall you or someone from your office got up here in front of us the last July or August, and indicated that if the blockages were removed, including the bridges, that a lot of the flooding problem for those folks would be alleviated."

Jim Morley: "That is correct. That is correct."

Commissioner Hunter: "At this point nothing has happened. We have had a farmer thumb his nose at us."

Jim Morley: "I don't know that he has thumbed his nose at you but..."

Commissioner Hunter: "Well the stuff is still there."

Jim Morley: "He hasn't cleaned it out. There is a legal solution as you know and that is the formation of a legal drain. If all the people would want to join together, that is one way to guarantee that they can maintain this."

Daniel Scott: "I live at 600 Bob Court. I have one of these bridges that he is talking about in my back yard. I would ask you to come and look at them. You have a bridge that is above ground. This bridge is above ground. What it is going down into the ditch where this water is coming through, when you are talking about 2 x 4's that are this big. I mean, it is not keeping that water from coming through. These bridges are not. At least mine isn't. And you are talking about just a few pieces of wood that are stuck down in there. The rest of it is above the ground."

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(inaudible remarks)

Daniel Scott: "That is what the buyer told us. Now, you know we would have to investigate that further. But my thing is..."

Commissioner Borries: "I have never approved any kind of structure in a drainage swale cause it is on the plot on your property. If you would ever read on the original drainage plan we had to do that where it will tell you like, yard clippings, yard waste, nothing can be built in there. Primarily because they are gradual. They are like a three to one (3-1). They are almost flat. They are there just as they call it. It is not a ditch, and they are grass so that, they are just a depression and it is suppose to carry water. It is just like a little depression. We do this, I guess voluntarily, because see, the County despite the fact that you pay high taxes, you don't pay what it is in the City in terms of alleys and legal ways where if there is a alley blocked or something like that, well you can get a city crew to go on what would be considered city right-of-way. And they would go in there and clear that out. These are not. They are easements but they are not maintained by the county because if we start maintaining them there where you guys are we have got them all over the this county. We would never be able to do it."

Daniel Scott: "I just don't want you to put so much emphasis on a few, like four bridges. As much as maybe the Commission, maybe not sue the guy but maybe write a letter to this farmer, asking for his help. Start out that much."

Commissioner Borries: "What happens with you guys, and what has happened in this situation is that if you start it, somebody else is going to get a little bit more elaborate and a little bit more elaborate and pretty soon-I don't know you may not have any swales at all. I can never support I just could never give approval personally, of ever putting something in a drainage swale because then that would be going against a plan like that. I'm not saying that you are at fault."

Daniel Scott: "Right. I just bought this house three months ago. You are talking about a few pieces of wood."

(inaudible remarks)

Unidentified speaker: "I don't get where you are calling it a swale. It is a four foot drop off ditch. Maybe the developer told you he was going to put in..."

Commissioner Borries: "That is the way that it looked on a flat piece of paper like we are looking here."

Unidentified speaker: "Somebody didn't follow up."

Commissioner Borries: "The thing about it, I don't know if it was Jim's drainage plan or not on the other one, so I can't say."

Jim Morley: "It is. I did, yes. We did do the drainage plan on the other one. That is correct. And we did not, one of the gentlemen asked me a few minutes ago if we knew that, that log jam was there at the time that it was built and we did not. I can't tell you that the big tree that is down across there did have some leaves on it so I suspect that it has fallen within the last year or two. And it has basically been the last year or two that they had significant increase in the flooding there, so I don't know any further details."

Carlos Wallace: "I live at 700 Bob Court. Now, if he designed the other plan and it is pitiful, what are we going to have with this one? I don't understand. You can't get kids in and out of the bus. You can't drive a car. You can't get in your driveways. We all might as well just tear our houses down and move out. It is a sad situation. If he designed what we got today, and he is designing what we are going to have, well I had better buy me a pontoon boat and sell my house. I swear to you, if you guys will come out there and look at it you will see what I mean."

And if he designed that one, I'm not an engineer,..."

Commissioner Borries: "In defense of Jim. You know there are some things there along this creek and also some things that could have happened when it was built in terms of the sodding on those swales and how those were constructed that either the county or in this case the developer didn't follow through on."

Carlos Wallace: "When I bought my house the bank came out there they said that the ditch is not deep enough. I have got probably the deepest ditch along there. The bank says that it has got to be two foot deeper. Because it wouldn't hold water. The bank calls it a ditch. Everybody calls it a ditch."

Commissioner Borries: "Are you talking about the swale behind your house?"

Carlos Wallace: "It is a ditch. It is not a swale. It is a ditch."

Unidentified speaker: "It wasn't designed to be a ditch."

Carlos Wallace: "I swear to you, if you guys would come out there I would be glad to show you, and you show me if it is a ditch or not. Now, I have seen a lot of ditches in my life and that is a ditch."

Commissioner Hunter: "Doesn't water stand in there during the summer?"

Carlos Wallace: "Yes, it is a mosquito infested place. If I could, I would sell it today."

Keith Poff: "I am the engineer at Morley & Associates. I was the individual that went out with representative from the surveyor's office to view last spring this ditch the day after they had a flooding occurrence. I was told that they have had similar occurrence three times previously. Almost every Thursday or Friday night, I believe it was. I went to the weather service office and got the rainfall data. The rainfall data is only taken every hour or reported every hour so we can't evaluate what sort of storm occurred because most of our basins are calculated less than an hour. This whole subdivision may drain in forty minutes. Therefore you can't look at one hour of rain to tell you what that storm event was. Some of those one hour durations exceeded, well exceeded, a twenty-five year storm. So if they exceed twenty-five, that is what the ordinance is written for. That is what the storm system is designed for. In Old Petersburg Place as well as this plan."

(inaudible remarks)

Stanley Hollingsworth: "I would just like to add something else. Now, Don, you know that this has been going on for four years. Believe me. It has. You people are familiar with Berger & Berger who represented one of our neighbors, of course, the final analysis was that the study done by Morley, on file with pictures, surveyor's-all their information, ten property owners have built obstructions in drainage easements. Some ditches designed to drain have other obstructions such as trees, garbage, etcetera. This causes some drainage backup. Original drainage plan would not work. Fifteen inch pipes were put in but were not big enough. The easements were considered common easements were given a standing to sue. Neighbors can sue those who are obstructing easements but they can not sue the county or Phil Garrison. Now, to me this was the way of getting out, crawling out from something. We all respect Morley & Associates. I have dealt with engineers for years in the aircraft business and I know we can all make mistakes. In fact, on a plane the size of a 707 we sent the drawings down to Teblow Aircraft from Bethesda, Maryland, and Mr. Teblow who is a pioneer in aviation, after he went over that and all, he said that airplane is going to fall apart. That fine tail will not hold it. We went back and redid it and ran the things through analysis again and found out he was right. Reason that I am bringing this out is maybe it would be wise to get somebody else in as a consultant to review these plans and verify that there is not mistakes in here. Somebody that is not a friend of Morley & Associates. This is the way that I would do it. This is the way that we would do it. I will just

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leave that suggestion with you. Thank-you."

(inaudible remarks)

Commissioner Borries: "What you said is according to the Drainage Ordinance, the Surveyor and the Surveyor's office in this case, they are technical advisors and as licensed surveyors, they are the ones that give us the recommendations to have someone else do it. You have to have a licensed surveyor and they still have to give them a recommendation and come back."

(inaudible remarks)

Commissioner Borries: "We all make them. I wish I could guarantee you that this is or any other plans are risk-free plan. I wish I could."

Commissioner Tuley: "We all make mistakes. Have we even asked Bob? I would like to at this time."

Bob Brenner: "It seems unreasonable to put more houses in an area that is flooding. I start out with that, but it can be done. Mr. Morley you are currently the farm field puts almost eighteen cubic foot per second (18cfs) into Little Pigeon Creek. Is that correct?"

Jim Morley: "That whole south end. That is correct."

Bob Brenner: "What does the whole subdivision put in?"

Jim Morley: "That is approximately half. Undeveloped is thirty-five for the whole subdivision. There is thirty-five cubic feet per second (35 cfs)"

Bob Brenner: "Ok. What are you going to put in after this is built?"

Jim Morley: "There is a similar (inaudible remarks)."

Bob Brenner: "Seventeen. That is for the whole thing now, right?"
Thirty-seven and a half undeveloped. You are going to put seventeen total into the creek."

(inaudible remarks)

Commissioner Tuley: "So a little less than half."

Bob Brenner: "A little less than half. The best comment that was made back there was, 'You can't eat an elephant in one bite.' but, this appears to *help the problem*. The other part of the problem is, if we have to have a legal drain, *let's do it*."

Commissioner Borries: "That is what I say."

Commissioner Tuley: "That would solve the rest of the problem."

Bob Brenner: "It really has little to do with this subdivision. If he is helping. He is putting in half the water and you can hold the water-I know the rate will go up but you can hold a one hundred year flood off of these people. From this development. That is right. You will improve everything. It sounds backwards that you have one hundred and eight, but he is helping you. Now let's fix the rest of the problem. Does that make any sense? I am going to ask you to back me up for something and I don't know if I need it or not, but if I need a temporary employee to go out and hustle up-we will do it. We will go get the petition. We will take all the steps that it takes to bring it to you."

Commissioner Borries: "On temporary. I'll do that. I'll make that commitment."

Commissioner Tuley: "Until the problem is solved."

Bob Brenner: "That is all I want. I have someone in mind. I will go to them and ask for someone and we will go after it."

Randy Pinkston: "So if we do get a legal drain made then what you are talking about?"

Bob Brenner: "I can go out tell the farmer to pull out and if he doesn't, I do and put it on his taxes. It works."

(inaudible remarks)

Bob Brenner: "You will pay an assessment. Make no doubt about it. The normal assessment, I don't know if you would be in urban. It would not be over twenty dollars a year."

Commissioner Tuley: "The minimum is five dollars."

Bob Brenner: "But urban ditch it goes at twenty-two fifty (\$22.50) an acre-for an urban piece of property so if you have a half acre you only pay ten dollars."

(inaudible remarks)

Commissioner Borries: "Now, are you talking about this ditch were the log jams and everything are going?"

Unidentified speaker: "I am talking about this ditch that goes behind all of our houses on Bob Court."

Bob Brenner: "They already have."

Commissioner Borries: "That is along the farmer's property?"

Jim Morley: "They are talking about the one in their back yard."

Commissioner Tuley: "The swale ditch."

Bob Brenner: "You already have some, and you have taken steps to improve it."

Randy Pinkston: "I believe that you can get it made a legal drain. If you can do that and get those obstructions moved. I believe that we can cure the problems."

Commissioner Tuley: "Then you guys will need to come help us back him up, to do whatever we need to do."

(inaudible remarks)

Commissioner Borries: "Do you folks understand what he was saying in terms of how this plan will help and not hurt in that sense? Do you understand..."

Bob Brenner: "I'm going to stand here and recommend that they approve that and it sounds backwards of everything that you want, but I think he is going-no, I know he is going to help you. He is going to fix the problem-..."

(inaudible remarks)

Bob Brenner: "He will take 90% from the south but 50% out of the ditch. Correct?"

Jim Morley: "Right."

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Bob Brenner: "Ok, which helps. But it doesn't fix it. They are going to get the final vote whether it becomes a legal drain or not, it comes down to that. It will take some time. I can generate the paper..."

Randy Pinkston: "Three years or 90 days or 6 months?"

(inaudible remarks)

Bob Brenner: "Less than a year."

(inaudible remarks)

Bob Brenner: "Ok. A legal drain comes under the county's jurisdiction and we maintain it. We don't put any money up ourselves, the Surveyor is remanded to go out and have a plan for cutting it for removing debris, for spraying it. To do anything to see that it carries the water along."

Commissioner Borries: "In some cases it is bank and erosion control. It gives him the legal right..."

(inaudible remarks)

Bob Brenner: "We do. There are 39 different ditches in the county that I do. I'm sure that this used to be a legal drain but somebody in their wisdom said, 'Why should I pay?' and it was dropped. In 1965 they re-did them all and there were only thirty-nine left. We have all kinds of stick. The swale? He has got to go court. If this log jam was backed up against the culvert, I would send the farmer a notice and say remove this you are obstructing. If he does not do it-I will do it. I don't have to go to court. Go down to the Auditor's office and they put it on his tax bill. If he still says he will not pay for it, they sell the property. And that is stick. That works. I have never had to go that far. I have had to go and do things and then they always pay because once they go to an attorney they get the word that they are going to do it to you. You have never even heard me come up and do that in sixteen years. But I am going to recommend that we approve this subdivision."

Commissioner Borries: "I move that it be approved."

A second by Commissioner Hunter with a request for a roll call vote.

Commissioner Hunter: "I am going to vote, 'No'. Jim, the reason that I am voting 'No', I think that your plan is excellent. I have been on this Commission for twenty-six months as of yesterday, and the area that we are talking about has been the biggest headache to me of anything that I have dealt with in twenty-six months. Last summer, that office and your folks, you went out, and trudged through the mud and took pictures and letters were sent out at this point nothing has happened. The problem is still there. So I guess I am not willing to support something until the people who have lived there have got their problems solved and if it takes the legal drain-fine. If it takes legal action on the part of the-am I not correct that if you have water on private property and you do something on your property that somehow it is negative to those people who live behind you, you have a legal responsibility? In other words I can't put a dam across my yard if it backs it up in the yard of my next door neighbor. Even though it is on my property."

Jim Morley: "I am not your attorney there, but I think..."

Commissioner Hunter: "Well this is what I have heard a couple of attorneys say in meetings that I have attended."

Jim Morley: "The particular problem here is that we do have some natural occurrences."

Commissioner Hunter: "That's right. We seem to have private property."

Jim Morley: "That makes it a whole lot less clear whether or not those kind of requirements are placed on something like that."

Commissioner Hunter: "Anyway I think that your plan is great but I still vote, 'No.'."

Commissioner Borries: "I won't go into as long a explanation but I just have to say this, and I vote 'Yes.' and I will tell you why. You are here as part of huge puzzle that fits this whole county that we have talked about all night. What we have to do as I understand the legal responsibility that we have is, one at a time, we have to consider them on their merits at this point going back to that simple axiom that I have always had, 'Does this person and this plan control the water on their property?'. I have to say, 'Yes.' based on what I have heard tonight. So I have to vote, 'yes' on it."

Commissioner Tuley: "I will vote, 'Yes.' also with the comment that we crawl before we walk, and we walk before we run and this is a start to get the problem corrected and I am willing to commit to Surveyor, Bob Brenner to work with getting whatever we have to do to turn that into a legal drain and going out there and getting this mess resolved. But we have to take it a part at a time and I believe that based on what I have heard tonight, this is a step to starting to resolve the problem."

Commissioner Borries: "I would agree and I would certainly pledge to you that we will do everything that we can to work with him to get this done. It will cost you a little money but it would be worth a lot in the long run. I will tell you that."

(inaudible remarks)

RE: BLUE CLAIMS

The Blue Claims were submitted for payment as follows:¹

1. To Union Township Ditch Association #1259	
Kamp Ditch #234-021, 15% Retainage due	50.22
2. To Union Township Ditch Association #1259	
Helfrich-Happe Ditch #234-018, 15% Retainage due	57.14
3. To Union Township Association #1259	
Cypress Dale-Maddox #234-012, 15% Retainage due	107.49
4. To Union Township Association #1259	
Edmond Ditch #2334-016, 15% Retainage due	69.28
5. To Eldon Maasburg #1485	
Kneer Ditch #234-024, 15% Retainage due	45.54
6. To Eldon Maasburg #1485	
Maasburgh Ditch #234-027, 15% Retainage due	23.16
7. To Union Township Ditch Association #1259	
Barnett Ditch #234-008, 15% Retainage due	62.68
<hr/>	
TOTAL BLUE CLAIMS	415.51

Payment recommended by Bob Brenner. Motion made by Commissioner Hunter with a second by Commissioner Borries. So ordered.

RE: NEW BUSINESS

A. Barrs Creek

Bob Brenner: "The Soil Conservation-we have worked a plan up and there is one hundred

¹Copies of Blue Claims and approvals signed by Surveyor included with 3-1-93 minutes.

thousand dollars (\$100,000.00) in money available for work on Barrs Creek. We have fifty-three hundred dollars (\$5,300.00) in our account right now. We could put that up as a match to do very needed improvements. We will have some more after this year but I think any money that we could get when it comes back fivefold, we should jump on the bandwagon and do as much as we could."

Commissioner Hunter: "I agree because there is also a good possibility that there maybe more money from where that one hundred thousand dollars (\$100,000.00) comes from. If we could prove our case."

Bob Brenner: "We have been working on it. We are running a survey line right up the ditch, right now. I need us to commit funds that we will expend our excess funds matching Barr Creek in conjunction it has to be approved by Soil Conservation and we do have some excellent plans. We have farmers that are irate over this ditch. It is collapsing."

Commissioner Borries: "You need approval to commit the excess funds?"

Bob Brenner: "Even informally. This is a good way to go."

Commissioner Borries: "I will move that it be approved."

Bob Brenner: "Five to one is too good to pass up."

Commissioner Hunter: "I will second."

So ordered.

B. Annual Bids

Bob Brenner: "The last item is our annual bids. We have the description of the drains, the specifications are identical to 1992 with the exception, some distances have been-the length of the ditches have been shortened because other people have agreed to maintain them. Specially Kolb and like, Nurrenbern there will be a couple of hundred feet when the pipe goes in, we take those out every year. That is the only change from last year. If you will notice you had very, very few complaints from anywhere. We mowed a lot of ditches twice, and nobody complained-I'm not one to rock the boat. We talked to the Auditor's office. We would like to advertise and accept bids at the next meeting."

(inaudible remarks)

Commissioner Hunter: "Do you need our approval on this tonight?"

Bob Brenner: "What I need your approval on is, 'The Notice To Bidders'."

So moved by Commissioner Hunter with a second by Commissioner Borries. So ordered.

(inaudible remarks)

RE: ADJOURNMENT

Commissioner Tuley: "Is there any other business? There being none, this meeting is adjourned."

Meeting adjourned at 9:17 p.m.

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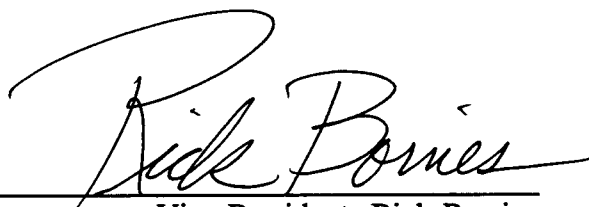
PRESENT:

President Pat Tuley
Vice-President Rick Borries
Member Don Hunter
Bob Brenner, Surveyor
Dan Hartman
Kenneth Rueger
Curt Wortman
Scott Beudel
Aaron Biggerstaff
Art Fritz
Jean Fritz
Jerry Studer
Darrel C Veach
Roger Utley
Kent Burnworth
Vaughn Young
Phillip K Ghosh
Randy Pinkston
Sid Hales
Larry Morse
Daniel L Scott Jr
Teri A Groeringer
W C Bussing
Bill Nicholson

Gary Yelling
Jim Morley
Keith Poff
W R Jagoe II
Carlos Wallace
Stanley E Hollingsworth
James A Pickerill
Scott Gurtrur
Joanne Matthews, Secretary
transcribed, sbt



President, Pat Tuley



Vice-President, Rick Borries



Member, Don Hunter

DRAINAGE BOARD MEETING

MARCH 1, 1993

FINALA G E N D A

1. Meeting Opened — 6:35 pm

2. Approval of Minutes of January 25, 1993 RB/D/D.

3. Request for Approval of Drainage Plans—

✓ a) Mt. Ashley Subdivision (Sam Biggerstaff)

*app'd. Lots #12 thru 18
on South Side Hwy.*✓ b) Ashwood Subdivision (Veach, Nicholson, Griggs) — *B. W. Nicholson
Gary Yeeling*

✓ c) Kirchoff Subdivision (Sam Biggerstaff)

- d) Timberland Subdivision (Sam Biggerstaff)

*Deposited to 3/22
Free Lottan. Trm Comm Club*

e) Long Road Substation (Hafer Architects)

f) Sycamore Hills Estates II (Veach, Nicholson, Griggs)

g) Bluegrass Farm Substation (Morley & Associates)

h) The North Greens Subdivision (Morley & Associates)

✓ i) Blue Claims Submitted for Payment

5. Old Business

6. New Business

7. Meeting Adjourned — 9:17 pm.

NOTICE TO BIDDERS

This Instrument shall serve as Public Notice that: Sealed Proposals for the maintenance of regulated drains in Vanderburgh County shall be received by the Vanderburgh County Auditor until 4:30 P.M. local time on Monday the 22nd day of March, 1993, at which time all proposals received shall be delivered to the Vanderburgh County Drainage Board, opened and read aloud in the County Commissioners' Hearing Room. Any proposals received unsealed or past the designated time shall be returned to the Bidder unopened.

BID PREPARATION

Proposals shall be submitted on approved forms, properly executed, and accompanied by a Certified Check, Cashier's Check, or other approved security in the amount of five (5) percent of the bid; or a bid bond in the amount of one hundred (100) percent of the bid may accompany the proposal.

All proposals and securities shall be sealed together in an envelope bearing the name and address of the Bidder, the title of the work; and prepared according to such particulars as shall be described in this document and other documents available at the office of the Vanderburgh County Surveyor, Room 325 Civic Center, Evansville, Indiana. Improperly completed proposals may be disregarded by the Board.

Successful Bidders shall sign Contracts with the Board within five (5) days of the Award. A Performance Bond may be required by the Board. Bid Bonds of the unsuccessful bidders will be returned within thirty (30) days of the Awards.

APPROVED BY THE VANDERBURGH COUNTY DRAINAGE BOARD:


Patrick Tuley, President


Richard J. Borries, Vice President


Donald Hunter, Member

3-1-93

DATE

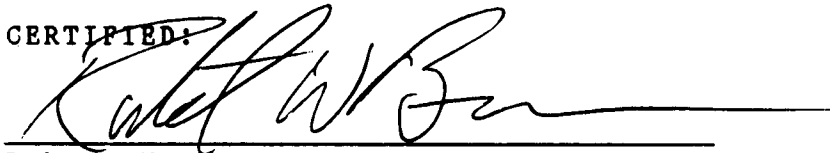
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ATTEST:

Sam Humphrey, Auditor

DATE

CERTIFIED:


Robert W. Brenner, Surveyor

DATE

GENERAL SPECIFICATIONS

A) PURPOSE:

To remove all undesirable vegetation and loose debris from Vanderburgh County legal drains, as directed and determined by the Vanderburgh County Surveyor, to facilitate proper drainage.

B) SPECIFICATIONS:

1) The Contractor shall remove or cause to be removed all vegetation, loose debris, and brush from the ditch bottom. When using ground sterilants the Contractor shall spray only the ditch bottom. No sterilants shall be sprayed, spilled, or drifted on the side slopes of the ditch nor outside of the banks.

2) The Contractor shall remove or cause to be removed all undesirable vegetation and loose debris as directed by the Vanderburgh County Surveyor. The Contractor shall maintain the area within the ditch banks and an area five (5) feet outside the tops of the ditch banks. The contractor shall maintain these areas in such a manner as to promote the growth of desirable cover grasses. When using herbicides or growth regulators the contractor shall apply the chemicals in such a manner as to spray only within the ditch banks and to a distance of five (5) feet outside the tops of the banks (see Special Provisions for increased pathway maintenance requirements). The Contractor shall take care not to allow spray to drift or spill on crops, lawns, etc.

3) The following prohibited noxious weeds must be controlled by the Contractor if they are found occurring within the ditch banks or five (5) feet from the tops of the ditch banks.

Canada thistle	Field bindweed
Hoary cress	Johnsongrass
Perennial sowthistle	

4) The Contractor shall be responsible for the selection, handling, mixing, and application of all materials as required to complete the Work.

5) The Contractor shall obtain all the required permits and/or licenses for applying herbicides.

6) The Contractor shall carry adequate liability insurance to protect the County against any and all claims that may arise as a result of the Contractor's operations.

7) The Contractor shall provide the Vanderburgh County Surveyor with a Certificate of Insurance naming the Vanderburgh County Surveyor and the Vanderburgh County Drainage Board as co-insured.

8) The Contractor shall provide the Surveyor with a copy of his State Pesticide Applicators License valid in Indiana for the application of herbicides to legal drains when submitting his/her bid.

9) The Contractor shall submit the names of all chemicals to be used, with label specimens, no less than fourteen (14) days prior to the application of such chemicals.

10) The Contractor shall maintain a log of spraying activity containing the following information:

- A) Ditch name
- B) Spray Date
- C) Wind speed and direction
- D) Temperature(s)
- E) Start and stop times
- F) Beginning and ending locations
- G) Applicator(s) and/or operator(s)

The log shall be surrendered to the Vanderburgh County Surveyor upon the projects completion, and shall be available for inspection by the Surveyor during the course of the Work.

11) No spraying shall be done when the wind speed is in excess of eight (8) miles per hour.

12) If the Vanderburgh County Surveyor determines that chemical control of vegetation is not sufficient, then the Contractor shall be aware that cutting of the vegetation and removal of the clippings and debris shall be required. Separation of the Work, and completion of spraying and mowing by individual or separate contractors is covered under the Special Provisions.

13) Controlled burning may be used for the removal and disposal of clippings after obtaining the proper permits, variances, and permissions (including those from the Environmental Protection Agency, Room 207 Civic Center). The EPA will not issue variances for Sonntag-Stevens and Keil ditches.

14) The Contractor shall remove all clippings and loose debris in a timely fashion to avoid the material being washed down-stream. Any loose debris which can be lifted out of the ditch using on-site manpower and equipment shall be removed. For larger debris the Contractor shall notify the Surveyor immediately. Any materials generated by the Contractor that later accumulate and block the flow of the ditch will be removed by the Contractor at his expense. Debris that has been chipped and evenly spread outside the channel is exempted.

15) The Contractor shall make all chemical applications between April 15th and June 15th unless product labeling requires otherwise (applications of Rodeo for bottom sterilization may begin July 1st). Any chemical applications not falling within the above dates should be discussed with the Vanderburgh County Surveyor when submitting labeling and chemical information.

16) The Contractor shall complete all mowing, cutting, burning and loose debris removal between August 15th and November 15th on ditches that require only a Summer/Fall mowing. Ditches that require an additional Spring mowing shall be mowed after sufficient growth has occurred to warrant mowing and be completed by July 15th. The contractor shall contact the Vanderburgh County Surveyor prior to any mowing activity.

17) Extensions beyond the time schedules outlined above will be granted by the Vanderburgh County Surveyor only for unusual weather conditions, product labeling requirements, or special circumstances.

18) The final determination of the acceptability of the Work of the Contractor shall be made by the Vanderburgh County Surveyor. No payments will be made to the Contractor until the Vanderburgh County Surveyor determines that the work is approved.

C) DEFINITIONS:

1) VEGETATION: shall include all plant life or total plant cover unless the Vanderburgh County Surveyor directs otherwise.

2) DITCH BOTTOM: the area from the toe of one ditch bank across the flow line to the toe of the opposite ditch bank; or that area which is generally submerged, wet, or damp during low water conditions.

3) DESIRABLE COVER GRASSES: shall include, but are not limited to, all Fescue, Perennial Rye, Wheat, Timothy, Bluegrass, or other vegetation designated as desirable by the Vanderburgh County Surveyor.

4) UNDESIRABLE VEGETATION: shall include, but are not limited to, broadleaf weeds, noxious weeds, cattails, reeds, tree sprouts, bushes, bamboo, vines or, other vegetation designated as undesirable by the Vanderburgh County Surveyor.

5) BRUSH: shall include all vegetation, OTHER THAN DESIRABLE COVER GRASSES, less than eight (8) feet in height from the point of emergence.

6) LOOSE DEBRIS: shall include, but are not limited to, all clipping and other waste generated by the Contractor along with any other loose materials encountered by the Contractor.

D) NOTES:

1) The Indiana Drainage Statutes provide rights-of-entry upon land alongside legal drains for the purpose of maintaining the drains only. The statute provides that the landowner may use the land so long as such use does not interfere with the purposes of the drain. The county does not own the land along side the legal drain nor the legal drain itself.

2) The right-of-entry for legal drains in Vanderburgh County are:

A) Urban drains twenty-five (25) feet from the top of each bank

B) Rural drains seventy-five (75) feet from the top of each bank

3) If any of the Work will damage crops, gardens, trees, or other property, the Vanderburgh County Surveyor and the property owner must be notified no less than twenty-one (21) days prior to the contemplated damage. The Contractor shall determine immediately after the Contract is awarded how much distance from the top of the ditch bank is needed to accomplish the Work and notify the property owner and the Vanderburgh County Surveyor of this measurement. The property owner may then set back his crops to avoid damage by equipment.

4) If in doubt about any aspect of the specifications, ditch locations, or anything else contact the Vanderburgh County Surveyor prior to bidding or beginning work.

1993 SPECIFICATIONS

ANNUAL MAINTENANCE

LEGAL DRAINS

VANDERBURGH COUNTY

SPECIAL PROVISIONS

ROBERT BRENNER
VANDERBURGH COUNTY SURVEYOR
1 N.W. M.L. KING JR. BLVD.
ROOM 325 CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708
FEBRUARY 24, 1992

SPECIAL PROVISIONS

DITCHES TO BE MAINTAINED UNDER SPECIAL PROVISIONS :

AIKEN DITCH
 EAGLE SLOUGH
 EAST SIDE URBAN SOUTH 1/2
 EAST SIDE URBAN NORTH 1/2
 HARPER DITCH
 KEIL DITCH
 SONNTAG-STEVEENS DITCH
 KOLB DITCH

A) PURPOSE:

The purpose of the Special Provisions section is to address the needs of drains which currently are under intense development pressure; or drains which have specific problems to be addressed.

B) SPECIFICATIONS:

1) The bidder shall submit bids only on the work that the bidder is qualified to perform by virtue of licensing, experience, equipment, and other specifications.

2) The Drainage Board may award work on a single ditch to an individual bidder or to a combination of bidders as directed by the Surveyor.

3) Individual ditches may be broken into sections and each section may receive different or a combination of treatments as necessary to meet the needs of that drain.

4) Work on a drain will be divided into categories as described below:

A) CATEGORY ONE: sterilize ditch bottom by spraying approved herbicides killing all vegetation as described under general specifications.

B) CATEGORY TWO: mowing the ditch as described under the general specifications or other revised specifications as described herein.

5) If the bidder does not enter a bid under a particular category, it shall indicate the bidder is not interested or qualified to perform the work in that category.

6) The Surveyor may recommend that on a single ditch there be a mowing contractor and a separate spraying contractor; or any similar combination that best meets the needs of the drain.

7) The contractor shall guarantee a kill percentage of ninety (90) percent of target vegetation for all herbicide applications.

8) The cost of any re-spraying necessitated by substandard kill shall be at the contractor's expense and shall continue as necessary until the applicable kill percentage is obtained.

9) The General Specifications also become part of these Special Provisions.

C) NOTES:

1) In the pages following the bidder will find bid schedules which shall be detached from these pages and attached to an appropriately completed bid form 96.

2) Bidders are encouraged to inspect all ditches before bidding.

3) Bidders are reminded that the General Specifications become part of these Special Provisions.

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AIKEN DITCH: 9911 LINEAL FEET

Bid CATEGORY TWO: 1800 L.F. Spring mowing along Pollack Ave.

Bid CATEGORY TWO: 9911 L.F. Summer/Fall mowing entire length of ditch.

BID SCHEDULE

I, _____, _____,
(type or print name) (type or print title)
representing _____, do submit the
(type or print name of organization)

following bid on AIKEN DITCH:

CATEGORY TWO: 1800 l.f. at \$_____ per foot = \$ _____

CATEGORY TWO: 9911 l.f. at \$_____ per foot = \$ _____

STATE OF _____ } BY: _____
COUNTY OF _____ }
(title of person signing)

_____ being duly sworn,
deposes and says that he\she is _____
(title of person signing)
of the above _____ and that
(name of organization)
the statements in the foregoing bid are true and correct.

Subscribed and sworn to before me this _____ day of _____, 19____.

My Commission Expires: _____
Notary Public

County of Residence: _____
(printed name of notary)

Attach this page to completed bid form 96

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HARPER DITCH: 4002 LINEAL FEET

Bid CATEGORY ONE: 4002 L.F. sterilizing ditch bottom.

Bid CATEGORY TWO: 4002 L.F. mowing entire length of ditch.

Note: Harper Ditch will be mowed twice. Contractors bidding CATEGORY TWO should be prepared to mow in the Spring and Summer. The contractor will be paid on a per foot basis for each mowing.

BID SCHEDULE

I, _____, _____,
(type or print name) (type or print title)

representing _____, do submit the
(type or print name of organization)

following bid on HARPER DITCH:

CATEGORY ONE: 4002 l.f. at \$ _____ per foot = \$ _____

CATEGORY TWO: 4002 l.f. at \$ _____ per foot = \$ _____

STATE OF _____ } BY: _____
COUNTY OF _____ }
(title of person signing)

_____ being duly sworn,
deposes and says that he\she is _____
(title of person signing)
of the above _____ and that
(name of organization)
the statements in the foregoing bid are true and correct.

Subscribed and sworn to before me this _____ day of
_____, 19____.

My Commission Expires: _____
Notary Public

County of Residence: _____
(printed name of notary)

Attach this page to completed bid form 96

KEIL DITCH: 3012 LINEAL FEET

Bid CATEGORY ONE: 3012 L.F. sterilizing the entire ditch.

Bid CATEGORY TWO: 3012 L.F. mowing the entire length of the ditch.

Note: Keil ditch will be mowed twice. Contractors bidding CATEGORY TWO should be prepared to mow in the Spring and Summer. The contractor will be paid on a per foot basis for each mowing.

BID SCHEDULE

I, _____, _____,
(type or print name) (type or print title)
representing _____, do submit the
(type or print name of organization)
following bid on KEIL DITCH:

CATEGORY ONE: 3012 l.f. at \$ _____ per foot = \$ _____

CATEGORY TWO: 3012 l.f. at \$ _____ per foot = \$ _____

STATE OF _____ } BY: _____
COUNTY OF _____ }
(title of person signing)

_____ being duly sworn,
deposes and says that he/she is _____
of the above _____ and that
(name of organization)
the statements in the foregoing bid are true and correct.

Subscribed and sworn to before me this _____ day of _____, 19____.

My Commission Expires: _____
Notary Public

County of Residence: _____
(printed name of notary)

Attach this page to completed bid form 96

KOLB DITCH: 5593 LINEAL FEET

Bid CATEGORY TWO: 5593 L.F. mowing the entire length of the ditch. With the exception of the portion south of the levee.

Note: Kolb ditch will be mowedⁿ twice. Contractors bidding CATEGORY TWO should be prepared to mow in the Spring and Summer. The contractor will be paid on a per foot basis for each mowing.

BID SCHEDULE

I, _____, _____,
(type or print name) (type or print title)
representing _____, do submit the
(type or print name of organization)
following bid on KOLB DITCH:

CATEGORY TWO: 5593 l.f. at \$ _____ per foot = \$ _____
STATE OF _____ } BY: _____
COUNTY OF _____ }
(title of person signing)

_____ being duly sworn.
deposes and says that he\she is _____
(title of person signing)
of the above _____ and that
(name of organization)
the statements in the foregoing bid are true and correct.

Subscribed and sworn to before me this _____ day of _____, 19____.

My Commission Expires: _____
Notary Public
County of Residence: _____
(printed name of notary)

Attach this page to completed bid form 96

SONNTAG-STEVEN'S DITCH: 10,705 LINEAL FEET

Bid CATEGORY ONE: 10,705 L.F. sterilizing ditch bottom.

Bid CATEGORY TWO: 10,705 L.F. mowing the entire length of the ditch.

Bid CATEGORY TWO: 3050 L.F. mowing in Spring around Cloverlawn Subdivision.

Note: Sonntag-Stevens ditch has restricted access in several locations. Contractors are urged to inspect the ditch.

BID SCHEDULE

I, _____, _____,
(type or print name) (type or print title)

representing _____, do submit the
(type or print name of organization)

following bid on SONNTAG-STEVEN'S DITCH:

CATEGORY ONE: 10,705 l.f. at \$_____ per foot = \$_____

CATEGORY TWO: 10,705 l.f. at \$_____ per foot = \$_____

CATEGORY TWO: 3050 l.f. at \$_____ per foot = \$_____

STATE OF _____ } BY: _____
COUNTY OF _____ }
(title of person signing)

_____ being duly sworn,
deposes and says that he\she is _____
of the above _____ and that
(name of organization)
the statements in the foregoing bid are true and correct.

Subscribed and sworn to before me this _____ day of _____, 19____.

My Commission Expires: _____
Notary Public

County of Residence: _____
(printed name of notary)

Attach this page to completed bid form 96

EAST SIDE URBAN SOUTH 1/2 (ESU S 1/2): 47,592 L.F.

East Side Urban South 1/2 is made up of eight lateral drains that drain to a common point. They are:

BONNIE VIEW DITCH
 BONNIE VIEW DITCH EXTENSION
 CRAWFORD-BRANDEIS DITCH
 HIRSCH DITCH
 KELLY DITCH
 NURRENBERN DITCH
 STOCKFLETH DITCH
 WABASH-ERIE DITCH

NOTES:

Most residential and commercial portions of East Side Urban South 1/2 will be mowed twice. Agricultural portions shall be mowed once except as directed.

Ditches that require one Summer/Fall mowing are:

- 1) Wabash-Erie ditch from Green River Road thence West 1700 l.f. will be mowed once.
- 2) Nurrenbern Ditch North of Lloyd Expressway will be mowed once.
- 3) Kelly Ditch (7600 l.f.) will be mowed once.
- 4) The contractor will not mow banks within State right-of-way fences for I-164, and will mow ditch bottom within interstate right-of-way by hand.

All sterilizing of the ditch bottom on East Side Urban S 1/2 will be awarded to one contractor.

All mowing for ESU S 1/2 will be awarded to one contractor.

There are MANY RESTRICTED AREAS along ESU S 1/2. Tractor access to railroad right-of-way is prohibited. Fences, crops, buildings, landscaping, debris piles, rocks, signs, poles, guard-rails, and similar obstacles abound. There are currently commercial developments alongside several ditches that were not there in 1991. The contractor is once again urged to visit each ditch before bidding.

EAST SIDE URBAN SOUTH 1/2: 47,592 LINEAL FEET

Bid CATEGORY ONE: 47,592 L.F. sterilizing ditch bottom.

Bid CATEGORY TWO: 47,592 L.F. mowing the entire length of the ditch.

Note: Most of East Side Urban South 1/2 will be mowed twice. Contractors bidding CATEGORY TWO should be prepared to mow in the Spring and Summer. The contractor will be paid on a per foot basis for each mowing. Excluded areas are as mentioned previously.

East Side Urban South 1/2 has restricted access in several locations. Contractors are urged to inspect the ditch.

BID SCHEDULE

I, _____, _____,
(type or print name) (type or print title)

representing _____, do submit the
(type or print name of organization)

following bid on EAST SIDE URBAN SOUTH 1/2:

CATEGORY ONE: 47,592 l.f. at \$_____ per foot = \$_____

CATEGORY TWO: 47,592 l.f. at \$_____ per foot = \$_____

STATE OF _____ } BY _____
COUNTY OF _____ }

(title of person signing)

_____ being duly sworn,

deposes and says that he/she is _____
of the above _____ and that
(name of organization)
the statements in the foregoing bid are true and correct.

Subscribed and sworn to before me this _____ day of _____, 19____.

My Commission Expires: _____
Notary Public

County of Residence: _____
(printed name of notary)

Attach this page to completed bid form 96

DESCRIPTIONS OF REGULATED DRAINS IN VANDERBURGH COUNTY:

AIKEN DITCH: 9911 LF: KNIGHT TWP

Beginning on the South Side of Pollack Avenue 1750 feet East of Calf Lane; thence West 3200 feet to a point 100 ft. West of Hoosier Ave; thence S.E. 2600 feet to the North Side of the Levee (I-164); then South 111 ft. under the Levee; thence S.W. 3800 ft. to Green River Road; thence S.W. 200 ft. to Eagle Slough.

BAEHL (bail) DITCH: 6890 LF: ARMSTRONG TWP

Begin at the center of Section 33, Township 4 South, Range 11 West, in Armstrong Twp., which point may be found by following the extension of the East-West leg of Baehl Road 2640 feet due East to the bottom of the hill and the ditch; thence North 2640 ft. thence East 1320 ft. to Wallenmeier Rd.; thence North 2960 ft. along Wallenmeier Rd., across Nisbet Rd., to Pond Flat Ditch

BARNETT DITCH: 8358 LF: UNION TWP

Begin on Seminary Road about 0.4 mi. South of Cypress-Dale Road thence Westwardly 8358 ft. to Bayou Creek.

BARR'S CREEK: 20,668 LF: ARMSTRONG TWP

Beginning in the West Fork at Emge Rd. 1200 ft. West of Buente and 1/4 mile South of Boonville-New Harmony Rd., and beginning in the South Fork 900 ft. South of Boonville-New Harmony Rd.; then Northwardly and downstream under Trapp Road and Baseline Road; and thence Northwestwardly under Hepler Road, and to the Posey County Line

BUENTE (benty) UPPER BIG CREEK: 20,195 LF: ARMSTRONG TWP

Beginning on the East Side of the Illinois Central 2790 ft. South of Boonville-New Harmony Rd. and near the Southeast Corner of Sec. 9-5-11; thence North under Boonville-New Harmony Rd., and Northeastwardly under Maasberg Rd and the abandoned Railroad, and then Northwestwardly past the mouth of Maidlow Ditch and under Baseline Rd., then past the mouth of Wallenmeier Ditch to Pond Flat Ditch in Harry Elper's land.

LEGAL DRAIN DESCRIPTIONS

CYPRESS-DALE: 17,067 LF: UNION TWP

Begin on West Side of Hoppe Road 1/4 mile South of Cypress-Dale Rd.; then West and under Seminary Rd. and Cypress-Dale Rd. near their intersection; then Northwest and West to Bayou Creek;

and: (maintained together as one ditch)

MADDOX DITCH: 6820 LF: UNION TWP

Begin on the West Side of Old Henderson Rd. 1/2 mile South of "Dog Town"; thence Westward under CSX Railroad and to Hoppe Road at Cypress-Dale Ditch.

EAGLE SLOUGH: (Eagle Creek) 30,040 LF: KNIGHT AND PIGEON TWPS

Beginning 375 ft. North of the S.E. Corner of the S.W. Quarter of Section 1-7-10, which point is South of the Knight Township Levee (I-164) and 1/2 mile East of Green River Rd.; thence Westwardly and under Green River Road, Weinbach Ave., U.S. 41, and to the Ohio River at Catfish Pond on the East Side of Waterworks Road.

EAST SIDE URBAN DRAIN: KNIGHT TWP**NORTH HALF 18,370 LF****A) CRAWFORD-BRANDEIS (brandice) EXTENSION: 14,628 LF: **

Beginning on the North Side of Morgan Avenue about 1/4 mile West of Burkhardt Road (on the East Line of the Yamaha Shop); thence North under Old Boonville Highway at the Eagles Lodge; thence continuing North under Peacock Lane to Hirsch Road just West of the intersection of Hirsch and Burkhardt; thence continuing Northwardly to Pigeon Creek.

B) BOESCHE (bayshe) DITCH: 3,742 LF:

Beginning at the Mouth of Boesche Ditch which is just West of the intersection of Burkhardt Road and Hirsch Road; thence East under Burkhardt Road, I-164, Old Boonville Highway, and then to the Warrick/Vanderburgh County Line.

LEGAL DRAIN DESCRIPTIONS

EAST SIDE URBAN DRAIN: KNIGHT TWP

SOUTH HALF: 47,592 LF:

A) CRAWFORD-BRANDEIS (brandice) DITCH:
(Including Bonnie View and Bonnie View Extension)

Beginning on the East Side of Burkhardt Road at a point 660 feet North of Lincoln Avenue; thence North to Lloyd Expressway; thence continue North under Oak Grove Road to Morgan Avenue; thence West along the South Side of the Southern Railroad to the mouth of Stockfleth Ditch, at a point about 1500 feet West of Burkhardt Road; and:

Bonnie View: Beginning at the West end of Walnut Street; thence West to Burkhardt Road; and:

Bonnie View Extension: Beginning at the North end of a large culvert at the West end of Cherry Street; thence North to Bonnie View Ditch.

B) HIRSCH DITCH:

Beginning at the above said end of Crawford-Brandeis Ditch, which is about 1500 feet West of Burkhardt Road and at the Mouth of Stockfleth Ditch along the South Side of Southern Railroad; thence West to Green River Road.

C) KELLY DITCH: (on some State maps as Lockwood Ditch)

Beginning at the Warrick County Line on the South Side of the Southern Railroad (South of and accessible from Morgan Ave.); thence Southwestwardly under I-164 and to the intersection of Morgan Avenue and Burkhardt Road.

D) NURRENBERN DITCH:

Beginning at the intersection of Lincoln Avenue and Fuquay Road; thence North along the East Side of Fuquay Road to Lloyd Expressway; then continue North under I-164, Oak Grove Road, and to Kelly Ditch at the Southern Railroad.

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LEGAL DRAIN DESCRIPTIONS

East Side Urban South Half continued: (Knight Twp)

E) STOCKFLETH DITCH: (alternately -- Stock Flat)

Beginning on the North Side of Lloyd Expressway 1/4 mile West of Burkhardt Road; thence North, under Oak Grove Road, to the Hirsch Ditch/Crawford Brandeis Ditch intersection.

F) WABASH ERIE CANAL:

Beginning at Green River Road just South of the intersection of Green River and Morgan, on the South Side of Southern Railroad; thence Westwardly under Stockwell Road and to Morgan Avenue

END EAST SIDE URBAN

EDMOND DITCH: 15,395: UNION TWP

Begin 1730 feet Northeastwardly of Pleasant Road near the CSX Railroad; thence Southwestwardly and under Pleasant Road at a point about 1800 ft. North of Cypress-Dale Road; thence Westward and under Seminary Road at a point about 2000 feet North of Cypress-Dale Road; thence Westward to Cypress-Dale Ditch.

HAPPE (hoppy) DITCH: 9349 LF: UNION TWP

Beginning 4611 East of Hoppe Road near the CSX Railroad; thence West and under Hoppe Road at a point about 2300 South of Cypress-Dale Road; thence continuing West to Helfrich Ditch;

and: (maintained together as one ditch):

HELFRICH (helfreak) DITCH: 3349 LF: UNION TWP

Beginning at the end of Happe Ditch (described above); thence continuing West and under Seminary Road and thru the Union Township Levee to the Ohio River.

LEGAL DRAIN DESCRIPTIONS

HARPER DITCH: 4002 LF: KNIGHT TWP

Begin on the North Side of Lloyd Expressway 1/4 mile East of Green River Road; thence North along the West Line of Walmart to Virginia Street; thence continuing North along the East Line of Normandy Arms Apartments to the Northeast Corner thereof; thence West along the line between Normandy Arms and Carriage House to Eastland Place Shopping Center; thence thru a pipe under said shopping center to Green River Road.

HENRY DITCH: 3179 LF: CENTER TWP

Beginning on the North Side of Kansas Road 1/4 mile East of Green River Road; thence East along Kansas Road to a culvert about 1/2 mile East of Green River Rd; thence Southeast to Blue Grass Creek.

HOEFLING (hayfling) DITCH: 5571 LF: ARMSTRONG TWP

Commence at the Armstrong Station where the Illinois Central crosses Indiana State Road 65; then travel North to Armstrong Road; then travel East on Armstrong Road 1100 feet; then travel North on Armstrong Road 1320 feet to the Point of Beginning of Hoefling Ditch; thence from said point of beginning, Hoefling Ditch flows Northward, through some right angle turns, to Baseline Road ending at a culvert about 600 feet West of Wallenmeyer Road.

KAMP DITCH: 11,160 LF: UNION TWP

Beginning on Hoppe Road at a Culvert where Duesner Road jogs through Hoppe Road; thence West to Ohio River.

KEIL (kyle) DITCH: 3012 LF: CENTER TWP

Beginning on St. George Road at the Southeast Corner of the Dress Regional Airport; thence Southward along the East Side of Conrail to Sonntag-Stevens Ditch, (behind baseball pool.)

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LEGAL DRAIN DESCRIPTIONS

KNEER (near or kneer) DITCH: 3036 LF: ARMSTRONG TWP

Commencing at Armstrong Station as for Hoefling Ditch, travel East on Armstrong Road 1100 feet to first curve, but extend East 500 feet to point of beginning of ditch; thence East under Lutterbach's Lane and to Buente Upper Big Creek.

KOLB DITCH: 5593 LF: KNIGHT TWP

Beginning on the South Side of Covert Ave. about 3/4 mile East of Green River Road; thence Southeasterly through Eastland Estates and Audubon Estates Subdivisions to a point 85' Southeast of a culvert under Ridgeway Drive; thence continuing at the Southside of a Concrete Culvert under State Rd. I-164; thence in an Easterly, Southeasterly direction to the Northend of a culvert under Pollack Ave; thence continue from the Southside of the aforementioned culvert to the Levee; thence in a Southerly direction to a point being 900' South of the Levee.

Note 1 Mowing contracts presently exclude the 900' portion South of the Levee.

Note 2: Vanderburgh County retains drainage easements around lake areas in Audubon Estates Sub. Sections D-1 & D-2; See notes on Subdivision Plat No. 0, Pg. 78.

MAASBERG DITCH: 2206 LF: ARMSTRONG TWP

Beginning at the Mouth of Maasberg Ditch which is on the West Side of Maasberg Road at the bridge over Buente Upper Big Creek; thence upstream alongside Maasberg Road 2206 feet to a dirt line at the upstream end of Maasberg Ditch.

MAIDLOW DITCH: 18,671F: SCOTT AND ARMSTRONG TWPS

Beginning in the South Branch at a bridge on Boonville-New Harmony Road 1/4 mile West of the intersection of Darmstadt Road and Boonville-New Harmony Road (center of Town of Darmstadt); thence North and downstream 2139 feet to the fork of the West Branch; and beginning in the West Fork at a point 1000 feet due West of the above described Junction; and then from the Junction of the South and West Forks, downstream about 1 1/2 miles to St Joe Avenue just South of Nuebling Road; thence West and Southwest through Hoffher's, Zwalen's, and Hauschild's to Bender Road; thence Westward through Maasberg's to Buente Upper Big Creek.

Maidlow includes that which was Maidlow plus what was known as Buente Lateral "A" plus the extension of Maidlow as enacted by the Board in 1990, and known in this description as the South Fork.

LEGAL DRAIN DESCRIPTIONS

POND FLAT SYSTEM: SCOTT AND ARMSTRONG TWPS

POND FLAT MAIN: 36,852 LF: SCOTT AND ARMSTRONG

Beginning at U.S. Highway 41, one mile North of Baseline or 1/2 mile South of Volkman Road; thence Westward through Prudenberg's, and under the Railroad through Beaver Dam Woods, and to Princeton Road about 1/2 mile South of Stacer Road; thence continuing West, through the Pond Flat Swamp, and under Mosquito Road about a half mile South of Hilltop Road; thence through Fred Jarvis' and on to St. Joe Avenue at Steckler's Wells; thence continuing Westward and under Owensville Road at John J. Bittner's flat forty; thence continuing West past the mouth of Buente Upper Big Creek and turning Northwest and under Nisbet Station Road at Harry Elper's; thence continuing Northwest through Adlers' Corner, under Mann Road and Bixler Road; thence continuing Northwest through the Old Sam Montgomery Woods, Darvin Elper's, Boots Baumgardt's, and the Schmidt Farms, and under Woods Road; thence through Adolph Blankenberger's, and under I-64, and to the Gibson County Line.

POND FLAT LATERAL "A": 5311 LF: SCOTT TWP

Beginning at Boyle's Lane about 1/4 mile North of Baseline; thence Westward under U.S. Highway 41, through Ralph Rexing's; and ending at Pond Flat Main, about 500 ft. East of Railroad.

POND FLAT LATERAL "B": 2797 LF: SCOTT TWP

Beginning on Baseline Road 1/4 mile West of U.S. Highway 41; thence North through Ralph Rexing's to Pond Flat Lateral "A".

POND FLAT LATERAL "C": 9036 LF: SCOTT AND ARMSTRONG

Beginning at the CSX Railroad at the end of Rusher Ditch; thence West and Southwest under Princeton Road and Mosquito Road to Pond Flat Main at Fred Jarvis' about 1320 feet West of Mosquito Road.

LEGAL DRAIN DESCRIPTIONS

Pond Flat System continued: (Armstrong & Scott Twps.)

POND FLAT LATERAL "D": 4579 LF: SCOTT TWP

Beginning at U.S. Highway 41 about 975 feet South of Volkman Road; thence West along the South Line of Ameriqua Foods and through Prudenberg's to Singer Ditch; thence continuing West 660 feet, and under CSX Railroad; thence South to Pond Flat Main.

POND FLAT LATERAL "E": 3616 LF: SCOTT TWP

Beginning at the Gibson County Line on the North Side of I-64, about 3/4 mile West of U.S. Highway 41, and at the CSX Railroad; thence South under I-64, and to Pond Flat Lateral "C" at a point about 1/4 mile East of Princeton Road.

RUSHER CREEK: 4444 LF: SCOTT TWP

Beginning at U.S. Highway 41 about 1/2 mile South of I-64, or 1/4 mile North of Schroeder Road; thence West along the South Line of Buslers' and the North Line of Ray Rexing's, and to the CSX Railroad and Pond Flat Lateral "C".

SINGER DITCH: 2450 LF: SCOTT TWP

Beginning on Stacer Road 1/2 mile West of U.S. Highway 41; thence due South through Gene Rexing's 1/2 mile to Pond Flat Lateral "D" at a point 660 feet East of CSX Railroad.

END POND FLAT SYSTEM

LEGAL DRAIN DESCRIPTIONS

SONNTAG-STEVENSON: 10,705 LF: CENTER TWP

Beginning in the East Fork at an elliptical culvert in front of Lloyd Whipple's house on Clover Drive about 300 feet West of Oak Hill Road, and about a 1/4 mile North of Lynch Road; thence West and downstream 1020 ft. along the South Line of Cloverlawn Subdivision to the Southwest Corner of said Sub; and beginning in the North Fork at said Corner thence North 660 ft. along the West Line of said Sub to the Northwest Corner of said Sub; (in other words, the ditch is 1020 feet long along the South Line and 660 feet long along the West Line of the Sub); thence from the Southwest Corner of said Sub where the two branches meet, go West and under Hitch-Peters Road to the Main Ditch which was reconstructed by Lynch Road Project; thence, in the Main Ditch, beginning upstream at the intersection of Lynch Road and Hitch Peters Road, go downstream and Northwestwardly under Garrison Avenue and to the Conrail Tracks behind Whirlpool's parking lot (at the intersection with Keil Ditch.)

All of the above described ditch is Sonntag-Stevens.

Sonntag-Stevens Extension: Beginning at the Northwest Corner of Cloverlawn Subdivision at the North End of the North Fork of Sonntag-Stevens; thence due East along the North Line of said Sub 1320 feet to Oak Hill Road.

WALLENMEYER DITCH: 8355 LF: ARMSTRONG TWP

Beginning at a culvert under Bud Steckler's Lane, about 1800 feet East of Armstrong Township School (Community Center); thence East along the North Side of Baseline Road to Wallenmeyer Road; thence North along the West Side of Wallenmeyer Road to a concrete culver (unless the county has replaced it with a wood box!); thence Northeastward and under the abandoned Big Four Railroad and through George Brenner's, Francis Maurer's, Leland Maasberg's, John Maurer's, and along Harry Elper's to Buente Upper Big Creek.

In all cases, if the description is not clear to the reader, he shall consult the Surveyor for clarification; and the determination of the Surveyor as to the proper description of the location and length of these regulated drains shall be true and final.

Vanderburgh County, Indiana

To .. UNION. TWP. DITCH ASSC. .. # 1259 .. Dr.

On Account of Appropriation For K&M.A. # 234-021

Pursuant to the provisions and penalties of Chapter 155, Acts of 1962.

Date FEB 22, 1993


Union Township Ditch Assn Inc
John A Rollett - Treasurer
Title

☒ ANNUAL MAINTENANCE ☐ ADDITIONAL MAINTENANCE ☐ EMERGENCY MAINTENANCE

WORK COMPLETED ON: DEC 21, 1992 INSPECTED ON: JAN 6, 1993

WORK IS: ☒ APPROVED ☐ NOT APPROVED

COMMENTS: _____


Department Head

1-11-93
(date)

Warrick County, Indiana

On Account of Appropriation For.. Help. Frisk. - Happe... #234:018.....

1-11-93
(date)

A claim to be properly itemized, must show: Kind of service where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

Vanderburgh County, Indiana

To UNION TWP. DITCH ASSN. #1259 Dr.

On Account of Appropriation For CYPRESS DALS - MADDOX DITCH #23A-Q12

19 <u>93</u>	Order Number	ITEMIZED CLAIM	DOLLARS Cts.
		<u>CYPRESS DALS - MADDOX</u>	
		<u>23,887 LF @ \$0.03 = 716.61</u>	
		<u>85% PREV. PAY = 609.12</u>	
		<u>15% RETAINAGE DED = 107.49</u> →	<u>107.49</u>

Pursuant to the provisions and penalties of Chapter 155, Acts of 1963,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date FEB 22, 1993

Union Township Ditch Assn. Inc
John A. Rollitt - Treasurer
Title

☒ ANNUAL MAINTENANCE ☐ ADDITIONAL MAINTENANCE ☐ EMERGENCY MAINTENANCE
WORK COMPLETED ON: DEC. 21, 1992 INSPECTED ON: Jan 6, 1993
WORK IS: ☒ APPROVED ☐ NOT APPROVED
COMMENTS: _____

Rollitt W. B. 1-25-93
Department Head (date)

Vanderburgh County, Indiana

To UNION. TWR. DIR. H. ASSN. # 1259 Dr.

On Account of Appropriation For.. Edmond DICK #234-016.....

19 <u>93</u>	Order Number	ITEMIZED CLAIM	DOLLARS	Cts.
		<u>EDMOND DIXON</u>		
		<u>15,395 LF X \$ 0.03 = \$ 461.85</u>		
		<u>85% PRIN. PAY. = 392.57</u>		
		<u>15% RETAINAGE DUE. = \$ 69.28 →</u>		
			<u>69</u>	<u>28</u>

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date FEB 22, 19 23

Union Township Ditch Assn Inc
John A. Rollitt - Treasurer
Title

☒ ANNUAL MAINTENANCE () ADDITIONAL --

WORK COMPLETED ON: 12-21-92

INSPECTED ON: 1-6-93

WORK IS: ☒ APPROVED

[] NOT APPROVED

COMMENTS:

Ed W. Brun
Department Head

1-25-53
(date)

Vanderburgh County, Indiana

To ELDON. MARBURG . . . # 1495 Dr.

On Account of Appropriation For . . . KNEER... DITCH... #234:02A . . .

[illegible]

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

X Elson Massey

Date ... FEB 22 ..., 1993....

Title

☒ ANNUAL MAINTENANCE ☐ ADDITIONAL MAINTENANCE ☐ EMERGENCY MAINTENANCE

WORK COMPLETED ON: 12-16-92 INSPECTED ON: 12-21-92

WORK IS: ☒ APPROVED ☐ NOT APPROVED

COMMENTS: _____

William R. Furr 12-28-92
Department Head (date)

12-28-92
(date)

Vanderburgh County, Indiana

To ELDON MARBURG #1485 Dr.

On Account of Appropriation For. MASSACHUSETTS DITCH #234-027.....

[illegible]

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

X Eldon Maasberg

Date, 19

Title

☒ ANNUAL MAINTENANCE ☐ ADDITIONAL MAINTENANCE ☐ _____

WORK COMPLETED ON: Dec 6, 92 INSPECTED ON: Dec 21, 1992

WORK IS: ☒ APPROVED ☐ NOT APPROVED

COMMENTS: _____

P. Robert W. Burns
Department Head

12-27-90
(date)

Vanderburgh County, Indiana

To .. UNION TWP. DUTCH ASSOC. .. #1259 Dr.

On Account of Appropriation For... Barnett # 234-008

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

Union Township Ditch Assn Inc
John A Pollitt - Treasurer
Title

1-11-93
(date)

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MARCH 22, 1993

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MINUTES
DRAINAGE BOARD MEETING
MARCH 22, 1993

The Vanderburgh County Drainage Board met in session on March 22, 1993, at 7:15 p.m., in the Commissioner's Hearing Room 307, with President Pat Tuley presiding.

RE: OPEN ANNUAL DITCH MAINTENANCE BIDS

Commissioner Tuley: "The next item is to request authorization to open the annual ditch maintenance bids.¹"

The following bids were submitted and read as follows²:

Ditch	Names	Bids
1.Aiken Ditch	Terry Johnson	2170.51 449.10
2.Baehl Ditch	Albert Steckler	861.25
3.Barnett Ditch	Union Twn Ditch Assn.	250.75
4.Barr Creek	Harry J Elpers	206.88
5.Buente Upper Big Creek	Harry J Elpers	171.66
6.Cypress-Dale Maddox	Union Twn Ditch Assn.	716.61
7.Eagle Slough	Terry Johnson	25,534.00
8.East Side Urban-N½	Terry Johnson	5,501.82
9.East Side Urban-S½	Terry Johnson	17,109.32
10.Edmond Ditch	Union Twn Ditch Assn.	1,231.60
11.Happe-Helfrich Ditch	Union Twn Ditch Assn.	380.94
12.Harper Ditch	Terry Johnson	1,078.54
13.Henry Ditch	Terry Johnson	886.94
14.Hoefling Ditch	John Maurer	557.10
15.Kamp Ditch	Union Twn Ditch Assn.	334.80
16.Keil Ditch	Terry Johnson	840.35
17.Kneer Ditch	Eldon Maasberg	303.60
18.Kolb Ditch	Terry Johnson	1,619.17
19.Maasberg Ditch	Eldon Maasberg	154.42
20.Pond Flat Main	Harry J Elpers	239.54
21.Pond Flat Lateral 'A'	Ralph Rexing	743.54
22.Pond Flat Lateral 'B'	Ralph Rexing	391.58
23.Pond Flat Lateral 'C'	Harry J Elpers	54.22
24.Pond Flat Lateral 'D'	Ralph Rexing	641.06

¹Notice To Bidders, Bid Preparation, and General Specifications, signed on 3-1-93 by Bob Brenner, Patrick Tuley, Richard Borries and Donald Hunter included with the 3-22-93 minutes.

²1993 Annual Ditch Maintenance Bid Recap Sheet included with the 3-22-93 minutes.

25. Pond Flat Lateral 'E'	Harry J Elpers	21.70
26. Maidlow Ditch	Harry J Elpers	139.57
27. Rusher Creek	Harry J Elpers	26.66
28. Singer Ditch	Eugene Rexing	269.50
29. Sonntag-Stevens Ditch	Terry Johnson	2,986.70
30. Wallenmeyer Ditch	Daniel J Paul	1,211.48
31. Spraying	Chemi-Trol Shideler Spray Service	5,204.88 192.10

All bids appeared to be in order.

Motion made to accept the bids as submitted by Commissioner Borries with a second by Commissioner Hunter. So ordered.

RE: REQUEST FOR APPROVAL OF DRAINAGE PLANS

A. Timberland Subdivision-A. Biggerstaff

Mr. Hartman: "With your permission, the request for the Timberland Subdivision has been withdrawn-delayed. We would like to bring it up at a later date. With your permission."

Commissioner Tuley: "Now, let me ask for clarification. Is Timberland..."

Commissioner Hunter: "That is the one with the lake and water from the golf course."

Commissioner Tuley: "Ok, so it is being delayed for one more month? Not to belabor this but, Aaron, does everyone understand where we are at, or what we want now?"

Aaron Biggerstaff: "Yes."

Commissioner Tuley: "Because I got a phone call today-again, asking for specific wording for this letter. So I want to make sure that we are..."

Aaron Biggerstaff: "That is what I hear. Yes."

Commissioner Tuley: "Alright. We just need to approve the delay until next month."

B. Mt. Ashley Subdivision-A. Biggerstaff

Commissioner Tuley: "This will be real quick, but I got a note on here too. It says, please, anybody that wishes to address, please speak to the microphone and if we can curb any side discussions because the last month's meeting, there are too many 'inaudibles' in here in the minutes, because she couldn't hear what was being said."

Commissioner Borries: "We can move closer but what happens is everybody, because we start looking at these plans, they get away from the microphone and then nobody can hear them."

Aaron Biggerstaff: "I will make this basically simple. We covered most of this last week. What we have done, we've worked with Mr. Hartman and Mr. Brenner on some of the requests that were made last month and I believe that we have addressed all those, we have made the necessary changes and adjustments. There was one that we discussed just a few minutes ago, with Dan and Bob, concerning the pipe under the-if I may, approach the Commissioners-this pipe here we talked to several contractors, we are going to put in a high pressure plastic pipe, but Mr. Brenner would rather have the corrugated metal..."

Commissioner Borries: "Amen. I was going to ask you. I don't know where it is in our specs or what, I want to state here that I don't have any bias, but in terms of maintenance on some of this stuff, somebody cutting it, frankly I'm against the plastic pipe."

Aaron Biggerstaff: "That's fine. We accepted that. It was a high pressure pipe, but that is fine, we have no problem with that. Mr. Beudel is here if you have any questions concerning the dam. Do you want to address anything?"

Commissioner Hunter: "Didn't we talk about some concrete drainage easements on this, the bottom would be concreted-at the last meeting? Am I not correct on that?"

Scott Beudel: "I'm Scott Beudel from Sam Biggerstaff's office. As far as what was said at the last meeting, if you want, there is somewhat of a list here that are in your minutes that you can kind of look at that we have done. They wanted on that one drawing, there are finished contours showing the lake and everything-on the small drawing. They wanted an eight (8) foot top to the dam instead of, I think at the last meeting it was a three (3) foot top, with a two to one (2-1) side slopes and now it is an eight (8) foot top with three to one (3-1) side slopes. So it is a much wider dam. Much more stable. There was another request that there must be a foot clearance from the top of the dam to the top of the pipe. That's changed somewhat. We talked to Bruce Biggerstaff, he is a contractor. I had a misunderstanding before, that, a storm sewer had to be within-couldn't be more than two (2) foot within a sanitary sewer, but that is a water line. Storm sewer can be, as close as, basically as close as you want it and he would have no problem getting that in there and so we moved the whole system under ground to eliminate any..."

(inaudible remarks)

Scott Beudel: "There was another suggestion to put in a keyway for the dam to eliminate any water seeping under the dam and as you can see on the drawing there is a keyway in there now, that will be filled with compacted soil and there is a note on there that it is compacted in six (6) to eight (8) inch layers over the length of the dam at a ninety-five percent (95%) compaction."

(inaudible remarks)

Scott Beudel: "Ok, at the last meeting there was a suggestion that as what we did, the best thing would be to connect directly to that inlet and we did do that. As far as the concrete bottom swale all the way along the back-it is all underground now."

Commissioner Tuley: "What was it last time?"

Mr. Hartman: "This was not connected, this was flowing."

Commissioner Tuley: "So now it is totally connected is what you are saying. Ok. What else, Scott?"

Scott Beudel: "It was suggested last time that the spillway should be in undisturbed soil. I believe that the compacted soil would be much more stable to have that dam, I mean to have that concrete spillway. I don't see what the purpose of putting it on undisturbed soil would be and where it is located now, it is a straight shot to that inlet, if you have to move it that water is going to have a chance to get out of any kind of swale or, I just believe, the way it is on there now is the best situation you can get."

Mr. Hartman: "The spillway is directed toward the property line area. These houses..."

Commissioner Borries: "What are you saying?"

Mr. Hartman: "I would recommend it that way, yes."

Commissioner Borries: "The way he is talking?"

Drainage Board Meeting
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Mr. Hartman: "Yes, the way he is talking. Rather than put it on someplace undisturbed, you would have to re-route the outlet to the inlet there. Also we talked about this was flushed here at one time-the bottom of the detention. Now they are putting in this stub there, that will receive the water as it rises and will permit the drain pipe to function throughout the whole history of the detention. (inaudible)"

Scott Beudel: "The purpose of that stub sticking up is, I was thinking before of putting like a beehive grate just over that inlet but that would have tendency of, I guess anything could get stopped up, but I think this is a better configuration to not allow it to get stopped up."

Mr. Hartman: "This was used by Darrel Rice and his work with the Soil Conservation people."

Commissioner Borries: "I want you to consider something on this, and I will ask the Surveyor's office here if they approve. I mean this thing is extensive. I can't recall at times ever seeing other developers come down here to express concerns about this development. And I know Mr. Morley has said that in a certain situation that he is willing to submit some 'as built' plans. You have gone through so many extensive renovations here, are you willing to submit some 'as built' plans to put all this down here to submit to the Surveyor's office?"

Scott Beudel: "Yes."

Commissioner Borries: "Ok, I just want to make sure. There are a lot of things on here that are a concern and we are talking about a pretty complicated plan here. I want to make sure we have everything down straight. That they get 'as built' plans. I mean just as you are talking about putting, I want a revised set of plans on this. Will you do that? Make the renovations on the plan here so we can make sure that we have got everything."

Bob Brenner: "We start with a clean set of plans after the job is built. They come back and show us what they did. There is a couple of other things that they added that we asked for..."

Commissioner Borries: "Is that alright with you?"

Bob Brenner: "Yes, it's great. You have a concrete pad on the outlets so this gives you a marker of what the bottom of the-and you have one on the inlet also. This will give a marker whether it..."

Commissioner Tuley: "These were changes that were resolved last month's meeting?"

Bob Brenner: "Yes. He delineated most of them. One other thing lot nine (9) alone is responsible for the detention basin. Other than that they have done everything we have asked."

Mr. Hartman: "In other words if these pads here become visible you know that something's up."

Bob Brenner: "One thing, in your minutes, I did a 'mis-speak' or something, I said the volume in here was three or four times as great, it's fifty percent (50%) more than is required. You need like twenty thousand cubic feet capacity and it is thirty thousand. You do have a safety factor. The people down the hill. This is the cut, this cut that you have here, this swale will be this size the whole ditch? I just want to make sure this is the same."

Scott Beudel: "Yes."

Bob Brenner: "You are looking at a three (3) foot bottom and a three to one (3-1) side slope. It is going to be there when they start. As long as it is not filled in."

Commissioner Borries: "What do you think about concrete?"

Bob Brenner: "Not much really. It will be there."

(inaudible remarks)

Mr. Hartman: "Faster runoff."

Commissioner Borries: "Faster runoff?"

Mr. Hartman: "Yes. But you don't want that. You want to delay it as much as possible. So a natural earthen swale like that would be more of a delay for you than what your concrete would be."

Commissioner Borries: "Just as long as they don't fill them up."

Mr. Hartman: "The only place you want to concrete the bottom is where it would erode and this is not the slope here is nothing close to that."

Commissioner Hunter: "But I keep thinking about the swales out in Old Petersburg Place where some people have covered them up, and they are yelling and screaming at us and we are virtually powerless to do a lot about it, and with a concrete bottom that keeps the swale. There is no doubt about it."

Mr. Hartman: "He made targets along here."

Commissioner Hunter: "What are targets?"

Mr. Hartman: "Well, just a pad. That indicates that, that is the bottom of the ditch. A concrete pad, yes. Ever so often, and if that pad is not visible then you know that you have..."

Scott Beudel: "Well as far as doing that, I believe that there will be, where it makes small turns or, what have you, down that swale there, it will be marked by rip-rap. Where it makes a turn. It will be marked in certain places."

Commissioner Tuley: "Are you saying that you don't feel like we should have the concrete swales in there because it will speed up the water runoff?"

Mr. Hartman: "That is correct."

Bob Brenner: "I think what we should do, we should try 'deed restriction', no fences past the beginning of the drainage easement. Because that is what is getting us. They will run a fence through the thing..."

Commissioner Borries: "Or bridges, or structures."

(inaudible remarks)

Scott Beudel: "Excuse me, we have, with Mr. Fritz and his attorney, drawn up conditions and reservations and we have already addressed that problem. This will be recorded, if you want to look at it concerning the easements and how they will be..."

Commissioner Borries: "But do you have structures in there?"

Scott Beudel: "I will make it brief³, 'No structures or other improvements, planting or other material shall be erected or permitted to remain within the easements which may damage or interfere with the installation and maintenance of utilities. The easement area of each lot shall be maintained continuously by the owner of said lot so as not to restrict or to change the

³Copy of #9.EASEMENTS taken from 'Conditions, Reservations, Restrictions and Protective Covenants Affecting Title To All Lots in Mt. Ashley', subsequently submitted to the Auditor's Office per request on 3-31-93 and included with the 3-22-93 minutes.

Drainage Board Meeting
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intended direction of flow of surface water within the easement as said direction of flow is set forth..."

Commissioner Hunter: "How come we don't have a copy of these things Aaron? When this is certainly critical to our consideration on this."

Scott Beudel: "This is the restriction of the covenant which normally go with the recording of the plat. I was just addressing..."

Commissioner Hunter: "Yes, but since it very definitely is relevant to this issue it sure would be nice if we had a copy of that. It is neither here nor there, but..."

Scott Beudel: "I can get you a copy of it. These are normally recorded with the recording of the plat. (inaudible)"

Bob Brenner: "With the three to one (3-1) side slope it is easily mowed."

Roger Utley: "I am at the bottom of the hill that he is talking about-Brookview. Just along those same lines my next door neighbor on the other side has already piled grass into the drainage easement, to the drainage swale that has already caused me some major problems. Along those same lines what recourse would I have if this project is not done accordingly? I am at the bottom of the hill and they will wipe me out."

Commissioner Hunter: "I rest my case."

Roger Utley: "My next door neighbor is in my same subdivision, so he is my next door neighbor, if anything you would think he would want to appease me where the people up the hill from me could care less about me. And I also would like to make a comment a good portion of this subdivision is already done, I don't know if you are aware of that, without permits. You can drive out there and see for yourself."

Arthur Fritz: "Mr. President, I would like to answer this gentleman's problem. We have not done anything, any work without proper authorization. We have state and county sewer permits, we have FAA permits, we had everything that we need up to now. This is simply not true."

Commissioner Borries: "FAA?"

Scott Beudel: "Well we had to for the height requirements there was a form that we had to send to FAA. It was in the line of a runway. The point, there was some work done out there last week, but, as far as the sewer part, remember the last meeting when we-the part that we were not concerned about, we discussed it and we said what they did the waterline has been put in and the sewer has been installed in that part that we discussed and approved at the last meeting. Just that area no other areas have been touched. The rock was put down and we had previous approval, it was almost a year ago at the Subdivision Review Committee meeting where they approved the plat they approved the location of the road. I talked to Gary Kircher at the County Highway Department that time, they had no problems with it. As far as the site distance question that came up three to four or five months later by Mr. Savage, but the subdivision, except for the drainage, and that area was approved by the Subdivision Review Committee meeting at the Area Plan Commission. The plans were sent to the city as far as the sewer and water, the plans at that point were sent to the state and we received approval from the state and the sewer and the water utility department and all those we've complied with all those regulations that we sent off, we sent everything off before anything was done. And nothing has been done since the last meeting except for that sewer portion that was put in. Nothing else since we discussed this previously has been done. Is that correct?"

Arthur Fritz: "That's right. Now we have some information, on the drainage problem which Mt. Ashley has been accused of intensifying. The drainage problem in Brookview has been entirely caused by violations of the swales, and there are restrictions in Mr. Bussing's restrictions that

go with his plat. They specifically work against drainage stoppage and I think that you gentlemen as the Drainage Board according to the language in that restriction have the power to enforce those regulations. Now, if Mr. Shrode my attorney, has got some evidence about this blockage. You were shown pictures of floods in that subdivision and we will show you why they have had those floods and it is not because of drainage from my hill."

Willard Shrode: "I am an attorney and I represent Mr. Fritz. I hope that if I make this brief I won't hurt anyone's feelings, and I can go ahead here. The fact of the matter is, that before Mt. Ashley Subdivision was begun the natural drainage came down that hill and they have had much more drainage before this subdivision than with the drainage plan that has been set up here. There is no question about it. This is really the most benefit to the people below there, down the hill. Now, I have here and I am going to ask Mr. Fritz to distribute to show that they have covered up swales and put in little pipes and caused a severe draining problem down in Brookview. See how they narrowed that swale? Put in a little pipe there, which will not carry the water. Here is the way the swale originally was and here is the way it should be in that subdivision before it was filled up and the little tiny pipe put in. The owners of those lots that have done that have really caused a lot of damage to their neighbors in the Brookview Subdivision. We have tried to, and we have. We have worked with the County Surveyor. We have worked with Drainage people. The people in Brookview are much better off-like I said-than they were previously with this plan because now at lot nine (9) there is a swale clear down to a retaining pool that then goes into a storm sewer. I don't know the size of that, what is it? Fifteen inches (15")? Do you know? Fifteen inch (15") storm sewer. That will runoff and keep the water from going down the hill naturally into the backyards of the people in Brookview. We worked on this diligently. We've done what everyone has told us to do, including the County Surveyor and, Mr. Hartman, and we think that this does the job, and the people in Brookview ought to be grateful, because this really alleviates the drainage problem that they previously had."

(inaudible remarks)

Darrell Veach: "I represent Brookview Subdivision. I live right across the street from Mr. Utley and it seems like that they have not-regarding the Mt. Ashley Subdivision-sang from the same hymn book, as some of the state laws and statutes even with the new law that Indiana has, Rule 5, that Darrel Rice is knowledgeable about. We have some very legitimate and major concerns regarding the water problems that we are having and experiencing at this time. We are kind of between a rock and a hard place. I agree that it would help alleviate some problems if the swales were put in at Mt. Ashley and I think that part of the drainage would be alleviated but at the same time we are still, like I said they are not singing from the same hymn book and we are just not sure exactly where this is going. From the beginning, we just haven't been able to understand exactly what's been going on as far as excavating and scraping of the land, because as Mr. Utley has pointed out, they would start all this and we heard through the grapevine that it was done without permits, and it has just been one headache after another. Another concern of mine is the maintenance of the swale around the detention pond. The maintenance of that swale, I can't remember at the last meeting if it was brought up who would be responsible for that, maintaining that swale if it would be people living on each side or just one person. It seems like if it were people on each side they would kind of bicker back and forth as far as who is responsible for what. It has just been a mass confusion."

Commissioner Tuley: "Aaron did you address that as lot nine (9)?"

Aaron Biggerstaff: "Yes, lot nine (9). Just lot nine (9) only that is correct. Yes. I understand the problems the pictures have shown but again like we said, we will submit 'as built' plans to the county engineer and the county surveyor's office. I want them to police us as we do it."

Commissioner Borries: "You understand what I have asked for on those-and the other boards concerned?"

Aaron Biggerstaff: "Yes sir."

Commissioner Borries: "All these changes and there are some extensive ones on here, they are going to give a clean slate of plans to the Surveyor's office and then they have to do it exactly as they have put it down here. Everything. Based on their recommendation that it is going to work. Now the other thing, and I don't know what to do about this, maybe I don't want to give Alan another thing to do because it's been a problem as long as I have been on this Board. We don't have police powers in the county to enforce this thing. Do you understand what there is some shred here what they are saying, when people start fancying up these swales and changing them and putting pipes in there-you got some problems there and that's not why they are designed. They are designed to carry water. They are designed to be flat. People get a little squirrely because they think that these things don't look right, but, when you begin to fill them up and you change the plan then there is that concern. All we can ask them to do, is to control the drainage on their, this flat piece of paper which is we know is very hilly and that is why I'm asking for extra restrictions and we are going to, as far as I'm concerned, start asking for this about every plan because the stakes are getting too high out there in the county. Too much development is going on and we have got to find a way to tighten it up in the sense of all of what is going on. It is not that we are against development otherwise you wouldn't be out there. But I don't know what to do in so far as unless we could set up a system of fines. If someone reports this that we have a way or power where we would have a system of fines, because we are not going to take them over. If we do we don't have enough county employees the tax base wouldn't even stand it to where we would ever get to a point where we are going in out there and *we couldn't do it.*"

Willard Shrode: "I'll ask the county attorney, here that if we divert the natural drainage of this water, and we cause damage to someone else whoever does that would be liable to the party damaged under the Indiana Civil law."

Commissioner Borries: "They could go to court. They could go to court, but we are talking about the enforcement power Mr. Shrode-what the county can do."

Commissioner Hunter: "Let me react to your comments and your pictures and I agree with everything that you have said. I have been on this Board for twenty-seven (27) months. Particularly with Old Petersburg Place, three members of your profession, I have jotted their names down here that I have dealt with, David Miller who has dealt with this problem before I came on this commission; Bob Pigman who represented as part of Berger & Berger, last summer we had to deal with Old Petersburg Place and Jeff Wilhite of Kahn & Dees, none of the three of them have told us whether or not we have any kind of authority on having those swales cleaned out. In other words, we have gotten three different opinions and three different attorneys. So we are frustrated, at least I'm frustrated, because I really don't know. That is the reason I brought up the idea of the concrete swales. Because that is one way that we can insure that they won't be covered up with pipe. That they won't be used for gardens and all the different things that I have seen happen to them and you have seen happen to them in Brookview. It is a major concern."

Willard Shrode: "What about this? What about if we put in the plat restrictions that goes with recording the subdivision, that the County Drainage Board shall have the power to lease this and charge the owners in the event that the swale-let's don't leave it to chance-let's put it in writing. Let's make these parties liable. You don't have any objections to that do you?"

Commissioner Hunter: "But can we actually enforce that? That is my question Alan"

Alan Kissinger: "The only way we can enforce it, is if there is an authority for us to pass an ordinance to enforce and then it would have to be a local thing and it couldn't conflict in any way with state law. I have no impression as to whether or not we could do it, I have no impression as to whether or not the enforcement would be effective because if we enforce it we may be able to impose a fine or penalty but we can not force someone to go out and take an obstruction out of the swale that is there. That is up to the individual property owners that are affected. It is a problem perhaps without solution..."

Commissioner Hunter: "Now we have a fourth opinion."

Alan Kissinger: "We can levy a civil penalty but that will not correct the problem. If that person chooses to pay the penalty and not correct the problem."

Commissioner Tuley: "Leave it in there."

(inaudible remarks)

Willard Shrode: "We copied, I have explained to them that there is civil liability and there is grounds for injunctive relief by the damaged property owner. Might even recover attorney's fees in that case."

Commissioner Borries: "Well, it is our problem and not yours I guess in relation to this."

Willard Shrode: "This is the same provisions that were in Mr. Bussing's Subdivision, that the Board approved and we want to do everything that we can to see that those swales are kept up. Or our people are going to be mighty unhappy that buy lots up there, like they are in Brookview today."

Commissioner Borries: "Bob, do you or Dan want to make some comments here as what we can do then? Or is there somebody else?"

(inaudible remarks)

Bob Brenner: "If it comes down to it they've complied with every request that Brookshire, that their engineer asked us to get incorporated. It will work, meets every criteria that we have set up before. If it is built and maintained as drawn, it will work. We would recommend that you approve it."

Commissioner Borries: "Did this gentleman have a comment?"

John Anoskey: "I'm purchasing a lot in Mt. Ashley. I'm anxious to get started. It does, from my understanding it looks like this drainage plan would help alleviate some of the problems in Brookview. My question is, in becoming a landowner in a subdivision, when problems develop in this subdivision I'm curious what powers we have to generate some resolution of those problems?"

Commissioner Borries: "You have problems as Mr. Shrode has pointed out, or you have the power to take this in civil suit to go to court. Our problem is one of enforcement. Our problem is one of maintenance. See, we don't accept this as county right-of-way. That is the only place where we can do work. That is the only place where tax monies in effect, are set. They are private property but yet they are not. They are for public drainage on this. The dilemma is we just don't have the enforcement powers here, see that is what we are debating and it's a tough call."

John Anoskey: "So the problem in Brookview is the residents taking care of their neighbors right now and they have their hands tied?"

Willard Shrode: "I think that I can answer that as far as the owner of lots in Mt. Ashley are concerned. In the restrictions⁴, paragraph twenty-four (24) [INJUNCTIVE RELIEF]. We provide, 'Each and all of the covenants, reservations, conditions and restrictions contained

⁴At the request of the Auditor's Office a copy of, 'Conditions, Reservations, Restrictions And Protective Covenants Affecting Title To All Lots In Mt. Ashley A Subdivision Located In Vanderburgh County, Indiana, According To The Recorded Plat Thereof' was received from Mr. Willard C. Shrode's Office on 4-2-93 and subsequently included with the minutes of 3-22-93.

Drainage Board Meeting
March 22, 1993

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herein'-with applies to keeping these swales open-'shall inure to the benefit of all owners of lots in this subdivision jointly and severally, and may be enforced by them or by any of them and/or the Building Authority herein established in any court of competent jurisdiction by injunction or other appropriate remedy. The party adjudged to have violated any of said restriction shall be liable to the aggrieved party for a reasonable attorneys fees, which shall be fixed by the court hearing said matter. The owner of any lot in this subdivision and/or Authority established by paragraph three (3) above shall have the right to enforce said covenants'. We have specially granted that."

(inaudible remarks)

Commissioner Borries: "They are going to have to-they are going to submit my motion and say 'as built' plans they will get a clean set of plans with all these changes on it."

Bob Brenner: "This one is critical enough that we will inspect it."

Commissioner Tuley: "That was my question."

Bob Brenner: "Usually the inspection went to the highway engineer but we will do it. One thing that I would caution the Commissioners, down in the road at the foot of this hill there is several angle turns in this fifteen inch (15") pipe, it is under the road, we may have to fix it. We have accepted the road it belongs to us. We may have to go in and straighten the pipe out."

Commissioner Borries: "Is this at Brookview you mean?"

Bob Brenner: "Yes. Be prepared for that if we have continuing problems in this area. We are going to fix it. It belongs to us. When we accepted the road we accepted the drainage pipe."

Commissioner Borries: "Mr. President I move that the Mt. Ashley Subdivision plans as discussed here this evening, 3-22-93 Drainage Board Meeting, be approved. Further my motion would state that these plans must be submitted 'as built' to the County Surveyor's office and then when the drainage plan is complete there will be a formal inspection and it must comply with the plans 'as built'."

Commissioner Hunter: "I second, and I ask for a roll call vote."

Commissioner Tuley: "It has been seconded and asked for a roll call vote. Commissioner Hunter?"

Commissioner Hunter: "I vote, 'No.'."

Commissioner Tuley: "Commissioner Borries?"

Commissioner Borries: "I vote, 'Yes.'."

Commissioner Tuley: "Commissioner Tuley votes, 'Yes.'."

RE: REQUEST TO HOLD SPECIAL DRAINAGE BOARD MEETING ON APRIL 5, 1993

Commissioner Tuley: "The next item up on the agenda at this point in time is, we need to advertise and request to hold a Special Drainage Board Meeting on April 5, 1993, for the purpose of awarding annual ditch maintenance contracts. I guess I should ask you Alan before we did that, have you got through all of them?"

(inaudible remarks)

Bob Brenner: "Mr. Tuley, I have some items also."

Commissioner Tuley: "Ok. Can we still do our request though? We can request our advertising."

Commissioner Hunter: "I will so move to request advertising for Special Drainage Board Meeting, April 5, 1993."

Seconded by Commissioner Borries. So ordered.

RE: OLD BUSINESS

A: Branch of Little Pigeon Creek

Bob Brenner: "Old business, the branch of Little Pigeon Creek that we have agreed to make a legal drain, we've started on the watershed of it. We put a request in for the new employee for three months and then I have question for our attorney. A good portion, and you will have to research this one, a good portion of this drainage area falls in the city. The individual property owners, we are to notify everyone that is affected. The city is obviously affected because they have to pay. The individual property owners do not have pay, the ditch does not run through them. Do I have to notify each individual property owner? It gets to be, this is pertinent not just for this one but if we ever go to doing Pigeon Creek or if we can notify the affected party is a city because they assume all storm drainage cost for these individuals. It is not an easy one, I don't expect an answer now, cause I know you need to research that one."

(inaudible remarks)

Bob Brenner: "It says notify affected property owners."

(inaudible remarks)

Bob Brenner: "How are they affected then? You miss me."

Alan Kissinger: "If you want me to research it and try to find another answer I will do that."

Bob Brenner: "I certainly would. I certainly would because we are whopping off-I can see these things coming down the pass more and more and we are right up always against the city. It is a good question, I think. It would certainly make it a lot easier."

B. Ditch Maintenance on Hoefling and Wallenmeyer⁵

Bob Brenner: "Ok, another problem, removing obstructions in drains. The people that live on Hoefling and Wallenmeyer ditches the water is backing up in their ditches and it's their drain pipes that are under water and it is causing blow outs into their fields. We went out and walked these two ditches with them and then we went out and we got Blankenberger to give us a cost on each one of them to repair the problems and this is an item that must be done before they plant. Sections of the ditch are falling in and it is blowing back up out their pipes. I wouldn't have believed it if I hadn't seen it. But, for Hoefling it will cost fourteen hundred and forty dollars (\$1440.00) and for Wallenmeyer it will cost eight hundred and forty dollars (\$840.00). Both ditches have ample money. No assessment. No nothing. I could go out and do it and come back and tell you I did it, but it is raining and I could not go out there but it must be done before they plant."

Commissioner Borries: "I move the Hoefling and Wallenmeyer ditch maintenance be approved."

Bob Brenner: "Fourteen hundred and forty dollars (\$1440.00) on Hoefling and eight hundred and forty dollars (\$840.00) on Wallenmeyer."

⁵Copy of IC 36-9-27-45 Sec.45. Maintenance funds for drains; use of monies, submitted by the Surveyor and included with the 3-22-93 minutes.

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Commissioner Tuley: "Where does this come out of?"

Bob Brenner: "They pay for it. We collect maybe two or three hundred dollars (\$200.00 or 300.00) over what we spend and it accumulates in there for just this kind of purposes."

Commissioner Tuley: "As part of their regular..."

Bob Brenner: "Wallenmeyer has two thousand dollars (\$2000.00) and Hoefling has fourteen twenty-two (\$1422.00)."

Commissioner Hunter: "I will second it."

Commissioner Tuley: "So ordered."

Bob Brenner: "Ok, so that is done. We will take care of it."

Commissioner Tuley: "Is there any other old business to discuss? Is there any new business to be discussed?"

RE: NEW BUSINESS

A. Vogel Road Extension

John Stoll: "We have been running some preliminary calculations on the purposed culvert that would go in for the Vogel Road extension and we are looking at putting in a twenty-four by seven concrete arch structure (24 x 7). Based upon all that, the flow calculations and everything that would give us, it would be a size great enough to handle all the flow that we would have in there and if there was some excavation done throughout the ditch it would handle the one hundred year flood too. So I'm not sure what the exact process is for getting this approved as far as this type of structure we are looking at here."

Commissioner Borries: "What we can do and the reason why it is good that you bring it up here, it goes over Stockfleth ditch, as I understand it. Which is a legal drain. The county can participate to the extend that we could build something in a legal drain."

Commissioner Hunter: "How come Stockfleth is not listed on this list of legal drains?"⁶

(inaudible remarks)

Commissioner Hunter: "So is it on here somewhere and I can't see it?"

Commissioner Borries: "Yes, East Side Urban. This is really about the last component because the developer has put together the whole package and they are going to build the road according to county specs."

John Stoll: "It is in the process of being designed right now."

Commissioner Borries: "Do you have a cost on this?"

John Stoll: "Based on the preliminary estimates it was I believe, about sixty thousand (60,000.00)."

Commissioner Borries: "Couldn't that come from cumulative bridge?"

John Stoll: "Right."

⁶Copy of 1993 Specifications of Annual Maintenance of Legal Drains in Vanderburgh County-Special Provisions, included with 3-22-93 minutes.

Commissioner Borries: "Will we have to go to Council?"

John Stoll: "We will probably have to transfer money. It hasn't progressed far enough along where that has been critical as of yet, but we felt that we better bring it before this Board."

Commissioner Borries: "I think that we better because they are going to get their plans started."

(inaudible remarks)

Commissioner Tuley: "So, you can report back by the next time and then we can move to go to Council with your approval?"

(inaudible remarks)

Commissioner Borries: "Can you have it by the sixth to them?"

John Stoll: "Yes."

Commissioner Tuley: "This has the fifth."

John Stoll: "That is no problem. I can get it there."

Commissioner Borries: "Good. Will we have the same kind of, I know that there are some negotiations still going on there but this same situation can happen down on maybe at Virginia Street? You think?"

John Stoll: "It is potential. The potential is there for that to happen I'm not sure at all of the ins and outs of that one yet."

B: Revision to Drainage Code

Commissioner Borries: "I guess I have one last thing while we are waiting on our esteemed attorney here to finish his deliberations. Bob, we talked at the last meeting about this Purdue model and this 'as built' specs that I have asked Mr. Biggerstaff to do. I would like to go ahead and get started on that if we could. I would move that we authorize the Surveyor to work with the other appropriate officials, Morley or whoever, to develop a perhaps, a revision to our Drainage Code which would include 'as built' plans based on this Purdue model. I would like to move that we begin that. We don't have to officially adopt anything but I think..."

Commissioner Tuley: "Can we include in that a check off. You need to be here by this day and this official or office sign off on this. If these steps aren't followed then don't bring it up here until such time that they are."

Commissioner Borries: "Sure. A lot of that will come with the 'as built', if we adopt that."

Seconded by Commissioner Hunter. So ordered.

There being no further business, the meeting was adjourned at 8:20 p.m.


PRESENT:

President Pat Tuley
Vice-President Rick Borries
Member Don Hunter
Bob Brenner
Dan Hartman


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Alan Kissinger
John Stoll
Willard C Shrode
Arthur Fritz
Jean Fritz
Aaron Biggerstaff
Scott Beudel
Roger Utley
Darrell C Veach
John Anoskey
Secretary Joanne Matthews
transcribed sbt



President, Pat Tuley



Vice-President, Rick Borries



Member, Don Hunter

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DRAINAGE BOARD MEETING
Monday - March 22, 1993

A G E N D A

1. Meeting Opened
2. Approval of Minutes of March 1, 1993
3. Authorization to Open Annual Ditch Maintenance Bids
4. Request for Drainage Approval:
 - a) Timberland Subdivision (A. Biggerstaff)
 - b) Mt. Ashley Subdivision (A. Biggerstaff)
5. Request to hold Special Drainage Board Meeting on April 5, 1993 for purposes of Awarding Annual Ditch Maintenance Contracts.
6. Old Business
7. New Business
8. Meeting Adjourned

1993 ANNUAL DITCH MAINTENANCE
BID RECAP SHEET

<u>DITCH</u>	<u>BIDDER(S)</u>
1. AIKEN DITCH	Terry Johnson \$2,170.51 \$449.10
2. BAEHL DITCH	Albert Steckler \$861.25
3. BARNETT DITCH	Union Township Ditch Assn. \$250.25
4. BARR CREEK	Harry J. Elders \$206.88
5. BUENTE UPPER BIG CREEK	Harry J. Elders \$171.66
6. CYPRESS-DALE MADDOX	Union Township Ditch Assn. \$216.61
7. EAGLE SLOUGH	Terry Johnson \$25,534 ^m
8. EAST SIDE URBAN (N. 1/2)	Terry Johnson \$5,501.82
9. EAST SIDE URBAN (S. 1/2)	Terry Johnson \$17,109.32
10. EDMOND DITCH	Union Township Ditch Assn. \$1,231.60
11. HAPPE-HELFRICH DITCH	Union Township Ditch Assn. \$380.94
12. HARPER DITCH	Terry Johnson \$1,078.54

13. HENRY DITCH	Terry Johnson	\$886.94
14. HOEFLING DITCH	John Maurer	\$552.10
15. KAMP DITCH	Union Township Ditch Assn.	\$334.80
16. KEIL DITCH	Terry Johnson	\$840.35
17. KNEER DITCH	Eldon Maasberg	\$303.60
18. KOLB DITCH	Terry Johnson	\$1619.17
19. MAASBERG DITCH	Eldon Maasberg	\$154.42
20. POND FLAT MAIN	Harry J. Elders	\$239.54
21. POND FLAT LATERAL "A"	Ralph Rexing	\$743.54
22. POND FLAT LATERAL "B"	Ralph Rexing	\$391.58
23. POND FLAT LATERAL "C"	Harry J. Elders	\$54.22
24. POND FLAT LATERAL "D"	Ralph Rexing	\$641.06
25. POND FLAT LATERAL "E"	Harry J. Elders	\$21.70
26. MAIDLOW DITCH	Harry J. Elders	\$139.57
27. RUSHER CREEK	Harry J. Elders	\$26.66

28. SINGER DITCH	Eugene Rexing	\$269.50
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29. SONNTAG-STEVENSON DITCH	Terry Johnson	\$2,986.70
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30. WALLENMEYER DITCH	Daniel J. Paul	\$1,211.48
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SPRAYING	OTHER
Chemi-Trol - \$5,204.88	
Shideler Spray Service \$192.10	
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COMMENTS:

All Bids Appear to be In Order ☐ (Yes) ☐ (No)

Following Bids Rejected/Reasons:

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ACTION TAKEN:

FAX LEGAL AD TRANSMISSION

ATTN: Paula Nance

FROM: Joanne A. Matthews, c/o County Auditor, Room 208, Civic Center,
Evansville, IN 47708

NUMBER OF PAGES SENT INCLUDING COVER 2

BILL LEGAL TO Same as above

LEGAL AD Thursday - March 4, 1993 and
RUN SCEDUIE Thursday, March 11, 1993 in
The Evansville Courier & The Evansville Press

EXTRA PROOFS OF
PUBLICATION NEEDED
AND WHO TO

SPECIAL REQUESTS FOR SETTING STYLE Per attached

COPY OF LAST TIME LEGAL RAN ATTACHED

VANDERBURGH COUNTY AUDITOR.....FAX NUMBER 426-5344

Paula,
Can you please confirm this will make Thursday's
editions?

Many thanks!

NOTICE TO BIDDERS

This Instrument shall serve as Public Notice that: Sealed Proposals for the maintenance of regulated drains in Vanderburgh County shall be received by the Vanderburgh County Auditor until 5:30 P.M. local time on Monday the 22nd day of March, 1993, at which time all proposals received shall be delivered to the Vanderburgh County Drainage Board, opened and read aloud in the County Commissioners' Hearing Room. Any proposals received unsealed or past the designated time shall be returned to the Bidder unopened.

BID PREPARATION

Proposals shall be submitted on approved forms, properly executed, and accompanied by a Certified Check, Cashier's Check, or other approved security in the amount of five (5) percent of the bid; or a bid bond in the amount of one hundred (100) percent of the bid may accompany the proposal.

All proposals and securities shall be sealed together in an envelope bearing the name and address of the Bidder, the title of the work; and prepared according to such particulars as shall be described in this document and other documents available at the office of the Vanderburgh County Surveyor, Room 325 Civic Center, Evansville, Indiana. Improperly completed proposals may be disregarded by the Board.

Successful Bidders shall sign Contracts with the Board within five (5) days of the Award. A Performance Bond may be required by the Board. Bid Bonds of the unsuccessful bidders will be returned within thirty (30) days of the Awards.

APPROVED BY THE VANDERBURGH COUNTY DRAINAGE BOARD:


Patrick Tuley, President


Richard J. Borries, Vice President

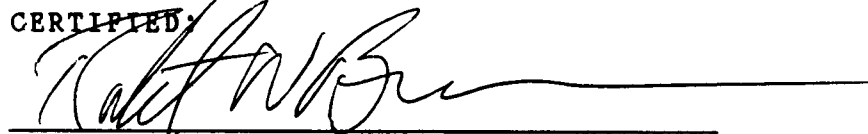

Donald Hunter, Member

3-1-93
DATE
1

ATTEST:

Sam Humphrey, Auditor

DATE

CERTIFIED:

Robert W. Brenner, Surveyor

DATE

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GENERAL SPECIFICATIONS

A) PURPOSE:

To remove all undesirable vegetation and loose debris from Vanderburgh County legal drains, as directed and determined by the Vanderburgh County Surveyor, to facilitate proper drainage.

B) SPECIFICATIONS:

1) The Contractor shall remove or cause to be removed all vegetation, loose debris, and brush from the ditch bottom. When using ground sterilants the Contractor shall spray only the ditch bottom. No sterilants shall be sprayed, spilled, or drifted on the side slopes of the ditch nor outside of the banks.

2) The Contractor shall remove or cause to be removed all undesirable vegetation and loose debris as directed by the Vanderburgh County Surveyor. The Contractor shall maintain the area within the ditch banks and an area five (5) feet outside the tops of the ditch banks. The contractor shall maintain these areas in such a manner as to promote the growth of desirable cover grasses. When using herbicides or growth regulators the contractor shall apply the chemicals in such a manner as to spray only within the ditch banks and to a distance of five (5) feet outside the tops of the banks (see Special Provisions for increased pathway maintenance requirements). The Contractor shall take care not to allow spray to drift or spill on crops, lawns, etc.

3) The following prohibited noxious weeds must be controlled by the Contractor if they are found occurring within the ditch banks or five (5) feet from the tops of the ditch banks.

Canada thistle
Hoary cress
Perennial sowthistle

Field bindweed
Johnsongrass

4) The Contractor shall be responsible for the selection, handling, mixing, and application of all materials as required to complete the Work.

5) The Contractor shall obtain all the required permits and/or licenses for applying herbicides.

6) The Contractor shall carry adequate liability insurance to protect the County against any and all claims that may arise as a result of the Contractor's operations.

7) The Contractor shall provide the Vanderburgh County Surveyor with a Certificate of Insurance naming the Vanderburgh County Surveyor and the Vanderburgh County Drainage Board as co-insured.

8) The Contractor shall provide the Surveyor with a copy of his State Pesticide Applicators License valid in Indiana for the application of herbicides to legal drains when submitting his/her bid.

9) The Contractor shall submit the names of all chemicals to be used, with label specimens, no less than fourteen (14) days prior to the application of such chemicals.

10) The Contractor shall maintain a log of spraying activity containing the following information:

- A) Ditch name
- B) Spray Date
- C) Wind speed and direction
- D) Temperature(s)
- E) Start and stop times
- F) Beginning and ending locations
- G) Applicator(s) and/or operator(s)

The log shall be surrendered to the Vanderburgh County Surveyor upon the projects completion, and shall be available for inspection by the Surveyor during the course of the Work.

11) No spraying shall be done when the wind speed is in excess of eight (8) miles per hour.

12) If the Vanderburgh County Surveyor determines that chemical control of vegetation is not sufficient, then the Contractor shall be aware that cutting of the vegetation and removal of the clippings and debris shall be required. Separation of the Work, and completion of spraying and mowing by individual or separate contractors is covered under the Special Provisions.

13) Controlled burning may be used for the removal and disposal of clippings after obtaining the proper permits, variances, and permissions (including those from the Environmental Protection Agency, Room 207 Civic Center). The EPA will not issue variances for Sonntag-Stevens and Keil ditches.

14) The Contractor shall remove all clippings and loose debris in a timely fashion to avoid the material being washed down-stream. Any loose debris which can be lifted out of the ditch using on-site manpower and equipment shall be removed. For larger debris the Contractor shall notify the Surveyor immediately. Any materials generated by the Contractor that later accumulate and block the flow of the ditch will be removed by the Contractor at his expense. Debris that has been chipped and evenly spread outside the channel is exempted.

15) The Contractor shall make all chemical applications between April 15th and June 15th unless product labeling requires otherwise (applications of Rodeo for bottom sterilization may begin July 1st). Any chemical applications not falling within the above dates should be discussed with the Vanderburgh County Surveyor when submitting labeling and chemical information.

16) The Contractor shall complete all mowing, cutting, burning and loose debris removal between August 15th and November 15th on ditches that require only a Summer/Fall mowing. Ditches that require an additional Spring mowing shall be mowed after sufficient growth has occurred to warrant mowing and be completed by July 15th. The contractor shall contact the Vanderburgh County Surveyor prior to any mowing activity.

17) Extensions beyond the time schedules outlined above will be granted by the Vanderburgh County Surveyor only for unusual weather conditions, product labeling requirements, or special circumstances.

18) The final determination of the acceptability of the Work of the Contractor shall be made by the Vanderburgh County Surveyor. No payments will be made to the Contractor until the Vanderburgh County Surveyor determines that the work is approved.

C) DEFINITIONS:

1) VEGETATION: shall include all plant life or total plant cover unless the Vanderburgh County Surveyor directs otherwise.

2) DITCH BOTTOM: the area from the toe of one ditch bank across the flow line to the toe of the opposite ditch bank; or that area which is generally submerged, wet, or damp during low water conditions.

3) DESIRABLE COVER GRASSES: shall include, but are not limited to, all Fescue, Perennial Rye, Wheat, Timothy, Bluegrass, or other vegetation designated as desirable by the Vanderburgh County Surveyor.

4) UNDESIRABLE VEGETATION: shall include, but are not limited to, broadleaf weeds, noxious weeds, cattails, reeds, tree sprouts, bushes, bamboo, vines or, other vegetation designated as undesirable by the Vanderburgh County Surveyor.

5) BRUSH: shall include all vegetation, OTHER THAN DESIRABLE COVER GRASSES, less than eight (8) feet in height from the point of emergence.

6) LOOSE DEBRIS: shall include, but are not limited to, all clipping and other waste generated by the Contractor along with any other loose materials encountered by the Contractor.

D) NOTES:

1) The Indiana Drainage Statutes provide rights-of-entry upon land alongside legal drains for the purpose of maintaining the drains only. The statute provides that the landowner may use the land so long as such use does not interfere with the purposes of the drain. The county does not own the land along side the legal drain nor the legal drain itself.

2) The right-of-entry for legal drains in Vanderburgh County are:

A) Urban drains twenty-five (25) feet from the top of each bank

B) Rural drains seventy-five (75) feet from the top of each bank

3) If any of the Work will damage crops, gardens, trees, or other property, the Vanderburgh County Surveyor and the property owner must be notified no less than twenty-one (21) days prior to the contemplated damage. The Contractor shall determine immediately after the Contract is awarded how much distance from the top of the ditch bank is needed to accomplish the Work and notify the property owner and the Vanderburgh County Surveyor of this measurement. The property owner may then set back his crops to avoid damage by equipment.

4) If in doubt about any aspect of the specifications, ditch locations, or anything else contact the Vanderburgh County Surveyor prior to bidding or beginning work.

FAX LEGAL AD TRANSMISSION

ATTN: Paula Nance

FROM: Joanne A. Matthews, c/o County Auditor, Room 208, Civic Center,
Evansville, IN 47708

NUMBER OF PAGES SENT INCLUDING COVER 2

BILL LEGAL TO Same as above

LEGAL AD Thursday - March 4, 1993 and
Thursday, March 11, 1993 in
RUN SCHEDULE The Evansville Courier & The Evansville PressEXTRA PROOFS OF
PUBLICATION NEEDED
AND WHO TO

SPECIAL REQUESTS FOR SETTING STYLE Per attached

COPY OF LAST TIME LEGAL RAN ATTACHED

VANDERBURGH COUNTY AUDITOR.....FAX NUMBER 426-5344

Paula,
Can you please confirm this will make Thursday's
editions?
Many thanks!

TRANSMISSION REPORT

THIS DOCUMENT (REDUCED SAMPLE ABOVE)
WAS SENT

** COUNT **
2

*** SEND ***

NO	REMOTE STATION I. D.	START TIME	DURATION	#PAGES	COMMENT
1	9-4647487	3- 2-93 10:49AM	1'27"	2	

TOTAL 0:01'27" 2

XEROX TELECOPIER 7020

CONCERNING DRAINAGE BOARD MINUTES - ART FEITZ

9. EASEMENTS. The strips of real estate of the width shown on the recorded plat and marked "easement" are hereby reserved for the use of any and all public utilities and for the installation of water, sewer mains, surface water drainage, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easements herein reserved. No structures or other improvements, planting or other material shall be erected or permitted to remain within the easements which may damage or interfere with the installation and maintenance of utilities. The easement area of each lot shall be maintained continuously by the owner of said lot so as not to restrict or to change the intended direction of flow of surface water within the easement as said direction of flow is set forth in a site plan for said subdivision field and attached to these restrictions, nor shall any swale or any drainage system be blocked by refuse, clippings, etc.

10. FENCES AND SHRUBS. No fence or wall shall be placed or permitted to remain on any lot in front of the building setback line, nor shall any trees or shrubs be planted and maintained in such a manner which would create a safety hazard or in such manner as would distract from the appearance of the subdivision.

11. DRIVEWAYS. All driveways shall be paved with either concrete or asphalt from street right-of-way to garage.

12. WASTE DISPOSAL. All lot owners shall keep their lots free of garbage, sewerage, ashes, rubbish, bottles, cans, waste matters and other refuse. Trash, garbage or other waste or debris accumulated by the owner or occupant of any lot within the subdivision shall be kept in sanitary containers and shall be disposed of in a timely manner. All containers or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition and shall be kept in such manner as to avoid an unsightly appearance within the subdivision.

13. APPEARANCE OF LOTS. All lot owners must also keep their premises clean and free of weeds and other objectionable matter at all times. If a lot is not kept cut and maintained in a neat, orderly manner and free from weeds, Developer shall have the right to cut said grass and maintain the said lot in a proper manner free from weeds and said owner of said lot shall be required to reimburse Developer for said cutting and maintenance within ten (10) days from the date said owner is presented with a statement therefor, which shall be payable with ten per cent (10%) interest per annum and attorneys' fees. After all lots in this subdivision are sold by Developer, the aforesaid right shall pass to a majority of the then owners in said subdivision.

14. TEMPORARY STRUCTURES. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other out building shall be used on

36-9-27-44 Establishment of maintenance funds for drains

Sec. 44. (a) A maintenance fund is established for each regulated drain and for each combination of drains established under section 41 of this chapter. A maintenance fund consists of:

- (1) money received from annual assessments upon land benefited by the periodic maintenance of a drain;
- (2) penalties received on collection of delinquent annual assessments made for the periodic maintenance of a drain; and
- (3) money received from any person as compensation for damages suffered to a drain.

(b) The county auditor shall:

- (1) set up a separate ledger account for each regulated drain or combination of drains whenever the board fixes an annual assessment for the periodic maintenance of the drain or combination; and
- (2) extend the assessments upon the ditch duplicate in each year that the assessments are to be made.

(c) Whenever the county surveyor's estimate for annual maintenance of any drain is not more than one thousand five hundred dollars (\$1,500), the board may exempt that drain from the requirement that a maintenance fund be established. Expenses up to one thousand five hundred dollars (\$1,500) in each year for the drain shall be paid from the general drain improvement fund established under section 73 of this chapter. The surveyor may make these minor repairs without advertising or letting a contract or contracts, but the total of these

(d) The board may deposit money that is in a maintenance fund in the manner and to the extent provided by IC 5-13-6. *As added by Acts 1981, P.L.309, SEC.101. Amended by P.L.351-1985, SEC.1; P.L.19-1987, SEC.55.*

36-9-27-45 Maintenance funds for drains; use of monies

Sec. 45. A maintenance fund established under section 44 of this chapter is subject to the use of the board for the necessary or proper repair or maintenance of the particular drain or combination of drains, which may be done whenever the board, upon the recommendation of the county surveyor, finds that it is necessary. The payment for all such maintenance work shall be made out of the appropriate maintenance fund. However, if:

- (1) a maintenance fund has not been established for the drain or combination of drains; or
- (2) a maintenance fund has been established but it is not sufficient to pay for the work;

the general drain improvement fund shall be used to pay the cost of the work or to pay for the deficiency, and the general drain improvement fund shall be reimbursed from the appropriate maintenance fund when it is established or becomes sufficient. *As added by Acts 1981, P.L.309, SEC.101.*

36-9-27-46 Obstruction of drains; repair procedure

Sec. 46. (a) When a regulated drain is obstructed or damaged by logs, trees, brush, unauthorized structures, trash, debris, excavating, filling, or pasturing livestock, or in any other way, the county surveyor shall immediately remove the obstruction and repair any damage.

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WILLARD C. SHRODE

123 Main Suite 308, Evansville, IN 47708 (812) 424-7587

FAX COVER SHEET

VANDERBURGH COUNTY
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FAX # 812-423-8008

PHONE # 812-424-7587

APR 2 - 1993

Sam Thompson
AUDITOR

DATE

4-2-93

FAX

426 - ~~5433~~ 5344

COMPANY NAME

Auditor's Office

ATTN

Sunny Titzer & Joanne Matthews

FROM

Diane, Mr. Willard Shrode's Paralegal

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET)

7

COMMENTS:

Mr Art Fritz asked that I make
this available to you immediately,
AND checked to be sure this is the
Correct Copy
Diane

415-
AND PROTECTIVE COVENANTS AFFECTING TITLE
TO ALL LOTS IN MT. ASHLEY
A SUBDIVISION LOCATED IN VANDERBURGH COUNTY,
INDIANA, ACCORDING TO THE RECORDED PLAT THEREOF

Extended Page 1.1

The undersigned, ARTHUR J. FRITZ, (hereinafter referred to as "Developer") being the present owner and subdivider of all lots and lands comprising the recorded subdivision known and designated as Mt. Ashley, as per plat thereof, recorded in Plat Book _____ at page _____ in the office of the Recorder of Vanderburgh County, Indiana, does hereby make and adopt the following covenants, conditions, restrictions and reservations for the use and occupancy of the lots and lands comprising said subdivision, which covenants, conditions, reservations and restrictions shall run with the land and shall be binding upon all owners of the lots and lands in said Mt. Ashley, to-wit:

1. RESIDENTIAL LOTS. All lots in this subdivision shall be known and described and used only for residential purposes.

2. TYPE OF PERMITTED STRUCTURE. No structure, including any television or radio antenna, shall be erected, altered, placed, or permitted to remain on any lot other than one (1) single family dwelling, not to exceed two and one-half (2-1/2) stories in height, exclusive of basements or walk-out basements, and a private and attached or detached garage for not less than two (2) nor more than three (3) cars. Garages and approved accessory buildings shall be in conformity and harmony with the main structure. Garages shall not open onto or face the street, unless prior approval is granted in writing by Developer.

3. ARCHITECTURAL CONTROL. No structure shall be erected, placed or altered on any lot until the construction plans and specifications and a plot plan showing the location of the structure have been approved by Developer, or his appointee, as to quality or workmanship and material, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. Approval of said structure shall be evidenced by a letter to the owner of such lot and shall be given if the structure conforms to the restrictions and is in reasonable architectural harmony and conformity with others in said subdivision. In no event shall such approval be arbitrarily withheld.

4. CONSTRUCTION OF BUILDINGS. The following states the minimum approximate finished living area, exclusive of basements, porches and attached

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Sam Thompson
AUDITOR

garages, for various types of houses.

a) One story dwellings shall have an approximate minimum finished living area of 2750 square feet, as to lots 1, 2, 3, 4, 15, 16, 17, and 18.

b) Story and one-half dwellings shall have an approximately minimum finished living area of 1750 square feet on the first floor and a minimum of 950 square feet on the second floor, as to lots 1, 2, 3, 4, 15, 16, 17, and 18.

c) Two story dwellings shall have a minimum finished living area of 1300 square feet on the first floor and 1200 square feet on the second floor, as to lots 1, 2, 3, 4, 15, 16, 17, and 18.

d) Split-level dwellings shall have an approximate minimum finished living area of 2500 square feet, as to lots 1, 2, 3, 4, 15, 16, 17, and 18.

e) On all other lots, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 minimum approximate square footage shall be ten (10) per cent lower than specified in a, b, c, d above.

All residential structures shall include either an attached or detached garage, not facing or opening onto road, if attached.

5. CONCRETE BLOCKS. No completed structure shall have concrete blocks exposed on the exterior of said structure.

6. TIME FOR CONSTRUCTION. The construction of any building shall be completed within one (1) year from the date of commencement of such construction.

7. CARE OF PROPERTY DURING CONSTRUCTION. Each lot owner shall be responsible to see that his respective builder or contractor exercises good erosion control practices during the construction of any improvement, and that said contractor and/or the owner of said lot shall finish grade, seed, and mulch the lot as soon as possible. Straw bale for run-off control during the construction shall be used if necessary and all street shall be kept free of transported soil. Thereafter a good turf shall be established and maintained and each lot owner shall be responsible for maintenance of the drainage swales along his respective lot line.

8. BUILDING LINES. No residence or other building structure shall be constructed nearer to the front property line than the building set-back line as shown on the recorded plat of this subdivision.

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AUDITOR

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9. EASEMENTS. The strips of real estate of the width shown on the recorded plat and marked "easement" are hereby reserved for the use of any and all public utilities and for the installation of water, sewer mains, surface water drainage, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easements herein reserved. No structures or other improvements, planting or other material shall be erected or permitted to remain within the easements which may damage or interfere with the installation and maintenance of utilities. The easement area of each lot shall be maintained continuously by the owner of said lot so as not to restrict or to change the intended direction of flow of surface water within the easement as said direction of flow is set forth in a site plan for said subdivision field and attached to these restrictions, nor shall any swale or any drainage system be blocked by refuse, clippings, etc.

10. FENCES AND SHRUBS. No fence or wall shall be placed or permitted to remain on any lot in front of the building setback line, nor shall any trees or shrubs be planted and maintained in such a manner which would create a safety hazard or in such manner as would distract from the appearance of the subdivision.

11. DRIVEWAYS. All driveways shall be paved with either concrete or asphalt from street right-of-way to garage.

12. WASTE DISPOSAL. All lot owners shall keep their lots free of garbage, sewerage, ashes, rubbish, bottles, cans, waste matters and other refuse. Trash, garbage or other waste or debris accumulated by the owner or occupant of any lot within the subdivision shall be kept in sanitary containers and shall be disposed of in a timely manner. All containers or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition and shall be kept in such manner as to avoid an unsightly appearance within the subdivision.

13. APPEARANCE OF LOTS. All lot owners must also keep their premises clean and free of weeds and other objectionable matter at all times. If a lot is not kept cut and maintained in a neat, orderly manner and free from weeds, Developer shall have the right to cut said grass and maintain the said lot in a proper manner free from weeds and said owner of said lot shall be required to reimburse Developer for said cutting and maintenance within ten (10) days from the date said owner is presented with a statement therefor, which shall be payable with ten per cent (10%) interest per annum and attorneys' fees. After all lots in this subdivision are sold by Developer, the aforesaid right shall pass to a majority of the then owners in said subdivision.

14. TEMPORARY STRUCTURES. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other out building shall be used on

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Sam Thompson
AUDITOR

any lots in the subdivision or any part thereof at any time as a residence, either temporarily or permanently. No structure shall be moved onto any lot and all structures shall be newly erected thereon.

15. DRAINAGE OF WATER. The water from downspouts or other surface water drainage systems shall not be drained into or guided into the sanitary sewer system provided for the use of the residents of this subdivision.

16. PARKING OF VEHICLE. No vehicle shall be regularly or habitually parked on a street in this subdivision and every owner, or representative of said owner, in this subdivision shall provide adequate facilities for off-street parking for all vehicles ordinarily kept on the premises. No van, camper, boat, motorhome, truck, or other similar vehicles shall be regularly or habitually parked on any lot or premises in said subdivision unless parked in an enclosed garage or in an inconspicuous place on the lot.

17. FUEL TANKS. No oil, gas or other fuel tanks shall be allowed on any lot in this subdivision or placed in the basement or garages of any dwelling unless approved by Developer and in compliance with all governmental laws.

18. SIGNS. No signs shall be permitted in said subdivision, excepting that any owner of any lot who desires to sell said lot shall be permitted to place a "FOR SALE" sign on said lot. Model home or display signs shall also be permitted in connection with original construction on any lot.

19. ANIMALS. No animals, livestock or poultry of any kind shall be raised, bred or kept upon any lot, except that dogs, cats, or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purposes. It will not be permitted for dogs to be maintained in such a manner as to become an annoyance or nuisance to the neighbors, and their quarters and pens shall be screened from the view of adjacent yards and the street.

20. NUISANCES. No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

21. FIRE ARMS. There shall be no hunting with fire arms or otherwise upon any of the real estate included within said subdivision or the discharge of any fire arms thereon.

22. FRACTIONAL LOTS. No residence may be erected or placed on less than a full residential lot, except where less than one full residential lot is utilized in connection with an adjacent or abutting full residential lot for the construction and

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Don Thompson
AUDITOR

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maintenance upon the combined single parcel of real estate of single-family dwelling in any other respects complying with the terms and provisions of these covenants.

23. ACCEPTANCE OF DEED. The acceptance of a deed of conveyance to any lot in this subdivision by any person shall be construed to be acceptance and an affirmance by said person of each and all of the covenants, conditions, reservations and restrictions aforesaid, whether or not the same be set out or specified in such conveyance.

24. INJUNCTIVE RELIEF. Each and all of the covenants, reservations, conditions and restrictions contained herein shall inure to the benefit of all owners of lots in this subdivision jointly and severally, and maybe enforced by them or by any of them and/or the Building Authority herein established in any court of competent jurisdiction by injunction or other appropriate remedy. The party adjudged to have violated any of said restriction shall be liable to the aggrieved party for reasonable attorneys fees, which shall be fixed by the court hearing said matter. The owner of any lot in this subdivision and/or Authority established by paragraph 3 above shall have the right to enforce said covenants, conditions and restrictions without proof of pecuniary damage to his own property in this subdivision or otherwise.

25. PASSAGEWAY. No owner shall permit or authorize anyone to use a portion of any lot as a passageway or means of ingress or egress to or from any contiguous property, nor shall any utility easements be granted without the approval of Developer, or his appointee; provided, however, that this restriction shall not apply to any lots owned by Developer.

26. CHANGING OF LOT DIMENSIONS. It is expressly understood and agreed that Developer shall have the right to change, alter, adjust or re-adjust the dimensions of any lot owned by the Developer situated in the subdivision.

27. INVALIDATION OF A RESTRICTION OR CONDITION. Invalidation of any of the foregoing covenants, conditions or restrictions by judgment or order of a court shall in no wise affect any of the other covenants, conditions or restrictions, all of which shall remain in full force and effect.

28. BINDING EFFECT OF RESTRICTIONS. These restrictions and protective covenants shall run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the date of these restrictions and covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of the lots in this subdivision has been recorded

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Sam Thompson
AUDITOR

agreeing to change, modify, or eliminate said covenants and restrictions in whole or in part.

IN WITNESS WHEREOF, the said ARTHUR J. FRITZ has caused these presents to be duly executed this _____ day of _____, 19__.

Arthur J. Fritz

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SS:
COUNTY OF VANDERBURGH

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named ARTHUR J. FRITZ, who acknowledged the execution of the foregoing restrictions and protective covenants to be his voluntary act and deed.

WITNESS my hand and Notarial Seal this _____ day of _____,
19__.

NOTARY PUBLIC

PRINTED

My Commission Expires:

Residence of Notary: Vanderburgh County, Indiana

This instrument prepared by Willard C. Shrode, Attorney at Law, Evansville, Indiana

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FILED

APR 2 - 1993

Sam Thompson
AUDITOR

MINUTES
SPECIAL DRAINAGE BOARD MEETING
APRIL 5, 1993

The Vanderburgh County Drainage Board met for a Special Called Meeting on April 5, 1993, at 7:05 p.m., in the Commissioner's Hearing Room 307, with President Pat Tuley presiding.

RE: RECOMMENDED BIDS FOR 1993

Linda Freeman: "Basically in front of you we have our recommendations of the bids for 1993¹ on annual maintenance, which is mowing and spraying. We on most of the bids we only had one bidder. There were only a few bids where we had two bidders but in all cases we have the low bidder recommended and the low bidder that we recommend has done work for the county previously and has done it satisfactory. That is what the large list is-that is all the recommended bids for 1993. The sheet that I have titled, '1993 ANNUAL MAINTENANCE BIDS FROM BIG CREEK DRAINAGE ASSOCIATION'²-they on their bids, on the forms 96's, they brought their calculations across on the edge of the paper and he multiplied 5% times his total bid in order to calculate his bid bonds and that 5% amount was what he brought in to the line as his bid but that was not correct. He just transferred the wrong figure over. He was trying to calculate his 5% bid bond amount. He did have his .20 cents and .17 cents as you go down through here. He had his amount per foot and his multiplications right as far as his linear feet to get his total amount of bid, but like I said he went on and multiplied that by 5% and transferred that amount-his bid bond amount-to the line that is suppose to be his bid but that is erroneous so if you look at the 1992 bids³, which is that next sheet on that, if you look there it matches what they bid on in 1992 and talking to Mr. Harry Elpers, the President of the Big Creek Drainage Association, he confirmed that his intention was to bid what he bid last year as you see on this list, the only thing else that he did was, he did use an incorrect footage to calculate the bid on Maidlow Ditch but he did have his correct amount of .15 cents a foot which matches 1992's bids. So, it just a matter of transferring the wrong amount, but I have got that all there for you."

Commissioner Tuley: "So, basically you corrected his bid and gave us the proper amounts on this recapitulation sheet? Is that right?"

Linda Freeman: "Yes, I didn't actually correct his bid, I just made a note that he..." \

Commissioner Hunter: "You backed the 5% out and then gave us the..."

Linda Freeman: "Yes. What he intended to bid is right here and it was on the bid forms just like I said, he was running his calculations on the side trying to calculate his 5% for his bid bond and he instead of bringing his actual bid..."

Commissioner Tuley: "So the figure he gave us was his 5% bid bond. Right. So, what we are looking at are the actual, real and proper amounts."

Linda Freeman: "Yes. Right, right, the actual bids."

Commissioner Hunter: "And they are all the same in 1993 as they were in '92..."

Linda Freeman: "As '92, yes that is basically how they normally run and like I said, these two lists are just the Big Creek, now they are included in the recommendation here so this, 'RECOMMENDED BIDS FOR 1993' includes everybody's recommended bid."

¹ Copy of the 'RECOMMENDED BIDS FOR 1993' included with the 4-5-93 minutes.

²Copy of '1993 ANNUAL MAINTENANCE BIDS FROM BIG CREEK DRAINAGE ASSOCIATION' included with the 4-5-93 minutes.

³Copy of '1992 ANNUAL MAINTENANCE BIDS FROM BIG CREEK DRAINAGE ASSOCIATION' included with the 4-5-93 minutes.

Commissioner Tuley: "I just briefly asked legal counsel if since we have a written form here a recommendation showing the bids and the recommendation from the Surveyor's office that it would be 'Ok' to recommend approval based on all recommendations of the County Surveyor and submit this as part of the official record as opposed to reading each of these individually into the record and he said that was 'fine'. That was legally 'Ok'. Is there any problems? Then I will entertain a motion to approve such so we can get this over with."

Commissioner Borries: "I will move that the recommended bids for 1993 be approved as recommended by the technical advisor, the County Surveyor's office, including the recommended low bids on any drains where there were one or more bids."

Linda Freeman: "One quick note there. Eagle Slough, we recommend no bid on that because we did only have one bidder and it was quite a bit higher than what we received before and we would recommend no bid on that. We will have to step back and look at that and figure..."

Commissioner Hunter: "Well you have twenty-five thousand dollars (\$25,000.00) down here."

Commissioner Borries: "That was his bid."

Linda Freeman: "That was his bid, but we are recommending no bid."

Commissioner Hunter: "Oh, no recommendation."

Commissioner Tuley: "That needs to be recognized."

Linda Freeman: "So that was one hundred and forty-six percent (146%) greater than last year's bid."

Commissioner Borries: "They do have that in there. There would be no bid then noted. My motion does not include Eagle Slough."

Commissioner Hunter: "I will second the motion."

Commissioner Tuley: "So ordered. There being no other bids than this before the Special Drainage-there is?"

Linda Freeman: "A couple of things that were mentioned in the last...this is just the special additional maintenance to Hoefling Ditch and Wallenmeyer Ditch. It was approved last time and what I have here is contracts signed by Blankenberger Brothers⁴ for your signatures. Now this was approved in the last meeting so really this is kind of..."

Commissioner Tuley: "Just a formality then."

Linda Freeman: "Yes, and then we received a letter from Ed Voliva, President of Clear Crest Pines on the Timberland Sub...."

Commissioner Tuley: "That is to be heard at the regular Drainage Board meeting."

Linda Freeman: "Do you want to bring it up there or do you want to..."

Alan Kissinger: "We discussed this briefly, and when is the next Drainage Board meeting?"

Linda Freeman: "April 26th."

⁴Copies of 1993 Legal Drain Maintenance Contracts between Vanderburgh County Drainage Board and Blankenberger Brothers, Inc. regarding the additional maintenance to Hoefling Ditch and Wallenmeyer Ditch signed by P. Tuley, R. Borries, D. Hunter and S. Humphrey-cm included with the 4-5-93 minutes.

Special Called Drainage Board Meeting
April 5, 1993

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Alan Kissinger: "Alright, I would like to suggest this. Before the next meeting, number one, Ed Voliva is the President of Clear Crest Pines, but he is not the property owner. I would like to get some clarification if in fact he represents the property owner, and number two, I would like to include a paragraph. I will draft a letter for them to get signed, if you please, and I want in there for them to acknowledge that they understand that if the county approves this drainage plan that they are effectively waiving any right that they may have in the future to bring an action against the county because the drainage plan has caused damage to their property."

Commissioner Tuley: "Alan, I am glad that you are going to draft it because that has been communicated to them I don't know how many times."

Commissioner Borries: "That has been my whole objection to the plan because it basically drains on somebody else's property."

Commissioner Hunter: "And the gentleman who signed the letter you say, is not the owner?"

Commissioner Borries: "He is President of the Clear Crest Corporation."

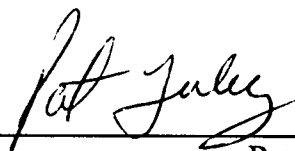
Commissioner Hunter: "That is a whole different ball game too."

Commissioner Tuley: "Linda, then I'm sorry I didn't report your other things. Are you done then? We are finished? The meeting is adjourned."

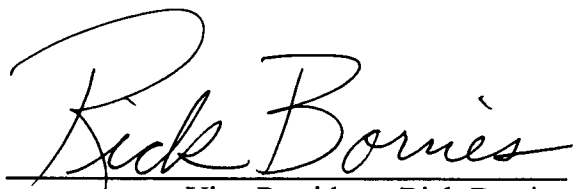
There being no further business, the meeting was adjourned at 7:10 p.m.

PRESENT:

President Pat Tuley
Vice-President Rick Borries
Member Don Hunter
Alan Kissinger, County Attorney
Linda Freeman, County Surveyor's office
Secretary Joanne Matthews
transcribed sbt



President, Pat Tuley



Vice-President, Rick Borries



Member, Don Hunter

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1993 LEGAL DRAIN MAINTENANCE CONTRACT

THIS AGREEMENT, made and entered into at Evansville, Vanderburgh County, Indiana, by and between the County of Vanderburgh, Indiana, acting by and through its DRAINAGE BOARD, hereinafter designated as the "BOARD" and Blankenberger Brothers, Inc., R.R. 1 Box 69, Cynthiana, IN 47612, hereinafter designated as the "CONTRACTOR".

WITNESSTH THAT

1. Pursuant to resolution properly adopted, Indiana State Statutes and notice given according to law, the Contractor did heretofore, on the 22nd day of March, 1993, submit its bid and proposal to the Board covering the following described ditch maintenance to-wit:

Additional Maintenance to Wallenmeyer Ditch, as per on site direction of the Vanderburgh County Surveyor. The additional maintenance shall commence at the abandoned Big Four railroad crossing of said ditch and continue in a northerly direction for a distance of 1,200 l.f..

2. That the bid and proposal of the contractor was made pursuant to and in accordance with plans, drawings, profiles and specifications prepared by the Vanderburgh County Drainage Board and on file in the Surveyor's Office, Room 325 Civic Center, Evansville, IN, 47708 for the inspection of the Contractor; and the Contractor does hereby admit full notice of all matters contained in the said plans, drawings, profiles, specifications and any addenda thereto.

3. That the bid and proposal of the Contractor submitted to the Board as hereinabove described was in the amount as follows:

The total amount of work not to exceed \$840.

and was on March 22nd, 1993, duly accepted by the Board.

4. The Contractor does hereby expressly agree to perform all work in the prosecution of the above described maintenance under the supervision of the Vanderburgh County Surveyor, and according to the terms and conditions of the said State Statutes Resolutions and the said plans, drawings, profiles, and specifications and to the entire satisfaction of specifications which are hereby adopted as a part of this Contract and are accepted as such by each of the parties hereto.

5. The Contractor agrees to complete said maintenance as per the contract specifications and to maintain and keep in good repair to the satisfaction of the Board until final inspection and approval of specified maintenance, without cost to the Board or the property holder whom may be assessed for the cost of said improvement. If, at any time during said period the work or any part thereof shall, in the opinion of the Board or of the Vanderburgh County Surveyor require repairs, the Contractor shall, upon notice, immediately make such repairs and in case of his failing to do so within ten (10) days from the service of such notice, the Board shall have the right to purchase such materials as it shall deem necessary and to employ such persons as it may deem proper and to undertake and complete said repairs, collecting the cost thereof from the Contractor and the sureties on his bond, jointly and severally.

6. The Contractor agrees that, in the prosecution of said work, the highest degree of skill and care will be exercised; that the Contractor will properly and fully guard and protect all excavations of dangerous places and will use all due proper precautions to prevent injury to persons or property; that, for and during the time of the making of such improvement and the period for which the same is to be maintained and kept in repair by the Contractor, the County of Vanderburgh and the Board shall be saved harmless from any and all liability whatsoever growing out of any injury, death, or damage to property or persons because of any negligence or fault of the Contractor.

7. It is agreed by and between the parties hereto that the Board shall withhold final payment, hereunder, in an amount equal to fifteen percent (15%) of the contract price for a period up to sixty (60) days after completion of the work by the Contractor; that the Board may make said final payment within sixty (60) days after said completion upon acceptable evidence being presented to the Board that Contractor has paid all laborers, material suppliers, and subcontractors furnishing labor or material hereunder.

8. The Board, acting for and on behalf of the County of Vanderburgh, Indiana, agrees to pay all sums due to the Contractor or to any persons or person furnishing any material whatsoever, and to pay any laborers employed for any work done in the prosecution of said Contract, all in a total sum not to exceed the amount of the Contractors bid and proposal which is herein above set forth.

9. It is understood and agreed that Vanderburgh County, Indiana shall be liable to the Contractor for the contract price of such improvement, whether represented by bond or assessments, only to the extent of monies actually received by said County from assessments or bonds growing out of said improvement.

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10. Should the Contractor fail or neglect to prosecute said work with such vigor as, in the opinion of the Board, will permit the completion of the same within the time specified herein then the Board may, in its discretion, declare this Contract to be null and void and adjudge the same to have been abandoned and forfeited, as the Board may elect, and the Contractor and the surety shall be liable for all damages which may accrue by reason of said failure including, but not limited to, the cost of inspection and attorneys fees; and in such event the Contractor shall be entitled to no payment or recovery from the Board or from the property owners for work performed or materials furnished under the Contract.

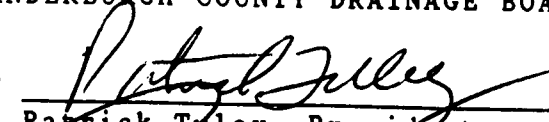
11. Before entering into any work hereunder the Contractor undertakes and agrees to furnish to the Board the certificate of the Industrial Board of the State of Indiana evidencing the ownership of Workman's Compensation Insurance covering all liability which may accrue by reason of the Indiana Workmen's Compensation Act.

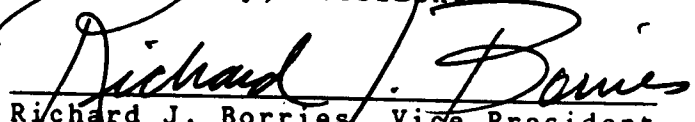
12. The Board reserves the right to waive any and/or all of the requirements herein if the Board should deem such waivers in its best interest.

1993 LEGAL DRAIN MAINTENANCE CONTRACT

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals at Evansville, Vanderburgh County, Indiana this 5th day of April, 1993.

VANDERBURGH COUNTY DRAINAGE BOARD OF VANDERBURGH COUNTY, INDIANA

BY 
Patrick Tuley, President



Richard J. Borries, Vice President


Don Hunter, Member

ATTEST:

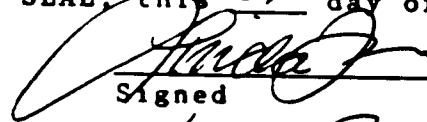

Samuel Humphrey
Vanderburgh County Auditor


Contractor

By 
STATE OF INDIANA)
COUNTY OF VANDERBURGH) SS:

Before me, a Notary Public, the day and year below stated, personally appeared Pat Blankenberger, and acknowledged the execution of the foregoing instrument to be his free and voluntary act and deed.

WITNESS MY HAND AND SEAL, this 29th day of March, 19 93.


Signed
LINDA FREEMAN
Printed name of Notary

County of residence: Vanderburgh

My commission expires: February 28, 1997

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1993 LEGAL DRAIN MAINTENANCE CONTRACT

THIS AGREEMENT, made and entered into at Evansville, Vanderburgh County, Indiana, by and between the County of Vanderburgh, Indiana, acting by and through its DRAINAGE BOARD, hereinafter designated as the "BOARD" and Blankenberger Brothers, Inc., R.R. 1 Box 69, Cynthiana, IN 47612, hereinafter designated as the "CONTRACTOR".

WITNESSTH THAT

1. Pursuant to resolution properly adopted, Indiana State Statutes and notice given according to law, the Contractor did heretofore, on the 22nd day of March, 1993, submit its bid and proposal to the Board covering the following described ditch maintenance to-wit:

Additional Maintenance to Hoefling Ditch, as per on site direction of the Vanderburgh County Surveyor. The additional maintenance shall commence at the point of beginning of Hoefling Ditch and continue in a northerly direction for a distance of 2,400 l.f..

2. That the bid and proposal of the contractor was made pursuant to and in accordance with plans, drawings, profiles and specifications prepared by the Vanderburgh County Drainage Board and on file in the Surveyor's Office, Room 325 Civic Center, Evansville, IN, 47708 for the inspection of the Contractor; and the Contractor does hereby admit full notice of all matters contained in the said plans, drawings, profiles, specifications and any addenda thereto.

3. That the bid and proposal of the Contractor submitted to the Board as hereinabove described was in the amount as follows:

The total amount of work not to exceed \$1,440.

and was on March 22nd, 1993, duly accepted by the Board.

4. The Contractor does hereby expressly agree to perform all work in the prosecution of the above described maintenance under the supervision of the Vanderburgh County Surveyor, and according to the terms and conditions of the said State Statutes Resolutions and the said plans, drawings, profiles, and specifications and to the entire satisfaction of specifications which are hereby adopted as a part of this Contract and are accepted as such by each of the parties hereto.

5. The Contractor agrees to complete said maintenance as per the contract specifications and to maintain and keep in good repair to the satisfaction of the Board until final inspection and approval of specified maintenance, without cost to the Board or the property holder whom may be assessed for the cost of said improvement. If, at any time during said period the work or any part thereof shall, in the opinion of the Board or of the Vanderburgh County Surveyor require repairs, the Contractor shall, upon notice, immediately make such repairs and in case of his failing to do so within ten (10) days from the service of such notice, the Board shall have the right to purchase such materials as it shall deem necessary and to employ such persons as it may deem proper and to undertake and complete said repairs, collecting the cost thereof from the Contractor and the sureties on his bond, jointly and severally.

6. The Contractor agrees that, in the prosecution of said work, the highest degree of skill and care will be exercised; that the Contractor will properly and fully guard and protect all excavations of dangerous places and will use all due proper precautions to prevent injury to persons or property; that, for and during the time of the making of such improvement and the period for which the same is to be maintained and kept in repair by the Contractor, the County of Vanderburgh and the Board shall be saved harmless from any and all liability whatsoever growing out of any injury, death, or damage to property or persons because of any negligence or fault of the Contractor.

7. It is agreed by and between the parties hereto that the Board shall withhold final payment, hereunder, in an amount equal to fifteen percent (15%) of the contract price for a period up to sixty (60) days after completion of the work by the Contractor; that the Board may make said final payment within sixty (60) days after said completion upon acceptable evidence being presented to the Board that Contractor has paid all laborers, material suppliers, and subcontractors furnishing labor or material hereunder.

8. The Board, acting for and on behalf of the County of Vanderburgh, Indiana, agrees to pay all sums due to the Contractor or to any persons or person furnishing any material whatsoever, and to pay any laborers employed for any work done in the prosecution of said Contract, all in a total sum not to exceed the amount of the Contractors bid and proposal which is herein above set forth.

9. It is understood and agreed that Vanderburgh County, Indiana shall be liable to the Contractor for the contract price of such improvement, whether represented by bond or assessments, only to the extent of monies actually received by said County from assessments or bonds growing out of said improvement.

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10. Should the Contractor fail or neglect to prosecute said work with such vigor as, in the opinion of the Board, will permit the completion of the same within the time specified herein then the Board may, in its discretion, declare this Contract to be null and void and adjudge the same to have been abandoned and forfeited, as the Board may elect, and the Contractor and the surety shall be liable for all damages which may accrue by reason of said failure including, but not limited to, the cost of inspection and attorneys fees; and in such event the Contractor shall be entitled to no payment or recovery from the Board or from the property owners for work performed or materials furnished under the Contract.

11. Before entering into any work hereunder the Contractor undertakes and agrees to furnish to the Board the certificate of the Industrial Board of the State of Indiana evidencing the ownership of Workman's Compensation Insurance covering all liability which may accrue by reason of the Indiana Workmen's Compensation Act.

12. The Board reserves the right to waive any and/or all of the requirements herein if the Board should deem such waivers in its best interest.

1993 LEGAL DRAIN MAINTENANCE CONTRACT

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals at Evansville, Vanderburgh County, Indiana this 5th day of April, 1993.

VANDERBURGH COUNTY DRAINAGE BOARD OF VANDERBURGH COUNTY, INDIANA

BY Patrick Tuley
Patrick Tuley, President
Richard J. Borries
Richard J. Borries, Vice President
Don Hunter
Don Hunter, Member

ATTEST:

Sam Humphrey
Samuel Humphrey
Vanderburgh County Auditor

Blankenhuger Bros.
Contractor

Pat Blankenhuger
By

STATE OF INDIANA)
COUNTY OF VANDERBURGH) SS:

Before me, a Notary Public, the day and year below stated, personally appeared Pat Blankenhuger, and acknowledged the execution of the foregoing instrument to be his free and voluntary act and deed.

WITNESS MY HAND AND SEAL, this 21st day of March, 1993.

Linda Freeman
Signed

LINDA FREEMAN
Printed name of Notary

County of residence: Vanderburgh

My commission expires: February 28, 1997

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RECOMMENDED BIDS FOR 1993

AIKEN DITCH 9911 LF

TERRY JOHNSON MOW DITCH \$0.219 \$2170.51

RECOMMEND TERRY JOHNSON @ \$2170.51

AIKEN DITCH PARTIAL MOWING 1800 LF

TERRY JOHNSON MOW DITCH \$0.2495 \$449.10

RECOMMEND TERRY JOHNSON @ \$449.10

BAEHL DITCH 6890 LF

ALBERT STECKLER
MAINTENANCE \$0.125 \$861.25

RECOMMEND ALBERT STECKLER @ \$861.25

BARNETT DITCH 8358 LF

UNION TOWNSHIP DITCH ASSN.
MAINTENANCE \$0.03 \$250.74

RECOMMEND UTDA @ \$250.74

BARR'S CREEK 20668 LF

BIG CREEK DRAINAGE ASSN.
MAINTENANCE \$0.20 \$4133.60

RECOMMEND BCDA @ \$4133.60

BUENTE UPPER BIG CREEK 20,195 LF

BIG CREEK DRAINAGE ASSN.
MAINTENANCE \$0.17 \$3433.15

RECOMMEND BCDA @ \$3433.15

CYPRESS-DALE MADDOX 23,887 LF

UNION TOWNSHIP DITCH ASSN.
MAINTENANCE \$0.03 \$716.61

RECOMMEND UTDA @ \$716.61

EAGLE SLOUGH 30,040 LF

TERRY JOHNSON	MOW DITCH	\$0.85	\$25534.00
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RECOMMEND THAT THE BID SUBMITTED BY TERRY JOHNSON IN THE AMOUNT OF \$25,534.00 BE REJECTED ON THE BASIS THAT IT EXCEEDS THE 1992 CONTRACT PRICE OF \$10,514.00 BY 142.86%.

EAST SIDE URBAN NORTH 1/2 18,370 LF

SHIDELER	SPRAY BOTTOM	\$0.048	\$ 881.76
CHEMI-TROL	SPRAY BOTTOM	\$0.061	\$1120.57

RECOMMEND SHIDELER SPRAY SERVICE @ \$881.76

TERRY JOHNSON	MOW DITCH	\$0.2995	\$5501.82
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RECOMMEND TERRY JOHNSON @ \$5501.82

EAST SIDE URBAN SOUTH 1/2 47,592 LF

SHIDELER	SPRAY BOTTOM	\$0.048	\$ 2284.42
CHEMI-TROL	SPRAY BOTTOM	\$0.061	\$ 2903.11

RECOMMEND SHIDELER SPRAY SERVICE @ \$2284.42

TERRY JOHNSON	MOW DITCH	\$0.3595	\$17109.32
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RECOMMEND TERRY JOHNSON MOW DITCH TWICE. MAXIMUM AWARD OF \$34,218.64 IF ENTIRE DITCH IS MOWED TWICE. PRO-RATED AT \$0.3595 PER LF IF LESS THAN 2 COMPLETE MOWINGS ARE NEEDED.

EDMOND DITCH 15,395 LF

UNION TOWNSHIP DITCH ASSN.			
MAINTENANCE	\$0.08	\$1231.60	

RECOMMEND UTDA @ \$1231.60

HELFRICH-HAPPE DITCH 12,698 LF

UNION TOWNSHIP DITCH ASSN.			
MAINTENANCE	\$0.03	\$380.94	

RECOMMEND UTDA @ \$380.94

434

HARPER DITCH 4002 LF

SHIDELER	SPRAY BOTTOM	\$0.048	\$ 192.10
CHEMI-TROL	SPRAY BOTTOM	\$0.075	\$ 300.15

RECOMMEND SHIDELER SPRAY SERVICE @ \$192.10

TERRY JOHNSON	MOW DITCH	\$0.2695	\$ 1078.54
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RECOMMEND TERRY JOHNSON MOW DITCH TWICE @ \$1078.54
PER MOWING

HENRY DITCH 3179 LF

TERRY JOHNSON	MOW DITCH	\$0.279	\$886.94
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RECOMMEND TERRY JOHNSON @ \$886.94

HOEFLING DITCH 5571 LF

JOHN MAURER	\$0.10	\$557.10
RECOMMEND JOHN MAURER @ \$557.10		

KAMP DITCH 11,160 LF

UNION TOWNSHIP DITCH ASSN.		
MAINTENANCE	\$0.03	\$334.80

RECOMMEND UTDA @ \$334.80

KEIL DITCH 3012 LF

SHIDELER	SPRAY BOTTOM	\$0.48	\$144.58
CHEMI-TROL	SPRAY BOTTOM	\$0.075	\$225.90

RECOMMEND SHIDELER SPRAY SERVICE @ \$144.58

TERRY JOHNSON	MOW DITCH	\$0.279	\$840.35
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RECOMMEND TERRY JOHNSON MOW DITCH TWICE @ \$840.35
PER MOWING

KNEER DITCH 3036 LF

ELDON MAASBERG MAINTENANCE		\$303.60
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RECOMMEND ELDON MAASBERG @ \$303.60

KOLB DITCH 7703 LF

TERRY JOHNSON MOW DITCH \$0.2895 \$1619.17

RECOMMEND TERRY JOHNSON MOW DITCH TWICE @ \$1619.17
PER MOWING.

MAASBERG DITCH 2206 LF

ELDON MAASBERG MAINTENANCE \$0.07 \$154.42

RECOMMEND ELDON MAASBERG @ \$154.42

MAIDLOW DITCH 18,671 LF

BIG CREEK DRAINAGE ASSN.
MAINTENANCE \$0.15 \$2800.65

RECOMMEND BCDA MOWING DITCH @ \$2800.65

POND FLAT MAIN 36,852 LF

BIG CREEK DRAINAGE ASSN.
MAINTENANCE \$0.13 \$4790.76

RECOMMEND BCDA @ \$4790.76

POND FLAT LATERAL "A" 5311 LF

RALPH REXING MAINTENANCE \$0.14 \$743.54

RECOMMEND RALPH REXING @ \$743.54

POND FLAT LATERAL "B" 2797 LF

RALPH REXING MAINTENANCE \$0.14 \$391.58

RECOMMEND RALPH REXING @ \$391.58

POND FLAT LATERAL "C" 9036 LF

BIG CREEK DRAINAGE ASSN.
MAINTENANCE \$0.12 \$1084.32

RECOMMEND BCDA @ \$1084.32

POND FLAT LATERAL "D" 4579 LF

RALPH REXING MAINTENANCE \$0.14 \$641.06

RECOMMEND RALPH REXING @ \$641.06

436

POND FLAT LATERAL "E" 3616 LF

BIG CREEK DRAINAGE ASSN.
MAINTENANCE \$0.12 \$433.92
RECOMMEND BCDA @ \$433.92

RUSHER CREEK 4444 LF

BIG CREEK DRAINAGE ASSN.
MAINTENANCE \$0.12 \$533.28
RECOMMEND BCDA @ \$533.28

SINGER DITCH 2450 LF

EUGENE REXING MAINTENANCE \$0.11 \$269.50
RECOMMEND EUGENE REXING @ \$269.50

SONNTAG-STEVENS DITCH 10,705 LF

SHIDELER SPRAY BOTTOM \$0.04851 \$ 513.84
CHEMI-TROL SPRAY BOTTOM \$0.0612 \$ 655.15
RECOMMEND SHIDELER SPRAY SERVICE @ \$513.84

TERRY JOHNSON MOW DITCH \$0.279 \$2986.70
RECOMMEND TERRY JOHNSON MOW DITCH TWICE @ \$2986.70
PER MOWING.

SONNTAG-STEVENS DITCH PARTIAL MOW 3050 LF

TERRY JOHNSON MOW DITCH \$0.279 \$850.95
RECOMMEND TERRY JOHNSON @ \$850.95

WALLENMEYER DITCH 8355 LF

DANIEL J. PAUL MAINTENANCE \$0.145 \$1211.48
RECOMMEND DANIEL J. PAUL @ \$1211.48

RECOMMENDED BIDS FOR 1993

AIKEN DITCH 9,911 LF

TERRY JOHNSON : MOW DITCH \$0.219 \$2,170.51

RECOMMEND TERRY JOHNSON @ \$2,170.51

AIKEN DITCH PARTIAL MOWING 1,800 LF

TERRY JOHNSON MOW DITCH \$0.2495 \$449.10

RECOMMEND TERRY JOHNSON @ \$449.10

BAEHL DITCH 6,890 LF

ALBERT STECKLER
MAINTENANCE \$0.125 \$861.25

RECOMMEND ALBERT STECKLER @ \$861.25

BARNETT DITCH 8,358 LF

UNION TOWNSHIP DITCH ASSN.
MAINTENANCE \$0.03 \$250.74

RECOMMEND UTDA @ \$250.74

BARR'S CREEK 20,668 LF

BIG CREEK DRAINAGE ASSN.
MAINTENANCE \$0.20 \$4,133.60

RECOMMEND BCDA @ \$4,133.60

BUENTE UPPER BIG CREEK 20,195 LF

BIG CREEK DRAINAGE ASSN.
MAINTENANCE \$0.17 \$3,433.15

RECOMMEND BCDA @ \$3,433.15

CYPRESS-DALE MADDOX 23,887 LF

UNION TOWNSHIP DITCH ASSN.
MAINTENANCE \$0.03 \$716.61

RECOMMEND UTDA @ \$716.61

EAGLE SLOUGH 30,040 LF

TERRY JOHNSON	MOW DITCH	\$0.85	\$25,534.00
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RECOMMEND THAT THE BID SUBMITTED BY TERRY JOHNSON IN THE AMOUNT OF \$25,534.00 BE REJECTED ON THE BASIS THAT IT EXCEEDS THE 1992 CONTRACT PRICE OF \$10,514.00 BY 142.86%.

EAST SIDE URBAN NORTH 1/2 18,370 LF

SHIDELER	SPRAY BOTTOM	\$0.048	\$ 881.76
CHEMI-TROL	SPRAY BOTTOM	\$0.061	\$1,120.57

RECOMMEND SHIDELER SPRAY SERVICE @ \$881.76

TERRY JOHNSON	MOW DITCH	\$0.2995	\$5,501.82
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RECOMMEND TERRY JOHNSON @ \$5,501.82

EAST SIDE URBAN SOUTH 1/2 47,592 LF

SHIDELER	SPRAY BOTTOM	\$0.048	\$ 2,284.42
CHEMI-TROL	SPRAY BOTTOM	\$0.061	\$ 2,903.11

RECOMMEND SHIDELER SPRAY SERVICE @ \$2,284.42

TERRY JOHNSON	MOW DITCH	\$0.3595	\$17,109.32
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RECOMMEND TERRY JOHNSON MOW DITCH TWICE. MAXIMUM AWARD OF \$34,218.64 IF ENTIRE DITCH IS MOWED TWICE. PRO-RATED AT \$0.3595 PER LF IF LESS THAN 2 COMPLETE MOWINGS ARE NEEDED.

EDMOND DITCH 15,395 LF

UNION TOWNSHIP DITCH ASSN.			
MAINTENANCE	\$0.08	\$1,231.60	

RECOMMEND UTDA @ \$1,231.60

HELFRICH-HAPPE DITCH 12,698 LF

UNION TOWNSHIP DITCH ASSN.			
MAINTENANCE	\$0.03	\$380.94	

RECOMMEND UTDA @ \$380.94

HARPER DITCH 4,002 LF

SHIDELER	SPRAY BOTTOM	\$0.048	\$ 192.10
CHEMI-TROL	SPRAY BOTTOM	\$0.075	\$ 300.15

RECOMMEND SHIDELER SPRAY SERVICE @ \$192.10

TERRY JOHNSON	MOW DITCH	\$0.2695	\$ 1,078.54
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RECOMMEND TERRY JOHNSON MOW DITCH TWICE @ \$1,078.54
PER MOWING

HENRY DITCH 3,179 LF

TERRY JOHNSON	MOW DITCH	\$0.279	\$886.94
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RECOMMEND TERRY JOHNSON @ \$886.94

HORFLING DITCH 5,571 LF

JOHN MAURER	\$0.10	\$557.10
RECOMMEND JOHN MAURER @ \$557.10		

KAMP DITCH 11,160 LF

UNION TOWNSHIP DITCH ASSN.		
MAINTENANCE	\$0.03	\$334.80

RECOMMEND UTDA @ \$334.80

KBIL DITCH 3,012 LF

SHIDELER	SPRAY BOTTOM	\$0.48	\$144.58
CHEMI-TROL	SPRAY BOTTOM	\$0.075	\$225.90

RECOMMEND SHIDELER SPRAY SERVICE @ \$144.58

TERRY JOHNSON	MOW DITCH	\$0.279	\$840.35
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RECOMMEND TERRY JOHNSON MOW DITCH TWICE @ \$840.35
PER MOWING

KNEER DITCH 3,036 LF

ELDON MAASBERG	MAINTENANCE	\$0.10	\$303.60
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RECOMMEND ELDON MAASBERG @ \$303.60

440

KOLB DITCH 7,703 LF

TERRY JOHNSON MOW DITCH \$0.2895 \$1,619.17

RECOMMEND TERRY JOHNSON MOW DITCH TWICE @ \$1,619.17
PER MOWING.

MAASBERG DITCH 2,206 LF

ELDON MAASBERG MAINTENANCE \$0.07 \$154.42

RECOMMEND ELDON MAASBERG @ \$154.42

MAIDLOW DITCH 18,671 LF

BIG CREEK DRAINAGE ASSN.
MAINTENANCE \$0.15 \$2,800.65

RECOMMEND BCDA MOWING DITCH @ \$2,800.65

POND FLAT MAIN 36,852 LF

BIG CREEK DRAINAGE ASSN.
MAINTENANCE \$0.13 \$4,790.76

RECOMMEND BCDA @ \$4,790.76

POND FLAT LATERAL "A" 5,311 LF

RALPH REXING MAINTENANCE \$0.14 \$743.54

RECOMMEND RALPH REXING @ \$743.54

POND FLAT LATERAL "B" 2,797 LF

RALPH REXING MAINTENANCE \$0.14 \$391.58

RECOMMEND RALPH REXING @ \$391.58

POND FLAT LATERAL "C" 9,036 LF

BIG CREEK DRAINAGE ASSN.
MAINTENANCE \$0.12 \$1,084.32

RECOMMEND BCDA @ \$1,084.32

POND FLAT LATERAL "D" 4,579 LF

RALPH REXING MAINTENANCE \$0.14 \$641.06

RECOMMEND RALPH REXING @ \$641.06

POND FLAT LATERAL "B" 3,616 LF

BIG CREEK DRAINAGE ASSN.
MAINTENANCE \$0.12 \$433.92
RECOMMEND BCDA @ \$433.92

RUSHER CREEK 4,444 LF

BIG CREEK DRAINAGE ASSN.
MAINTENANCE \$0.12 \$533.28
RECOMMEND BCDA @ \$533.28

SINGER DITCH 2,450 LF

EUGENE REXING MAINTENANCE \$0.11 \$269.50
RECOMMEND EUGENE REXING @ \$269.50

SONNTAG-STEVEENS DITCH 10,705 LF

SHIDELER SPRAY BOTTOM \$0.04851 \$ 513.84
CHEMI-TROL SPRAY BOTTOM \$0.0612 \$ 655.15
RECOMMEND SHIDELER SPRAY SERVICE @ \$513.84
TERRY JOHNSON MOW DITCH \$0.279 \$2,986.70
RECOMMEND TERRY JOHNSON MOW DITCH TWICE @ \$2,986.70
PER MOWING.

SONNTAG-STEVEENS DITCH PARTIAL MOW 3,050 LF

TERRY JOHNSON MOW DITCH \$0.279 \$850.95
RECOMMEND TERRY JOHNSON @ \$850.95

WALLENMEYER DITCH 8,355 LF

DANIEL J. PAUL MAINTENANCE \$0.145 \$1,211.48
RECOMMEND DANIEL J. PAUL @ \$1,211.48

442
1993 ANNUAL MAINTENANCE BIDS FROM BIG CREEK DRAINAGE ASSOCIATION

BARR'S CREEK 20,668 LF

BIG CREEK DRAINAGE ASSN.		
MAINTENANCE	\$0.20	\$4,133.60

RECOMMEND BCDA @ \$4,133.60

BUENTE UPPER BIG CREEK 20,195 LF

BIG CREEK DRAINAGE ASSN.		
MAINTENANCE	\$0.17	\$3,433.15

RECOMMEND BCDA @ \$3,433.15

MAIDLOW DITCH 18,671 LF

BIG CREEK DRAINAGE ASSN.		
MAINTENANCE	\$0.15	\$2,800.65

RECOMMEND BCDA @ \$2,800.65
(Incorrect footage of 18,610 used to calculate bid. The above correct footage multiplied by \$0.15/l.f. matches 1992 bid).

POND FLAT MAIN 36,852 LF

BIG CREEK DRAINAGE ASSN.		
MAINTENANCE	\$0.13	\$4,790.76

RECOMMEND BCDA @ \$4,790.76

POND FLAT LATERAL "C" 9,036 LF

BIG CREEK DRAINAGE ASSN.		
MAINTENANCE	\$0.12	\$1,084.32

RECOMMEND BCDA @ \$1,084.32

POND FLAT LATERAL "E" 3,616 LF

BIG CREEK DRAINAGE ASSN.		
MAINTENANCE	\$0.12	\$433.92

RECOMMEND BCDA @ \$433.92

RUSHER CREEK 4,444 LF

BIG CREEK DRAINAGE ASSN.		
MAINTENANCE	\$0.12	\$533.28

RECOMMEND BCDA @ \$533.28

The above represents the intentions of Big Creek Drainage Association's bids as confirmed by Harry Elpers, President and match 1992 bids.

1992 ANNUAL MAINTENANCE BIDS FROM BIG CREEK DRAINAGE ASSOCIATION

BARR'S CREEK 20,668 LF

BIG CREEK DRAINAGE ASSN.		
MAINTENANCE	\$0.20	\$4,133.60

RECOMMEND BCDA @ \$4,133.60

BUENTE UPPER BIG CREEK 20,195 LF

BIG CREEK DRAINAGE ASSN.		
MAINTENANCE	\$0.17	\$3,433.15

RECOMMEND BCDA @ \$3,433.15

MAIDLOW DITCH 18,671 LF

BIG CREEK DRAINAGE ASSN.		
MAINTENANCE	\$0.15	\$2,800.65

RECOMMEND BCDA @ \$2,800.65

POND FLAT MAIN 36,852 LF

BIG CREEK DRAINAGE ASSN.		
MAINTENANCE	\$0.13	\$4,790.76

RECOMMEND BCDA @ \$4,790.76

POND FLAT LATERAL "C" 9,036 LF

BIG CREEK DRAINAGE ASSN.		
MAINTENANCE	\$0.12	\$1,084.32

RECOMMEND BCDA @ \$1,084.32

POND FLAT LATERAL "E" 3,616 LF

BIG CREEK DRAINAGE ASSN.		
MAINTENANCE	\$0.12	\$433.92

RECOMMEND BCDA @ \$433.92

RUSHER CREEK 4,444 LF

BIG CREEK DRAINAGE ASSN.		
MAINTENANCE	\$0.12	\$533.28

RECOMMEND BCDA @ \$533.28

444

ASSOCIATED LAND SURVEYORS
AND CIVIL ENGINEERS, INC.

1270 MAXWELL AVE. TEL. (812) 464-3031
EVANSVILLE, INDIANA 47711

March 16, 1993

Board of County Commissioners
Civic Center Complex
Evansville, IN 47708

Attn: Partick Tuley, President,
Drainage Board

Re: Storm Water Runoff-Timberland Sub.

Dear Mr. Tuley:

I am aware that the storm water runoff and drainage from the
Proposed Timberland Subdivision will be emptying into my
lake at Clearcrest Pines, and I have no objection to this.

Sincerely,



Ed Voliva
President, Clearcrest Pines

445-

ASSOCIATED LAND SURVEYORS
AND CIVIL ENGINEERS, INC.

1270 MAXWELL AVE. • TEL. (812) 484-3031
EVANSVILLE, INDIANA 47711

Vanderburgh County Drainage Board
Civic Center Complex
Room 305
Evansville, IN 47708
Attn: Pat Tuley, President

March 29, 1993

Re: Timberland Subdivision

Dear Pat:

Please consider this letter a request to place Timberland Subdivision on the agenda for your Emergency Drainage Board Meeting on Monday, April 5, 1993. Enclosed, also, is the signed letter from Mr. Voliva from Clearcrest Country Club. Please call if you have any questions.

Very truly yours,


Aaron Biggerstaff

MINUTES
DRAINAGE BOARD MEETING
MAY 24, 1993

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 6:45 p.m.	1
Approval of Minutes	1
Floodplain Ordinance/Request for Variance/Hanson Testing & Engineering re East Side Industrial Park Location	1
Maidlow Ditch/Approval for County to Pay Half of the Cost for Removal of Debris	2
West Wind Estates/Drainage Plan Approved/As-Built to be Submitted	3
Hardee's Restaurant & Sage South Convenience Store on U.S. Highway 41 North Near Haubstadt/Rusher Creek Encroachment ..(Relaxation of 75 ft. set-back approved)...	3
Timberland Subdivision/Drainage Approval	5
Request to Get on Drainage Board Agenda/A. Biggerstaff ...	7
Claims (None)	7
Old Business	7
Hunter's Ridge Sub (R. Brenner to halt development)	
Crawford-Brandeis Ditch/Debris Removal	8
Summit Place II (to be on June Agenda per R. Brenner) ...	8
Eagle Slough/R. Brenner to report on specifics as to what has not been done as soon the water recedes	8
New Business (None).....	8
Meeting Adjourned @ 7:35 p.m.	8

MINUTES
DRAINAGE BOARD MEETING
MAY 24, 1993

The Vanderburgh County Drainage Board met in session at 6:45 p.m. on Monday, May 24, 1993 in the Commissioners Hearing Room with President Pat Tuley presiding. Commissioner Tuley called the meeting to order and welcomed all attendees.

RE: APPROVAL OF MINUTES

Motion made by Commissioner Borries to approve the minutes of April 26, 1993 as submitted, with a second from Commissioner Hunter. So ordered.

RE: FLOODPLAIN ORDINANCE/APPLICATION FOR VARIANCE/
HANSON TESTING & ENGINEERING RE EAST SIDE
INDUSTRIAL PARK LOCATION

County Surveyor Robert Brenner said he doesn't know how this Board can give a variance to the State Law that is 2 ft. above a 100 year flood. We also have a disagreement -- the subdivision plot for this shows that the 2 ft. above the 100 year flood is 386.5 and we have a Certified by Mr. Morley. After the fact he went out and established the grade of this as 385.83, so we do not meet the 2 ft. above the 100 year flood. It was my understanding of the National Flood Insurance that all new construction had to be 2 ft. above the 100 year flood. Never before have we encountered a waiver. It appears Mr. Lehman has reduced the 100 year flood by 1/2 ft. -- if that is him, he signed off that it is 384 rather than 386.5; but he doesn't see how this board...

Commissioner Borries asked if Mr. Brenner has a cite of the State Law with him -- that needs to be entered into the record.

Mr. Brenner said he does not have it with him, but he will get a copy to the secretary. In any event, he doesn't see how the Board can give a variance.

Commissioner Borries said, "If they build in there, they do it at their own risk -- is that correct?"

Mr. Brenner said we're not allowed to give a permit. That is how we agreed to get National Flood Insurance -- that we would not issue a permit that was 2 ft. less than the required elevation. What happened is that they poured the floor of the building and then determined on the plat that they needed to establish an elevation and the floor is lower than the required elevation.

Commissioner Borries said he doesn't want to take any action -- the Board can't.

Mr. Jim Morley commented: "Let me explain just a little bit about that particular situation. We prepared a minor sub plat or a lot division plat, which you see on that one drawing, in which we re-stated all the information that is on that drawing. The contractor came past our office and asked for a copy of the plans that showed the sewer plans and everything else and we gave him a blueprint of the plans. It seems he did not ask for an elevation certificate or anything. The contractor proceeded to read the plans; read that the manhole was a certain elevation and go out and shoot his own floor elevation; then he proceeded to start construction. He started the foundations and poured the foundations. The Building Commissioner stopped and said, "Well now, before you pour the floor you have to have an elevation certificate since the area is within

a floodplain. We have to have proof that you comply with our ordinance that says 2 ft. above." He called our office and said he had to have proof by a registered surveyor that this complies. We sent a crew out and shot it and told him he was 8 inches too low. He said he already had that footing all in. So there you have it today. They did not ask for a benchmark before anything was started." The Federal Government -- and we've been recently involved in some of these requests of clarification from the Federal Government -- under the Federal Flood Insurance Program, if you build above the 100 year flood level you comply. It was the State of Indiana that decided to arbitrarily add 2 ft. onto it and tell all of the counties as they gave you a model ordinance back in 1985 -- or whenever we got the model ordinance -- and the State of Indiana said if you'd like to participate in the flood insurance program we'd like for you to adopt and enforce this model ordinance. You had it rewritten and you adopted that. And the Indiana says 2 ft. above. The Federal Government, of course, will still issue on this particular building a statement that flood insurance is not required because, in fact, he is more than the 100 year flood -- regardless of whether you call it 384 or 384-1/2. He can get his certificate -- he doesn't have to have flood insurance. But he doesn't comply with Indiana's requirement that they asked us to incorporate in our ordinance that said 2 ft. above. He doesn't know the answer to what he does and he certainly can't further clarify Bob's statement that he is not sure how the Board can waive that.

Commissioner Tuley said he is not wavering anything that goes contrary to State Law.

Commissioner Hunter agreed, saying particularly if we passed an ordinance.

Commissioner Borries said he would suggest no action on this.

RE: MAIDLOW DITCH

Mr. Brenner said that east of St. Joe Avenue, we entered into an agreement with the Ditch Association. They cleaned 645 ft. The obstruction that was in the ditch -- quite an extensive concrete bridge was removed. All of this was done at the landowner's and the Ditch Association's expense. Now comes the west side -- Maidlow Ditch running west from St. Joe Avenue. The Ditch Association has enough money to remove debris, etc. from the ditch for half of what needs to be done. They would like for us to put up half the money. We do, indeed, have it. It is 1,560 ft. We'd estimate around \$1.00 per ft. At 790 ft. from St. Joe Avenue (west, again) there is a string of walnut trees that extends for 100 ft. along the ditch and the ditch is attacking the trees and it is winning. It is going to go out across the field. We're going to have to do something and "something" is the key -- it will have to be rip-rapped; it is going to be extensive -- but it is going to be less extensive to stop it than it is if we let it go through there.

Commissioner Borries asked how we get money into that account.

Mr. Brenner said there is money in the account and June 1st (this is the kind of thing he is supposed to do) then they are increasing what he is supposed to do on ditches. But at the moment he would like for us to participate for the debris removal for 1,560 ft. west on Maidlow Ditch; participate by paying half. The Ditch Association will pay the other half and they will do the work.

Commissioner Borries said that last month Mr. Brenner indicated they had a problem with a gentleman's field. Did they get that worked out?

Mr. Brenner responded, "No, that is the same thing. I've been out

and talked to him and we don't have a solution -- neither does he. He wants his trees saved and we're half way under his trees already. I believe they are dead. I've had everybody out there; Soil Conservation has been out and looked at them and they just say, "got to take the trees out" -- and the farmer says, "My grandfather planted those trees" -- so I'm going to try to save his trees; but rip-rap, some kind of cloth.....

Mr. Hunter asked, "How much additional expense for that?"

Mr. Brenner said he has absolutely no idea. One hundred feet of the wire baskets -- we drew up a little plan and got a \$10,000 bid for 100 ft. He then decided he needed another plan. We just don't have that kind of money.

Mr. Borries asked, "What are your side slopes on that?"

Mr. Brenner responded, "Vertical. And now it's up under the trees; the root system is all hanging out. We've cleaned the ditch above him for six or seven miles and he says it's more water that he's getting. The ditch is running faster, there is no question about it. And cleaning this 1,560 ft. is all along his property -- that will help; it will at least not be restricted in front of this. I'd say our half would be no more than \$1,000. If we could go ahead and proceed with that -- we will come back with a plan and a bid and an estimate on the other. We have money in the ditch fund. This is one thing -- you never put up any money for this. I can borrow it from one fund and then collect it from these farmers later. But no money from the General Fund ever.

Motion to approve the request was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: WEST WIND ESTATES

Mr. Bill Nicholson of Veach, Nicholson, Griggs Associates was recognized. He said the detention pond they've had designed is on Lot #3. The way the general terrain runs out there, this is about the only location they could find to put it. The large 10 acre tract is not a part of the plat, so they couldn't use any part of that.

Dan Hartman, Chief Deputy Surveyor, said he has reviewed the plans from West Wind Estates, as well as the calculations, and agrees one hundred percent with them. It is his recommendation that the Board approve the plans.

Mr. Borries asked what kind of street this will be.

Mr. Nicholson said it will be the usual 29 ft. back-to-back. It is 24 ft. with side ditches -- no curbs. These are large lots.

Mr. Borries asked if, subject to approval, they will submit as-built plan to make sure this fits exactly right.

Mr. Nicholson said they will be glad to do so.

Motion to approve was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: HARDEE'S RESTAURANT & SAGE SOUTH CONVENIENCE STORE
ON HIGHWAY 41 NORTH NEAR HAUBSTADT/RUSHER CREEK ENCROACHMENT

Attorney Tom Terrell said he represents the developer and they're asking for a relaxation of the 75 ft. set-back along Rusher Ditch, which is located near the intersection of I-64 and Highway 41, to build a Hardee's Restaurant. Rodney Young from the Engineering Department and he supposes most of this is technical. If the Commissioners have questions, Mr. Young will be glad to answer

same.

Commissioner Borries asked what they propose to make the relaxation? How far then will it be from the bank of the ditch?

Mr. Young said the 51 ft. is from the property line. Right now, from the top of the bank (keeping in mind the top of the bank does vary) the closest point to the drive-in portion of the building is 31 ft.

Attorney Terrell said they don't believe there will be any problem. The primary purpose for this is so the equipment can get in and keep these ditches clean.

Commissioner Hunter asked if the Surveyor's office has looked at this and do they see any problems?

Surveyor Brenner said he has only encountered one problem. In the ditch law it specifically allows us to reduce the urban ditches 25 ft. Nowhere does it mention -- nor have they ever had a request to reduce a rural ditch.

Attorney Terrell said as he understands it, the Board has the power to do it. The restriction is on the rural ditches developed after September 1984, he believes. But it appears to him that if it is before 1984 -- after 1984 it looks like it limits the Board to 25 ft. As he reads the law, if the ditch was established before 1984 the Board could go all the way to the ditch if they wanted.

Mr. Hunter asked when the ditch was established.

Attorney Terrell responded, "Long before 1984."

Attorney Brenner said it's old -- real old; maybe 1860.

Mr. Hunter asked if Mr. Brenner is serious and he responded he is absolutely serious.

Mr. Hunter asked, "And in terms of maintenance on Rusher, this would pose no problem to the County?"

Mr. Brenner said, "No."

Mr. Borries said we had to go to almost 10 ft. in portions off Burkhardt Rd. -- it's been real tight -- where was it we did the relaxation north of Morgan Avenue? But he doesn't see any problem with that 31 ft. Would Attorney Kissinger want to review the statute?

Attorney Kissinger said he would be glad to.

Commissioner Borries then asked, "Bob, between an urban and a rural ditch, when do we make the call on that?"

Mr. Brenner responded, "Urban -- you must specifically hold a meeting and declare it as such. There is a procedure. We have Harper, East Side, and Sonntag. We make them. We specifically go out of our way."

Mr. Borries said he guesses we've done some, but it's been Harper and East Side Urban as long as he can remember.

Mr. Brenner said he believes the Commissioners will find we've stuck to the 25 ft. The signs along Burkhardt were put in...they just appeared, if you will recall.

Mr. Borries said it wasn't signs. There was a relaxation of one that went 10 ft. It was tight. It may have been somewhere near Oak Grove Rd. -- or it was in an Industrial Park over there -- he

can't remember exactly.

Mr. Hunter said if Attorney Kissinger has no problem with it, he surely doesn't.

Commissioner Borries said one thing the Board probably should address since there is going to be a lot of development out in this particular area -- how far does this ditch go? Perhaps we need to go ahead and set the wheels in motion here to declare it an urban ditch, because it looks like development is going to start to pop out there.

Mr. Brenner said this one is part of Big Creek.

Commissioner Hunter said for the benefit of the two Commissioners who are not on the Area Plan Commission, there is a tremendous amount of development on the back burner or somewhere for this whole area -- including two or three restaurants, perhaps an Outlet Mall -- and what has happened is that the land owner out there said he sells a piece of land, but there is no plan for in and out. His attitude is, "Hey, I'm selling the land; you guys have to come up with a plan." Well, "you guys" is us. At the last APC meeting it was suggested that the owner of that land come up with some kind of an acceptable plan for getting traffic in and out before we, as Area Plan, keep dealing with rezonings, etc. This doesn't involve him because he already it zoned and everything -- but the whole thing. There are all sorts of proposed restaurants and it is going to be a real pain in the neck to us, as well as Area Plan, if there isn't some sort of a comprehensive plan for that whole area -- the south and west side of Hwy. 41 and I-64.....since the last meeting there has been a plan submitted to Site Review. But we need to look at that whole area, because there are going to be other people who will have similar problems with Rusher.

Mr. Borries said corridor studies have been done by Area Plan. He knows one has been done on Green River Rd. and maybe they need to do one (Commissioner Hunter might want to suggest that at his next APC meeting) and maybe they can authorize the Technical Staff to get going. Back to this other --

Attorney Kissinger said he thinks Mr. Terrell's interpretation is absolutely correct. The 75 ft. right-of-way and right-of-entry regulation is for ditches after September 1984 and it is totally at the discretion of the Board of Commissioners as to permission to obstruct the 75 ft. right-of-way. If this ditch is as old as has been represented -- and he has no reason to believe that it isn't -- then the Commissioners certainly have the authority to give the permission.

Motion to approve the request was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Commissioner Borries asked if there is a way to declare a portion of the ditch urban?

Mr. Brenner said they can do anything they want to....

Mr. Borries commented, "Not quite everything. You might want to have someone from your office take a look and see if there is a portion of it that we need to, because there may be some other set-backs."

RE: TIMBERLAND SUBDIVISION

Mr. Scott Beudel was representing Aaron Biggerstaff and stated they received a letter today from the developer, Mr. Ken Rueger, and his lawyers. He doesn't know whether they got together with Alan Kissinger or not, but they came up with this letter and Ed signed it.

Attorney Kissinger said, "Let me explain, please. I dealt with Brian Carroll on this, the attorney for Clearcrest and Ken Rueger. Clearcrest was a little edgy. He had included in his letter a waiver of liability. Clearcrest was a little edgy that they were going to waive liability against everyone and he agreed the possibility existed that it could be interpreted in that fashion. As much as this thing has been kicked around with the people at Clearcrest -- and with their attorney -- they have been fully advised that the County is relying totally on the representations made by the developers and it is entirely possible that for a portion of the year (especially during construction time) they are going to have a muddy lake down there. Apparently, all of that has been explained to these people and they are not willing to waive liability and the understanding is that the County has no liability if the drainage that occurs does not coincide with representations made by the developers. Therefore, it would be the developer's liability. He thinks this letter clearly covers the situation and he thinks even more so what is covered here has been the discussion back and forth between everyone concerned, including Clearcrest, and everyone understands and anticipates what is going to occur. So, effectively, by being so advised they cannot later claim that we didn't know this was going to happen and if it is something that was not properly represented to them or misrepresented to them, then it is the liability of the developer and not the County. Therefore, he believes this letter is sufficient to cover the desires of the Drainage Board as far as acknowledgment by Clearcrest that they know what the drainage entails and that they are satisfied they have been fully advised."

Attorney Kissinger said he recommends a copy of the letter be included in the official minutes, and Commissioner Borries agreed.

Commissioner Borries said that he will agree with Counsel, but he still is uneasy about this. His approval -- he would never want to imply that by approving this that he would be willing to allow one plan to drain on somebody else's. He guesses this does that and he is still uneasy about it. But if these people know what is going on here. They are big lots and he doesn't have anything against the subdivision -- but we make everybody else come up with a plan that says how are you going to hold this on your property. He still is uneasy about it, but.....

Mr. Beudel said, "I understand. But from our calculations, I mean I just don't believe it will increase that much and the only other solution..."

Commissioner Borries interrupted, "Maybe not. But as soon as we approve this one and somebody else comes up and says they are going to put it on Joe's property and Mr. Hicks' property, it isn't going to impact anything -- then we've got to get another letter from this and this thing could turn into a gigantic checker game."

Mr. Beudel said the only other solution would be for Mr. Rueger to put a lake on his own property. He conveyed that to Ed Voliva from Clearcrest Pines and that is the last thing he wants, because it would take years for that to fill up to the point -- and the lake in the country club just one hundred feet away would dry up for a couple of years and he wouldn't want that. This is just the natural...."

Mr. Borries again interrupted, "You understand, this is just an unusual situation here. There are a lot of open fields out there and we never say we're going to drain on somebody else's property next to them without -- maybe I'm just crying 'Wolf' here unnecessarily. I don't know. But I simply can't recall any situations quite like this."

Mr. Tuley said maybe since it is so unusual this will be the only

one we have. He then entertained a motion for approval.

Motion to approve made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: REQUEST TO GET ON DRAINAGE BOARD AGENDA

President Tuley said he also wants to remind Scott Beudel to tell Aaron that any letter requesting to get on the Drainage Board agenda should be directed to the Surveyor's office and should probably arrive there -- not on Friday before Monday's meeting. It was addressed to him, and he did not get it until today.

RE" CLAIMS

Mr. Brenner advised they have no claims for approval today.

RE: OLD BUSINESS

President Tuley entertained matters of Old Business to come before the Board.

Hunter's Ridge Sub: Mr. Brenner said he has a favorite of Mr. Hunter's....Hunter's Ridge. He stood here before the Board and made all kind of representation to the people that the developer would immediately go out there and dig this thing -- he means immediately. That is eight (8) months. He's merely building houses and the lady that this property runs through, he was at the auction and the lady came up and said, "Mr. Brenner, that immediately hasn't happened -- what you promised us'. He's having a hard time believing this one -- because the guy was on the verge of not getting approval at all -- and he hasn't done anything. He called up his engineer, Mr. Easley, and Andy said they were just on the verge of doing it. Mr. Brenner said he is just on the verge of doing it, too.

Mr. Tuley asked if there is any way to put a stop to the development.

Mr. Brenner said we can put a stop to his houses.

Mr. Tuley said that is what he means -- if that is what it takes.

Mr. Brenner said he thinks that is reasonable. If the Board will give their permission, he will proceed with the Building Commissioner and tell him they haven't done what he said he would do at all.

Mr. Borries said he is getting like a broken record on this, but he wants some plans in the Surveyor's office of exactly what he is going to do -- and then he'd better follow them.

Mr. Brenner said it is time to do something.

Mr. Borries moved and Mr. Hunter seconded that Mr. Brenner proceed. Mr. Hunter said Mr. Brenner went out on a limb on this.

Mr. Brenner said that is right; and they showed him what to do. The people went away happy. The woman said she thought we reached a good compromise and everything was going to work. He went out there and met with all the people, personally, and then it is still not done.

Mr. Hunter asked if they put the drain in on the adjacent property like they were going to do.

Mr. Brenner said they didn't do anything. That is what he was going to do immediately.

45-4
DRAINAGE BOARD
May 24, 1993

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Mr. Hunter said he thought we were going to put one in under the street where the silt....he was going to put that in, too?

Mr. Brenner responded affirmatively.

Mr. Tuley said Mr. Brenner has permission.

Mr. Brenner said, "I'll do it. We won't have to do anything, because it will happen."

RE: CRAWFORD-BRANDEIS DITCH

Mr. Borries said, "Our logging friends -- we approved the transfer of the official legal documents on that -- but have they removed all the debris?"

Mr. Brenner said he does not know. He said he would -- so we will go back out and look at it.

RE: SUMMIT PLACE II

Mr. Tuley said there was a letter that came in a while back from Summit of Evansville and you said that didn't really go before the Drainage Board.

Mr. Hunter said that is out on Burkhardt Rd. Summit Place II Sub.

Mr. Brenner said he submitted a letter to Area Plan delineating exactly what they had to do for the Drainage Board and his engineer, after reading it, said they couldn't make it by this meeting. It will be on the June meeting.

Mr. Hunter asked if that involved a legal drain?

Mr. Brenner said it involves three of them; it is on three sides. Crawford-Brandeis, Bonnieview, and Bonnieview Extension. So that will come back.

Eagle Slough: Mr. Borries asked if there is anything new on Eagle Slough.

Mr. Brenner said they have not been out there because it has been under water. He needs to be more specific as to what is not done after he gets a chance to go out and look at it. He's waiting for the poison ivy to get up really good!

RE: NEW BUSINESS

President Tuley entertained matters of New Business to come before the Board. There were none.

There being no further business to come before the Board, President Tuley declared the meeting adjourned at 7:35 p.m.

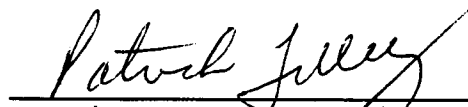
PRESENT

Patrick Tuley, President
Richard J. Borries, Vice President
Don Hunter, Member
Alan Kissinger, County Attorney
Sam Humphrey, County Auditor
Robert Brenner, County Surveyor
Dan Hartman, Chief Deputy Surveyor
Jim Morley/Morley & Associates
Scott Beudel
Others (Unidentified)
News Media

455
DRAINAGE BOARD
May 24, 1993

9

SECRETARY: Joanne A. Matthews



Patrick Tuley, President



Richard J. Borries, Vice President



Don Hunter, Member

Final Version - 5/24/93

VANDERBURGH COUNTY DRAINAGE BOARD

MONDAY - MAY 24, 1993

A G E N D A

1. Meeting Opened
2. Approval of Minutes/meeting of April 26, 1993
- 3) Floodplain Management Ordinance Variance
Application/Hanson Testing & Engineering -- re
Eastside Industrial Park Location
- 4) Request for Repair of Maidlow Ditch west of
St. Joe Avenue
- 5) Drainage Plans for Approval:
 - a) West Wind Estates (Bill Nicholson of
Veach, Nicholson, Griggs Associates)
 - b) Hardee's Restaurant & Sage South Convenience
Store/Highway 41 North (Haubstadt)
Rusher Ditch Encroachment (AES Engineering,
Newburgh, IN)
 - c) Timberland Subdivision (A. Biggerstaff)
- 6) Claims for Approval
- 7) Old Business
- 8) New Business
- 9) Meeting Adjourned

457
10-04-91

INSTRUCTIONS FOR VARIANCE APPLICATION
FLOODPLAIN MANAGEMENT ORDINANCE

1. Items needed to apply:
 - a. 10 copies of a site plan of the property drawn to scale. Include elevations. If reduced copies are submitted, one copy of the original scale drawing is required.
 - b. 10 copies of your completed application forms.
 - c. at least one copy of your building plans, showing proposed elevations
2. Verified applications signed by the owner of the property are filed with site plans and building plans at the Plan Commission office. At this time you will be assigned a docket number and be placed on the agenda for the Flood Advisory Committee hearing.
3. The Flood Advisory Committee meets on Monday mornings at 10:00 a.m. in Room 312. Your application will be heard on the second Monday after the date you filed unless otherwise noted at the time of filing.
4. A copy of your application and your site plan will be mailed by the Area Plan Commission office to each of the members of the Flood Advisory Committee. If your variance application is approved, you will receive a letter of verification stating that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums. After approval you may apply for all other required permits.
5. All variances approved by the Flood Advisory Committee shall be subject to the applicant's recording of notice to future buyers showing it to be below flood zone.

The Flood Advisory Committee may consider issuing a variance to the terms and provisions of the Floodplain Management Ordinance provided that the application demonstrates that:

1. there exists a good and sufficient cause of the requested variance;
2. the strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant; and
3. the granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

10-04-91

Docket No: _____

Date Filed: _____

Tax Code: _____

Meeting Date: _____

FLOOD ADVISORY COMMITTEE

EVANSVILLE AND VANDERBURGH COUNTY, INDIANA

VERIFIED APPLICATION FOR VARIANCE FROM THE TERMS OR PROVISIONS
OF THE FLOODPLAIN MANAGEMENT ORDINANCE

STATE OF INDIANA, COUNTY OF VANDERBURGH, SS:

APPLICANT STATES:

APPLICANT: _____ PHONE: _____

ADDRESS: _____ ZIP CODE: _____

OWNER: _____ PHONE: _____

ADDRESS: _____ ZIP CODE: _____

PREMISES AFFECTED: _____

NAME OF SUBDIVISION, BLOCK # AND LOT # _____
(ATTACH COMPLETE LEGAL DESCRIPTION IF PROPERTY IS NOT IN A SUBDIVISION)

ZONE: _____ LOT SIZE: _____

OWNERSHIP INTEREST: THE OWNER OF RECORD SHOWN ABOVE OWNS 50% OR MORE OF THE ARE.
OF THE ABOVE DESCRIBED REAL ESTATE.

NATURE AND SIZE OF PRINCIPAL BUILDINGS(S) ON LOT _____

NATURE AND SIZE OF EXISTING ACCESSORY BUILDING(S) _____

YEAR OF ERECTION OF EXISTING BUILDING _____

ELEVATION OF PROPERTY _____ CERTIFIED BY _____

PLEASE CHECK ALL THAT APPLY:

USE: RESIDENTIAL _____ COMMERCIAL/INDUSTRIAL _____ AGRICULTURAL _____ OTHER _____

UTILITIES AVAILABLE: GAS _____ ELECTRIC _____ WATER _____ SEWER _____ SEPTIC _____

APPLICATION IS HEREBY MADE FOR VARIATION FOR:

ERECTION
RECONSTRUCTION
ALTERATION
CONVERSION
MAINTENANCE
ADDITION
OTHER (PLEASE EXPLAIN)

OF _____
(kind of building and use, in accordance
with the plans filed)

459
10-04-91

STATEMENT OF VARIANCE APPLIED FOR
WITH PRINCIPAL POINTS ON WHICH APPLICATION IS BASED

(IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEET TO THIS APPLICATION.)

ALL ATTACHMENTS ARE ADOPTED BY REFERENCE. I AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

DATE _____
(WHEN SIGNED)

OWNER OR ATTORNEY FOR OWNER (SIGNATURE)

REPRESENTATIVE FOR PETITIONER

NAME: _____
ADDRESS: _____
ZIP CODE: _____
PHONE: _____

SITE PLAN REQUIREMENTS

ALL site plans for rezonings, variances, special uses and permits MUST include the following data:

1. All site plans should be drawn to scale.
2. Indicate accurate dimensions of lot(s).
3. Indicate accurate dimensions of all existing and proposed buildings and/or accessory structures under roof.
4. Indicate exact measurements between buildings.
5. Indicate exact measurements between buildings and property lines.
6. Indicate all streets, alleys, easements, etc.
7. Indicate ingress/egress (size and location of any and all curb cuts, existing and proposed).
8. Show parking (indicate existing or proposed) by drawing in lines indicating each space 9' x 18' in City or County.

ALL site plans for COMMERCIAL permits, rezonings, variances, and special uses MUST include the following data:

9. For multi-unit apartment petitions indicate the number of units per building and the number of bedrooms per unit and square footage per unit.
10. For commercial/industrial petitions footnote number of employees and the number of company vehicles.
11. Any additional information can be required before the site plan can be accepted (such as seating capacity, parking lot restrictions, etc.)

EFFECTIVE IMMEDIATELY, NO SITE PLANS WILL BE ACCEPTED WITHOUT ALL THE ABOVE INFORMATION CLEARLY INDICATED. ALL SITE PLANS MUST BE APPROVED BEFORE PETITIONS CAN BE FILED. FAILURE TO PROVIDE ADEQUATE INFORMATION MAY RESULT IN YOUR PETITION BEING DELAYED UNTIL THE FOLLOWING MONTH'S MEETING(S).

FOR YOUR CONVENIENCE WE HAVE INCLUDED A SAMPLE SITE PLAN ON THE REVERSE SIDE OF THIS PAGE.

"SITE." The real estate set forth in the legal description of the property upon which the improvement for which a building permit is requested is to be constructed.

"UNPLATTED LOTS." Parcels or tracts of land which are not included within a plat approved by the Evansville-Vanderburgh Area Plan Commission, which plat is duly recorded in the Office of the County Recorder.
(Ord. passed 12-28-76; Am. Ord. passed 7-23-79)

§ 150.116 DRAINAGE AND FLOOD RESTRICTIONS.

(A) If the site for which a building permit is sought is not within the flood plain, no building permit shall be issued unless the first floor of the living space of a residential structure, or the first floor of a commercial or industrial structure, including basements, is constructed above the level of flooding during a 100-year flood, and the grading at its highest level adjoining the improvements as graded pursuant to § 150.145 is above the level of flooding of a 100-year flood.

(B) If the site for which a building permit is sought is located in the flood plain, no building permit shall be issued unless the first floor of the living space of a residential structure, or the first floor of a commercial or industrial structure, including basements, is constructed at the highest elevation established for the site by the flood plain map.

(C) Other provisions of this subchapter notwithstanding, the Joint Department of Building Commissioners may issue a building permit for a site if the Department is convinced that adequate measures will be taken to protect the proposed improvements from loss or damage due to surface water ponding, runoff, and flooding.
(Ord. passed 12-28-76; Am. Ord. passed 7-23-79; Am. Ord. passed 1-14-80)
Penalty see § 150.999

§ 150.117 SITE PLAN.

Each applicant for a building permit shall submit a site plan to the Joint Department of Building Commissioners. A site plan shall consist of two copies each, not less than 8-1/2 by 11 inches in size, of a contour map and a drainage map.

(A) The contour map shall represent the site in an area 100 feet in every direction around the site. The map shall indicate contour intervals of 2-1/2 feet on gently sloping ground and five feet on steeply sloping ground. The map shall also bear a general description of the nature of the site. A contour map of

Vanderburgh County shall be kept on file in the Joint Department of Building Commissioners' Office, and may be used by the applicant in the preparation of his contour map.

(B) The drainage map shall include the following information.

- (1) A legal description of the site.
- (2) The dimensions of the site.
- (3) An arrow indicating north.
- (4) A plot plan indicating structures present on the site and the proposed improvements to the site.
- (5) The description of the streets and road rights-of-way adjacent to the site, with a notation of the name and width of each street or road.
- (6) Existing easements attaching to the site.
- (7) The elevation of the first floor of living space of a residential structure, including the basement, and the elevation of first floor of a commercial or industrial structure, including the basement, with reference to the mean sea level datum or reference from the curb line in a non-critical area. For the purpose of compliance with the National Flood Insurance Program, the lowest floor, including the basement, on all new structures located in identified flood hazard areas, shall be recorded as part of the building permit procedure.
- (8) Cross sections of streets or roads on the extended grid lines to the right-of-way line of the street or road.
- (9) Present and proposed drainage ditches crossing or adjacent to the site.
- (10) Natural drains or water courses to be used in conjunction with drainage from the site.
- (11) The site and location of legal drains located within 75 feet of a proposed improvement.
- (12) If applicable, the location, size, and invert elevation of drainage structures within 100 feet of the site.
- (13) The centerline elevation of the main line road adjacent to the site and the elevation of access roads at the site.
- (14) A proposal for protecting proposed improvements from loss or damage

shall be made for the disposal of materials which are accumulated during the wrecking operations. No part of the structure shall be overloaded by excessive storage or materials or debris. Chutes, scaffolds, derricks, and hoists shall be strong, substantial, and safe for the purpose for which they are intended. Materials which in their removal would cause an excessive amount of dust shall be well wet down to prevent the creation of a nuisance. No open fires or other sources of flame except necessary cutting torches shall be used in the inside of the building being wrecked, nor in close proximity to inflammable materials outside of the buildings, and every precaution shall be taken to prevent the possibility of fire.

(C) The requirements of this section shall be the minimum requirements for average conditions and in the case of unusual or dangerous situations, adequate provisions shall be made and every precaution taken to protect the safety of the public and the workmen.

(D) The Joint Department of Building Commissioners is given authority to stop the wrecking of any building within the county wherever in his judgment it is being done in a reckless, careless, or unsafe manner or in violation of any local ordinance. When any wrecking work shall have been stopped it shall not be resumed until the Department shall have been satisfied that all precautions shall be taken for the protection of life and property and that the work shall be prosecuted in a safe manner and in conformity with the county ordinances.

(E) At the completion of all wrecking the lot shall be cleaned of all rubbish and debris accumulated in the course of wrecking and the lot leveled off so as to leave no unsightly condition. Any basements, cellars, or other excavations shall be filled in and leveled off with new earth puddled and tamped to insure the minimum of settling or shall be fenced off, all to the approval of the Joint Department of Building Commissioners.
(Ord. passed 12-28-76) Penalty, see § 150.99

§ 150.106 EXCEPTIONS.

The provisions of this subchapter shall not apply to the wrecking or removal of 50% or less of any building or structure incidental to or necessary in connection with repair, alteration, or enlargement of the building or structure.
(Ord. passed 12-28-76)
§ 150.999

DRAINAGE AND FLOODWATER RUNOFF

§ 150.115 DEFINITIONS.

For the purpose of this subchapter

the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"APPLICANT." The person, partnership, corporation, or other entity making application for a building permit. An "APPLICANT" must be the owner or the authorized representative of the owner of the real estate for which the permit is requested.

"BUILDING COMMISSIONER." The Building Commissioner of the City of Evansville-Vanderburgh County.

"DRAIN, OR WATERCOURSE." A channel, open or closed, through which water is conveyed, whether natural or man-made.

"FLOOD" or "FLOODING." A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of drains, streams, rivers, watercourses, or other inland water.

"FLOOD PLAIN." An area of land which is subject to headwater or backwater flooding from adjacent streams. The flood plains are described and set forth on the flood boundary and floodway map, and flood insurance rate maps dated October 15, 1981, and amendments thereto, as published by the Federal Insurance Administration, or on maps prepared by the State Department of Natural Resources or the Louisville District Corps of Engineers. These maps are on file in the offices of the Area Plan Commission and the Joint Department of Building Commissioners.

"LEGAL DRAIN." A drain established by law by the County Drainage Board in accordance with the terms and provisions of the State Drainage Code, as amended.

"LEGAL DRAIN MAPS." The official maps designated to identify legal drains in the county.

"MEAN SEA LEVEL DATUM." The datum plain used by the U. S. Geological Survey for the county quadrangle mapping, 1929 adjustment.

"ONE HUNDRED-YEAR FLOOD." A "flood" having an average frequency of occurrence in the order of once in 100 years.

"PLATTED LOT." A parcel of land (consisting of a full lot or lots or part of a lot or lots) which are included within a plat which plat has been approved by the Evansville-Vanderburgh Area Plan Commission and recorded in the Office of the County Recorder.

"SEDIMENT." Any matter deposited by water or wind.

MINUTES
DRAINAGE BOARD MEETING
JUNE 28, 1993

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 6:55 p.m.	1
Vogel Road Bridge Plans (Approved)	1
Drain Approval/ Wab d ch as tens Place /Morley & Associates (approved) The Villas/Morley & Associates (No action) Deerfield Section II/Morley & Associates (No action)	
Eagle Slough Problems/Koester Contracting (Surveyor to have site meeting w/Koester)	1
Kolb Ditch/Problems with Asplundh (Contractor has not performed work in accordance with contract; R. Brenner will not pay \$10,500 claim)	2
Request for Emergency Drainage Board Meeting re Kolb Ditch ... (Tuesday, July 6, 1993)	4
Claims/Blankenberger Bros. Wallenmeyer Ditch (15% Retainage - \$126.00) Wallenmeyer Ditch (85% - \$714.00) Hoefling Ditch (15% Retainage - \$216.00) Hoefling Ditch (85% - \$1,224.00)	5
Old Business Hunter's Ridge Subdivision/Sections "A" & "B" (J. Fuquay or A. Easley must report to Drainage Board by August 23rd Drainage Meeting with regard to whether they have completed stipulated work in Section "B"; if not, Drainage Board to submit letter to Building Commission requesting no permits be issued for Hunter's Ridge Section "B")	6
Request for Variance/Floodplain Ordinance/Hanson Testing Engineering re Eastside Industrial Park location (Drainage Board has nothing to do with this; Request for Variance must go before the BZA; Burns Indiana Statute 13-2-22 cited by Surveyor)	12
Approval of Drainage Board Minutes of May 24, 1993	13
Meeting Adjourned @ 7:45 p.m.	13

MINUTES
DRAINAGE BOARD MEETING
JUNE 28, 1993

The Vanderburgh County Drainage Board met in session on June 28, 1993, at 6:55 p.m., in the Commissioner's Hearing Room 307, with President Pat Tuley presiding.

RE: VOGEL ROAD BRIDGE APPROVAL

Commissioner Tuley: "First item up is Vogel Road Bridge Plan. I believe, John you have the lead on this?"

John Stoll: "These are the numbers that Valarie has worked with Dan Hartman on developing what kind of area we can provide for the bridge. Initially we had looked at a precast arch, or a precast box culvert structure here and had some problems in getting that to fit due to the skew out here, so now we are proposing a concrete boxbeam structure. Like I said before, these numbers Valarie Harry and Dan Hartman have worked through on what area had to be provided; what area of opening had to be provided for the bridge in order to handle a 100 year flood. This bridge will provide an adequate area for the 100 year flood based on the calculations we have gotten so far."

Bob Brenner: "We agreed. We recommend that you approve it."

Motion made to approve by Commissioner Borries with a second by Commissioner Hunter. So ordered.

RE: DRAINAGE APPROVAL-SUBDIVISIONS

A. Westchester Place-Morley & Associates

Commissioner Tuley: "Westchester Place located on Nunning Road southeast of Hogue Road. Morley & Associates."

Steve Dragon: (inaudible)... "Basically all we are doing is detaining doing all the retention in one retention basin here on the eastern property line. Most of this area, these other drainage areas are going to be basically underdeveloped, the lots are pretty deep (inaudible)...a 15" (fifteen inch) culvert to constrict the outflow for a 25 year. As far as I know, speaking to Dan Hartman he had no problems with any of it other than the outflow pipe is so small. I said I would take a look at it again but before I did he called me back and said that he hadn't taken into account (inaudible remarks) as far as I know that was the only question that was raised."

Bob Brenner: "We have reviewed their calculations and they meet the criteria. They are holding water at the undeveloped rate. We would recommend that you approve it."

Commissioner Borries: "So moved."

Seconded by Commissioner Hunter. So ordered.

B. The Villas-Morley & Associates

Withdrawn. No discussion.

C. Deerfield Section II-Morley & Associates

Withdrawn. No discussion.

RE: EAGLE SLOUGH PROBLEMS-KOESTER CONTRACTING

Bob Brenner: "I guess the water is down finally. We have walked it. We have made a list of what's mowed, what's not mowed and we started-this is an aerial-we started at Waterworks Road, there is the Marina, and on both sides of the ditch here we have got trees and brush."

Commissioner Borries: "This says old horse weeds on the top bank. Something or other, north top bank not cut."

Bob Brenner: "Not cut at all. Now it starts getting easier. Between 41 and Weinbach-not mowed. From Weinbach to a point in here that they determine-not mowed. From here on out they did not mow it. You can see we start picking up, and it is just *random*. And we are talking *not mowed at all*. For this I get a \$10,500.00 bid on it."

Commissioner Hunter: "From who?"

Bob Brenner: "Asplundh. We are still with them. I'm not paying them and they want paid."

Commissioner Borries: "So the only thing that they really have mowed looks like it is east, actually east of where Koester would be if this is Green River Road here."

Bob Brenner: "Well they have mowed some sections in here. They have done some work. I mean this is *not* an easy job. But it is not done."

Commissioner Tuley: "But they bid it and were awarded the contract, and haven't done the work."

Bob Brenner: "That's right. It was suppose to be done by November and then we gave them a verbal extension, you know, because we didn't want to hassle them. I want the thing cut. I don't think that they ever went back in and did another drive and it is like 6 miles, so it took a while to walk this thing. I don't know exactly how to proceed."

Commissioner Tuley: "Did you notify them that you weren't going to pay them?"

Bob Brenner: "I talked to him, yes. But they don't see it that way."

Commissioner Borries: "I would recommend that you have..."

Bob Brenner: "Nobody bid it this year because it is in terrible shape. Instead of being able to do it for \$10,000.00. We did get one bid for \$22,000.00, which is probably right. I don't want to lose this thing. We spent \$100,000.00 dollars in '69."

Commissioner Borries: "It was a bond issue."

Bob Brenner: "That is right. It is finally paid off. In 1989 we paid it off. We flew it, we did it with Green Grasshopper Aerial for a long time-that worked really good. And now we have been at this for two years now and it is not working at all."

Commissioner Hunter: "Why did the Grasshopper people quit us?"

Commissioner Borries: "He's retired. Bill Hepler".

Bob Brenner: "We had a bid from a helicopter company in Warrick County but he forfeited his bonds. He never came and did a drop he just got all the bids and then didn't do them."

Commissioner Borries: "I would have a site meeting with them. It looks like to me that you pretty much have verification here what they have done and what they have not done on that. The other thing that concerns me about this, is I brought up, is the aspect of what Koester-apparently there is some sedimentation? Sedimentation is really occurring down here at Waterworks Road as I understand that. Where I am getting the calls from."

Bob Brenner: "Yes, and I'm not sure that this has happened from-the next item that I am going to bring up. I am working on a set of plans-Kolb Ditch off of Pollack out through there. It is terrible. I haven't got it done."

Commissioner Borries: "Is that the one that goes underneath Pollack and Fuquay there?"

Bob Brenner: "Uh-huh. We are starting to get complaints on the mosquitos and everything else. And rightly so. (inaudible remarks)"

Commissioner Borries: "What would be your understanding of what Koester operation should do or not do? Obviously there is some sediment going in. What happens is, during a heavy rain something like this, is where then some of that aggregate, I don't know if it is rolling off their property, or where it is, but then it gradually just keeps moving down toward Waterworks Road, and I guess that they are really saying that from the standpoint that by the time you get to the mouth they are really seeing a lot of sediment..."

(inaudible remarks)

Bob Brenner: "Nobody has ever called me. I haven't gotten a complaint. It is highly irregular but..."

Commissioner Borries: "I started getting calls because at the mouth right where Eagle Slough empties into the river, apparently there is some dredging operations and these guys are saying that Eagle Slough is really beginning to, you are seeing some sedimentation, which they feel has to be coming from somewhere where there is aggregate or something moving, material moving into that."

Commissioner Hunter: "Isn't Koester's aggregate pile east of 41?"

Commissioner Borries: "Yes."

Commissioner Borries: "That is kind of what I would like to see if you could check out a little bit. If they are going to be back down there in anyway on that, if they can see and do some kind of estimation and if there is some sedimentation that is starting to occur in there."

Bob Brenner: "Ok, I will do that. On Eagle Slough, on the bids on this I am sure that they are going to sue us. I don't know what else I can do. I have sent two people out, so that I have witnesses that walked the thing blow by blow, laid it out on an aerial-any other suggestions?"

Attorney Alan Kissinger: "Were the bids specific enough that Asplundh knew what they were suppose to mow?"

Bob Brenner: "Absolutely. Absolutely, there were no exceptions."

Attorney Alan Kissinger: "And they have been confronted with an indication that what they were suppose to have mowed, they did not mow?"

Bob Brenner: "They have not seen this yet."

Attorney Alan Kissinger: "Alright. What was their total bid?"

Bob Brenner: "Ten thousand five hundred dollars."

Attorney Alan Kissinger: "And they are asking for everything?"

Bob Brenner: "Oh, yes."

Attorney Alan Kissinger: "Well I don't want to encourage them to sue the County but perhaps the discretion would be the better part of valor on their part when they see the evidence that you have accumulated. Be sure to hang on to that stuff just in case."

Drainage Board Meeting
June 28, 1993

4

Bob Brenner: "Oh yes. This is the only reason that we did it was, we knew they hadn't completed the job, but they have *done some*. And I wouldn't be opposed if they go in and do it. We would pay them. Wouldn't the Commissioners agree to that? If they cut the thing."

Commissioner Borries: "Oh, yeah."

Bob Brenner: "That is what the job is for, and there is more weeds. Everything has grown up now. But if they would go back and cut the sections that they didn't, I could get someone. Would that be reasonable?"

Commissioner Borries: "Sure. Just tell them to do their job and they will get paid."

Commissioner Tuley: "That is right."

RE: REQUEST FOR SPECIAL CALLED MEETING

Bob Brenner: "One other thing, this Kolb Ditch will be ready to go next week I would like to have a Drainage Board next week. I have had some requests for subdivisions to come too, and we could do these if we announce it in this one we could go ahead and hold one next week."

Commissioner Hunter: "Next Tuesday. July 6th is that what we are looking at?"

Bob Brenner: "The Tuesday, yes."

Commissioner Borries: "Ok."

Bob Brenner: "It shouldn't be a long one or anything."

Commissioner Hunter: "This is a special meeting that you are talking about?"

Bob Brenner: "Just another Drainage Board. We normally schedule one a month, but we need another one."

Commissioner Borries: "I move that a special Drainage Board be set immediately following the Vanderburgh County Commission Meeting which will begin at 5:30 p.m. on Tuesday, July 6th."

Commissioner Hunter: "I will second it."

So ordered by President Tuley.

Joanne Matthews: "I am sorry, I want to clarify this. You say we announce it, we do not have to advertise..."

Commissioner Borries: "I think we might have to advertise it."

Alan Kissinger: "Do you have some authority indicating that it doesn't have to be advertised by..."

Commissioner Borries: "It could be an emergency."

Bob Brenner: "You have always been able to continue on from one meeting to the next. Your notice is what you are giving, this is public notice now."

Attorney Alan Kissinger: "We are scheduling one. We are not continuing. These were not on tonight's agenda and therefore this is not a continuation meeting. We are scheduling a special meeting and that would be a little bit different. So the question is, can we do it without advertising? And I think that if you are saying that this is an extension of this meeting then that would not be an appropriate reason *not* to advertise."

Commissioner Borries: "Could we do it on the 12th? Is that too late?"

Bob Brenner: "Yes."

Commissioner Borries: "Are you saying that it is an emergency?"

Bob Brenner: "Yes, Kolb Ditch I think should be. I can do it based on that."

Joanne Matthews: "I think that it has to be six days..."

Commissioner Borries: "I'm not sure it does on an emergency. If you have an emergency."

Attorney Alan Kissinger: "I'm not sure either but, if it has to be six days can we advertise it tomorrow? Can you get it in tomorrow?"

Joanne Matthews: "Get it *in* tomorrow?"

Attorney Alan Kissinger: "In consideration that we have an extra day here. Is it possible that we might get it done in six days?"

Joanne Matthews: "All I can tell you is I can try. I will send it when I get downstairs tonight."

Commissioner Borries: "Would you indicate in there as we have discussed it, that this will be an emergency in terms of Kolb Ditch?"

Joanne Matthews: "It will be an emergency in terms of Kolb Ditch."

Commissioner Borries: "It can not wait."

Bob Brenner: "We will go walk Eagle Slough. We are talking about gravel is what they say is rolling down."

Commissioner Borries: "Yes, yes. Start at the mouth."

Bob Brenner: "Yes, we will, right there where the ditch starts."

Commissioner Borries: "Maybe it is something else. It could be."

Bob Brenner: "I don't know. We'll find it."

Commissioner Borries: "I don't want to target one individual here when it could be something else."

RE: BLUE CLAIMS-WALLENMEYER & HOEFLING DITCHES

Commissioner Tuley: "The next item on the agenda, Bob has submitted a recommendation that they be paid, some claims made payable to Blankenberger Brothers on Wallenmeyer and Hoefling Ditches. As he indicated to me they have withheld them long enough that everything has been done and everything has been inspected so we are paying them their full 100% at one time."

The following Blue Claims were submitted for additional maintenance:¹

- | | |
|---|--------|
| 1. Blankenberger Brothers Inc. Wallenmeyer Ditch #481 | |
| 1200LF 15% Retainage due | 126.00 |
| 2. Blankenberger Brothers Inc. Wallenmeyer Ditch #481 | |

¹Copies of Blue Claims to Blankenberger Brothers Inc. included with 6-28-93 minutes.

Drainage Board Meeting
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1200LF (Pay 85%)	714.00
3. Blankenberger Brothers Inc. Hoefling Ditch #481	
2400LF 15% Retainage due	216.00
4. Blankenberger Brothers Inc. Hoefling Ditch #481	
2400LF (Pay 85%)	1224.00
<hr/>	
Total	2280.00

Commissioner Borries: "And you recommend that?"

Bob Brenner: "Yes I do."

Motion made to approve payment by Commissioner Borries with a second by Commissioner Hunter. So ordered.

RE: OLD BUSINESS

Hunter's Ridge

Commissioner Tuley: "We are ready to go on to old business, and I believe that is what these two gentlemen are here in reference to. Hunter's Ridge. There was a discussion about this last month or two months ago. I'm going to turn it over to Don. Don is the one who has been doing the checking."

Commissioner Hunter: "I really appreciate Mr. Easley and Mr. Fuquay being here tonight. The nemesis in my district has risen up again and that is the neighbors in the adjacent subdivision. And for Commissioner Tuley's benefit since he wasn't here last fall, I believe it was the October meeting we had a very, very hot meeting here and at that time Mr. Brenner indicated that he would work with Mr. Easley, who had come on board for the Hunter Ridge 'B'; he hadn't been there for 'A' and would work with the neighbors. And you did that. Then in the November meeting, which I have the minutes here, it was agreed that a number of things would be done, and as a matter of fact, I gather Mr. Easley sent letters to some of the homeowners out there with this. Mr. Easley, your engineering firm?"

Andy Easley: "Yes."

Commissioner Hunter: "And on there you indicated that you would put an additional culvert-a 36 inch culvert on the adjacent subdivision-that you would rip-rap and then I guess you put some kind of concrete over that rip-rap, at least from what I am reading on here it says, 'concrete grouted', and that you would then have a four foot bottom trapezoidal ditch that would empty into that and that you would put Bermuda grass in that ditch. Now, at this point how much of this has been done?"

Andy Easley: "At this point Mr. Fuquay just recently, relatively recently, acquired the property for section 'B' of Hunter's Ridge and I believe he is about to close the loan which finances the subdivision improvements. The off-site drainage was part of the scope of the work as part of the subdivision improvements. Mr. Fuquay is here and can answer any questions and the work has not been preformed yet. It has either been a combination of weather or acquiring title to the land. He didn't want to improve it for somebody else."

Commissioner Borries: "Why were we hearing this then in November? Who owned the land in November?"

Andy Easley: "The Wittekindts."

Commissioner Borries: "Bill Wittekindt?"

Andy Easley: "Yes."

Commissioner Borries: "I tell you, if I had known that, I don't think I would have even voted on it. We don't normally vote, Andy, on something that somebody else owns."

Andy Easley: "You do quite often. Many of these properties, the subdivider does not, he has to agree to the scope of the improvements and in order to get a subdivision approved, and he is doing work that really is, he is putting in another culvert that really should have been put there by the Wittekindts, and he is putting in a trapezoidal ditch that perhaps should have been. It wasn't made an improvement for section 'A' and he is playing catch-up. He will do the work. And again, I don't think anybody has really suffered property damage because of the silt. We do have the silt dams there and they are doing, probably doing, a better job than the Soil Conservation Service men would like for them to do. He said that they are catching a lot of silt. They are presently full and they need some additional silt carrying capacity and some grass needs to be sowed. But we had a wet spring and I think that they are about ready to do the finish grading and pave the street."

Commissioner Borries: "Well, I guess what I'm saying is, when you get these I suppose, you know, you could have a loan procedure or something, but you say you are going to do this, and then we are going to do this, and then we are going to do this and then nothing ever gets done. I suppose that if the loan didn't go through and we end up approving something we would never have any idea of when something is going to finally get done."

Andy Easley: "If something catastrophic would happen to a company who is developing property and they would drop the project, the Wittekindt's still own the land. But some times there are..."

Commissioner Borries: "But nothing would get done."

Andy Easley: "There are delays in the course of doing land development and I don't encourage it but..."

Commissioner Hunter: "I guess our concern here is that there was a considerable amount of dirt that was moved on Hunter Ridge 'B' which basically you moved dirt on land that you didn't even own, or at that point did not own. We approved last November a plan based on that and here it is June the 28th and as far as the neighbors are concerned on the adjacent subdivision, they don't really care who owns the land. They know that prior to Hunter Ridge 'A'-what Mr. Borries, and I agree with him on this-there were no major drainage problems on the adjacent subdivision. And then after that 'A' went in, there was a lot of silting that took place. They would like to see it cleared up. We were made to believe in November 23rd of 1992, after Mr. Brenner had worked with you, 'he' is referring to you, Mr. Easley, (The following is read from the 11-23-92 Drainage Board Meeting minutes, page 5.:

Bob Brenner: "He is responsible for erosion. Which is the thing that we had. Whether he mats it, sods it, something. He has to hold the dirt and it is our request, when you approve this that it be done now. Immediately. Because there is a problem there and we either have to straw bale down the road, to try and keep stuff off of it. We want him to fix it."

Andy Easley: "Well now, ordinarily the improvement would be done prior to recording the secondary...) and so forth. You indicated to us, November 23rd, and Mr. Brenner used the word, 'immediately' and the neighbors felt that it was going to be done immediately and we are now at June 28th and nothing has been done. (inaudible remarks) We promised them. In other words I guess my feeling is to you, that I took you at your word and there maybe all sort of extenuating circumstances but you come before this Board quite often and your credibility is in jeopardy on this project."

Andy Easley: "Well Mr. Hunter, I am not the construction manager on this subdivision, I do not hire contractors, I do not pay any bills. I do not sign any notes with the bank to get the work done."

Commissioner Hunter: "Nor did you tell us in November that Mr. Fuquay didn't own the land that he wanted to have drainage approved on."

Andy Easley: "I'm not sure that..just a minute, do you want to say something?"

Jim Fuquay: "I'm Jim Fuquay the owner and developer of Hunter's Ridge. I think that some of the confusion comes in here in the fact that ever since I have been involved in development, which goes back 7 or 8 years, we always, the developers always, purchase ground subject-in the purchase agreement we put it subject to approval, some type of preliminary approval for the subdivision to make sure that it can be subdivided and can be-we don't want to put out all the outlay of the money until we have some kind of understanding or some kind of indication whether or not that the project will fly. So I mean this is..."

Commissioner Hunter: "Let me read something else Mr. Fuquay. (inaudible remarks) Then you are saying, you see, we are talking about 'A' was where the original problem originated. He was not part of 'A', but he was brought in on it. (The following is read from the 11-23-92 Drainage Board Meeting minutes, page 5.:

Commissioner Hunter: "Then you are saying if we fix 'A' then 'B' will not be a problem? Is that what you are telling me?"

Bob Brenner: "If you put this in for 'B', 'A' will no longer be a problem."

Andy Easley: "This is all part of the primary approval for Section 'B'."

Mr. Brenner: "Right. You see you had some hostile people, really hostile people in here. They are not here. They know exactly what we are proposing and you have no opposition whatsoever.") This issue is not 'B'. The issue is what happened in 'A' and a commitment made November 23rd, 1992, to correct what had happened in 'A' and by approving 'B' we were told the whole thing would happen. We are now at June 28th, 1993, and we still have, from my point of view as a Commissioner, I have a lot of very unhappy residents in the adjacent subdivision who are calling me and calling me a liar because what was promised has not been done. That is the simple bottom line."

Jim Fuquay: "And I apologize as I understood that this was part of Section 'B'. Maybe that.. I didn't realize that this really was something that had to be done in part of Section 'A'."

Commissioner Hunter: "Well this is not what we all agreed to on November 23rd of last year."

Jim Fuquay: "This should have already-Section 'B'-should have already been completed by now if the weather would have been decent even though-the reason the land has not been closed out is because the weather has been so bad. We have had a miserable winter and a miserable spring and we couldn't get our work done and so, we didn't close out on it."

Commissioner Borries: "What this does though, Jim, is put a little bit more fuel to the fire in terms of..."

Jim Fuquay: "I understand."

Commissioner Borries: "...when we start calling for 'as built' plans. See, I probably, I guess to point out I'm sure that there are all kinds of property transactions but you can't say that you are going to do something and then not do it."

Jim Fuquay: "Well obviously I'm going to do it."

Commissioner Borries: "In some kind of timely fashion here. Have you done anything at all out there? Are you telling me at this point then that nothing else has been done from the time of November 23rd until now?"

Jim Fuquay: "No. We have moved some additional dirt. Some minimum amount of dirt. We have moved that. We just started that at the end, when it got dry enough right around the end of March-first of April."

Commissioner Borries: "See, when you begin to move dirt, you're going to begin to change drainage, and it just seems to me that you probably ought to have done some of these things before you begin to move more dirt out there."

Jim Fuquay: "I think Mr. Hunter requested that Darrell Rice from the Soil Conservation Service meet with Andy and I and we looked at some plans out there this past week. There is some silt fencing and some work that-really I think we have got to stop the silt before you even go down there and do this. You know that silt, that soil erosion control plan is still not completely finalized."

Commissioner Hunter: "According to Mr. Rice's letter², he referred to them as failed silt traps-(The following is read from the letter. See footnote #2:

'I reviewed a sample erosion plan and Mr. Fuquay assured me')-I guess I'm questioning here why an erosion control plan hasn't been submitted before now even though by your own omission you have moved considerable dirt in Hunter Ridge 'B'. There is obviously a lot more than five acres has been disturbed in 'A' and 'B' but yet from what Mr. Rice says here there has been no soil erosion plan submitted to him."

Andy Easley: "It is in the process of being prepared. It will probably be done in the next 10 days. The silt traps up until recently have functioned rather well and they are just about full and I think that the grading needs to be completed and the vegetation planted. But there has been an awful lot of inclement weather. It is hilly and has an unusually high content of sand-the soil does-which Darrell Rice will tell you."

Commissioner Hunter: "Oh, I know that, I have walked the whole thing."

Andy Easley: "I think that all we can say, all we can do is apologize, maybe for some scheduling problems and for the weather."

Jim Fuquay: "I haven't been down there to look. I haven't been down to Redgate to see what the situation is. I haven't even been down there to look at it in the last couple of months. If there is silt down there in the ditch and the ditch is full of silt we can go down there with a truck and a backhoe and take the silt out of the ditch and clean it up and then get the silt traps-prepare the silt traps and do some additional work according to the plan and then go down there and put this culvert in."

Commissioner Hunter: "Well that is great. But my question is, 'Why hasn't this been done before now?'. In other words a letter was sent to homeowners in that subdivision saying, here are the things that we are going to do: We are going to make a four foot trapezoidal bottom ditch, we are going to put a 36 inch culvert in, we're going put rip-rap in, we're going to put some kind of grout or concrete over that rip-rap, we're going to put Bermuda grass in the ditch. And these people think that you are great and they think that he is great. Now here we are six or seven months later and none of this has been done, and they think that I am terrible because you haven't done what you said you would do."

Andy Easley: "I regret that, I really do."

Jim Fuquay: "I do too, and I can, I take all the responsibility. It was my understanding when the project-once we start the project in Section 'B' and we are in the process. I haven't put sewers in. I am way behind on this project. I haven't done anything basically but move a little bit of dirt that I thought that was the time we were suppose to do this. I didn't realize, I guess that I was suppose to jump in there and done it last fall. I thought it was suppose to be done in conjunction with 'B' and that is my mistake."

²A copy of the letter sent to Commissioner Hunter from Darrell Rice, District Conservationist, dated 6-25-93 included with the 6-28-93 minutes.

Drainage Board Meeting
June 28, 1993

10

Commissioner Tuley: "We could probably sit here all night. Let's move forward by setting some kind of timetables and some perfectly, as perfectly clear as we can make them."

Commissioner Hunter: "When are you prepared to have all these things that you have committed to on November 23rd, completed?"

Commissioner Tuley: "I think that, that is where we are headed."

Commissioner Borries: "For the record here, do you now own the land, Jim?"

Jim Fuquay: "Uh-huh."

Commissioner Borries: "So it is yours?"

Affirmative response from Jim Fuquay.

Commissioner Borries: "Ok, so now you would have some financial wherewithal or commitment to go ahead and move forward on this stuff?"

Commissioner Hunter: "So can you give us a date of when all these things, obviously this gentleman works for you and he made a commitment based on-do you want to take it out of his paycheck or what, but there was a commitment made and we would like to see it honored."

Jim Fuquay: "Based on the situation out there, and the way the weather has been, you know, I am losing so much time I would like to play it a little safe-put a safety valve in it. I don't want to commit to something and come back here and not be done."

Commissioner Borries: "Well, we are going to hear."

Commissioner Hunter: "We are going to hear about it and I am going to be very honest with you. I'm asking for a date and if it is not completed by that date I am going to ask my fellow Commissioners to submit a letter to the Building Commission requesting that permits not be issued on 'B' until this project is done and the neighbors in the adjacent subdivision are happy again. I am hoping that, it won't come to that. But that is what's going to happen I am afraid."

Commissioner Tuley: "September 1st? That is what he said. Now, realizing that if you have got weather problems or something that delays you we would hope that you would notify us enough in advance that changes can be made by September 1st, if it comes about. Because you can accept responsibility for it and take the blame-the unfortunate aspect, you got three people sitting up here, I wasn't one that voted for it, but you had two others-these two and somebody else who was sitting up here-come November of 1994, next year, your name is not on the ballot box, his is, and that is something that he has deal with."

Commissioner Hunter: "That's right. And you are thinking, I hear your wheels cranking, what do you...?"

Bob Brenner: "I suggest that you make the date the next Drainage Board in August, which would be about the 28th..."

Commissioner Borries: "The last one, yes."

Commissioner Tuley: "In fact, we could ask that you come back on that date and give us an updated report of where you are."

Jim Fuquay: "I would love to do that but I have a commitment. I have to be at a meeting in California."

Commissioner Tuley: "How about Andy?"

Andy Easley: "I can give a report."

Commissioner Hunter: "I would also like Mr. Brenner if he would be so kind-his office to follow through on this."

Bob Brenner: "We will."

Commissioner Hunter: "And I would like to know at next month's meeting what has happened."

Commissioner Borries: "Even though we are in a stormy-weather wise-situation right now, you are moving into the best part of the year obviously, as you know as a builder, to get your stuff done."

Jim Fuquay: "Yeah, I would hope so."

Bob Brenner: "I wouldn't worry about removing the silt, if you put the culvert in the silt is going to leave-right quick."

Jim Fuquay: "In other words if we go put the culvert in immediately and let the silt go, is what you are saying?"

Bob Brenner: "Absolutely, absolutely. Do you agree with that Andy?"

Andy Easley: "I think that the ditch ought to be excavated."

Bob Brenner: "Yeah, but there is no reason to go down and get the silt out. (inaudible remarks)."

Commissioner Hunter: "What about the Bermuda grass in the bottom of the ditch? These are the things that these people were told would happen and all they know is they are sitting there looking at silt and a culvert that hasn't appeared and rip-rap that hasn't appeared and a County Commissioner that does appear, occasionally-and get fussed at."

Commissioner Tuley: "I apologize for the late notice."

Commissioner Hunter: "I really appreciate you two gentlemen coming in, I do."

Commissioner Tuley: "It is just something that we talked about last month and apparently Don is still getting a lot of calls. It was important to bring everybody in and apparently there was some misunderstandings who was going to do what and when it was going to be done."

Andy Easley: "In Mr. Fuquay defense, this does say section 'B' off-site drainage and..."

Commissioner Hunter: "This says, 'if you are saying we fix 'A' then 'B' will not be problem, is that what you are telling me?'-this is my quote. (The following is read from the Drainage Board Meeting minutes dated 11-23-93, page 5.:

Mr. Brenner: "If you put this in for 'B', 'A' will no longer be a problem."

Mr. Easley: "This is all part of the primary approval for Section 'B'."

And we were talking about the corrections of 'A' based on that."

Andy Easley: "Well I don't remember saying that it would be done immediately. In November it is pretty hard to say that we are going to get out..."

Commissioner Hunter: "Right here is the word 'immediately' and this lady is as honest as they come."

Andy Easley: "Alright, then I don't like to have my credibility shaken but I'll hope that you will forgive me on this one but we will-he has got a target date."

Commissioner Hunter: "What was the date that we came up with?"

Commissioner Borries: "August the 23rd."

Andy Easley: "There is a chance that I might be on vacation, what happens then?"

Commissioner Borries: "Then both of you guys submit a report to him so that we can find out-it may be all done and you could save yourself a meeting. I appreciate you coming in."

Commissioner Hunter: "Very much, thank-you."

RE: DISCUSSION OF BURNS INDIANA STATUTE 13-2-22

Commissioner Tuley: "Under 'Old Business' I am reading from the minutes of May 24th, which they have got typed up and there was a discussion and reference to a flood plain ordinance application for variance reference-Hanson Testing Engineering, Eastside Industrial Park location. I think that it was brought up to approve and you reminded us that there was some state law that said that we couldn't do it and you were going to research it and provide that to us?"

Bob Brenner: "Yes, I did. It's State Statute 13-2-22³. What it says in there is that it can not be built under the 100 year flood. The two foot is added arbitrarily by the Department of Natural Resources, there is nowhere, where it is written, in these sample ordinances that they have given to the Building Commissioner, they put two foot in and that is how it gets there. But the law in the ordinance is 100 year, and by the way, when I read through it they have a procedure for appealing it. That is-we don't have anything to do with it. It will be fixed. It is not an item for us. It should have never been sent here. There is a Flood Management Commission."

Commissioner Tuley: "Ok, my question to the other Commissioners then, she has got everything in the minutes but that, do we want to approve the minutes and still have him provide copies or are you satisfied?..."

Bob Brenner: "She has copies of the ordinance."

Commissioner Tuley: "She does?"

Joanne Matthews: "No. I have a County Ordinance and something else attached there. But I do not have the State Statute."

Bob Brenner: "The State Statute gives you the authority to write an ordinance. We have a copy of the ordinance, but the other one is in the book, 13-2-22."

Commissioner Tuley: "So we took no action on it."

Bob Brenner: "We sent it back to them. Which is where it should have gone. We did the right thing. It has to go for a variance before the Board of Zoning Appeals. It is a variance to the County Ordinance."

Commissioner Tuley: "This does not apply to us."

Bob Brenner: "It does not apply, it will not be coming back."

Commissioner Tuley: "Then the minutes need to be approved if somebody is willing to move."

Commissioner Borries: "I will do that, but what does it come out of, Burns?"

³Burns Indiana Statue Annotated Title 13 Environment, Article 2 Water Rights and Resources, Chapter 22 Flood Control.

Bob Brenner: "Burns. Just the County's...Annotated Statues."

Commissioner Hunter: "Indiana Code."

Commissioner Borries: "She has got that. Drainage and Flood restrictions. But she is saying that there is some state ordinance."

Joanne Matthews: "Yes. Didn't he just site, IC..."

Commissioner Tuley: "13-2-22."

Bob Brenner: "All that does is back up your ordinance. It tells you, you can write an ordinance, which you have done. But nowhere does it say that it has to be an additional two foot over."

Commissioner Borries: "Do you have that Joanne?"

Joanne Matthews: "I can find it in the book now that I have the number. Yes."

Commissioner Borries: "With that addition I move the minutes of May 24th be approved."

Seconded by Commissioner Hunter. So ordered.

There being no further business, the meeting was adjourned at 7:45 p.m.

PRESENT:

President Pat Tuley

Vice-President Rick Borries

Member Don Hunter

Cindy Mayo, Chief Deputy Auditor's Office

Bob Brenner, Surveyor

John Stoll, County Engineer

Alan Kissinger, County Attorney


Jim Fuquay

Andy Easley

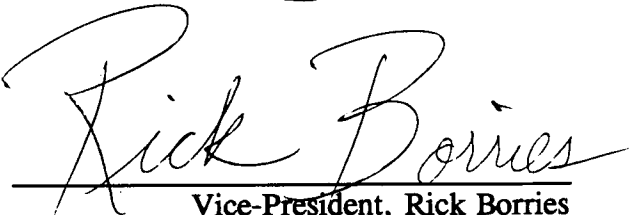
Steve Dragon, Morley & Associates

Joanne Matthews, Secretary

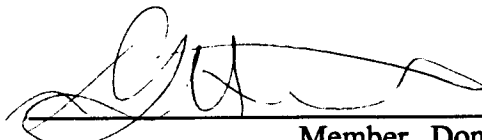
transcribed sbt



President, Pat Tuley



Vice-President, Rick Borries



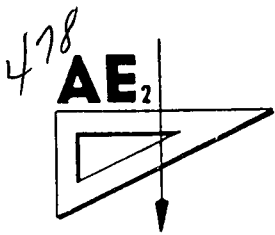
Member, Don Hunter

VANDERBURGH COUNTY DRAINAGE BOARD

JUNE 28, 1993

AGENDA

- 1. Meeting Opened**
- 2. Vogel Rd. Bridge/Plan Approval (County Engineer)**
- 3. Subdivisions/Drainage Approval**
 - Westchester Place - Located on Nunning Rd. southeast of Hogue Rd. (Morley & Associates)**
 - The Villas - Located on Eissler Rd. east of Old State Rd. (Morley & Associates)**
 - Deerfield Section II - Located off of Remington Drive east of Old State Rd. (Morley & Associates)**
- 4. Eagle Slough/Problems experienced as result of Koester Contracting operation**
- 5. Claims/Blankenberger Bros./Wallenmeyer & Hoefling Ditches**
- 6. Old Business**
- 7. New Business**
- 8. Meeting Adjourned**



ANDY EASLEY ENGINEERING

1133 W. MILL ROAD
EVANSVILLE, INDIANA 47710

TELEPHONE (812) 424-2481

CIVIL ENGINEERS
LAND SURVEYORS

REGISTERED IN
INDIANA - KENTUCKY - ILLINOIS
RALPH A. EASLEY, JR., P. E.

November 20, 1992

Mr. James Gardner
1301 Hunter's Ridge Court
Evansville, IN 47711

Mr. Tim Gannon
12701 Red Gate Road
Evansville, IN 47711

Mr. James R. Newman
12625 Red Gate Road
Evansville, IN 47711

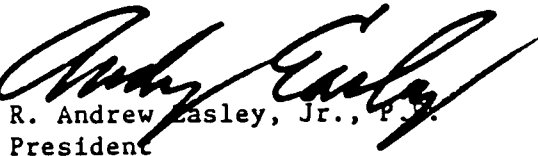
Re: Hunter's Ridge Subdivision Section "B"
Offsite Storm Drainage Improvements

We are enclosing for your information, a copy of the construction plan for subject storm drainage improvements.

If you have any questions on this, please contact the undersigned.

Very sincerely,

ANDY EASLEY ENGINEERING



R. Andrew Easley, Jr., P.E.
President

jw

cc: Fuquay Construction
Mr. Robert Brenner, County Surveyor



June 25, 1993

Don Hunter
County Commissioner
Civic Center Complex
Room 305
Evansville, IN 47708

Dear Mr. Hunter,

This is a follow up letter to our visit on the Hunters Ridge I and II Subdivision and also the downstream Redbud Subdivision.

I met Jim Fuquay the developer for Hunters Ridge and his engineer Andy Easley at the site on Monday, June 21, 1993.

We walked over the site and viewed the failed silt traps. I reviewed a sample erosion control plan and Mr. Fuquay assured me an erosion control plan would be submitted as soon as possible. He also assured me that the proposed erosion control practices such as additional silt fences using approved materials, mulching and seeding would be carried out as soon as possible.

Sincerely,

Darrell L. Rice
District Conservationist
Soil Conservation Service, USDA
12445 Highway 41 North
Evansville, IN 47711

DLR/bb

cc: Jim Fuquay
Andy Easley



A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME BLANKENBERGER BROS. INC.

481

On Account of Appropriation for HOEFLING DITCH 23A-020

Invoice No.	Itemized Claim	Amount
	ADDITIONAL MAINTAINANCE	
	HOEFLING DITCH 2400 LF.	
	TOTAL PRICE = 1,440	
	X .85%	
	\$ 1,224.00	
20-AM-BB-9385	PAY 85% =	\$ 1,224 00
	RETAINAGE	
	15% BAL. REMAINING \$ 216.00	

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just charges, and that no part of the same has been paid.

Steve Blankenberger
Name

PRESIDENT
Title

Date 4-28, 1993

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME BLANKENBERGER BROS. INC. # 481

On Account of Appropriation for HOEFLING DITCH #234-020

Invoice No.	Itemized Claim	Amount	
	ADDITIONAL MAINTENANCE		
	HOEFLING DITCH 2400 LB		
	TOTAL PRICE = \$1,440.00		
	- PREVIOUS PAYMENT = 1,224.00 (85%)		
20-AM-93-15	15% RETAINAGE DUE = 216.00	216	00

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Steven Blankenberg
Name
PRESIDENT
Title

Date 5-5, 19 93

483

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME BLANKENBERGER BROS. INC. # 481

On Account of Appropriation for WALLENNYER DITCH 234-040

Invoice No.	Itemized Claim	Amount	
	ADDITIONAL MAINTENANCE		
	WALLENNYER DITCH 1200 L.F.		
	TOTAL PRICE = \$ 840.00		
	X .85		
40-AM-88-85-93	PAY 85% = 714.00	714	00
	RETAINAGE		
	15% BALANCE REMAINING = 126.00		

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

X Steve Blankenburg
Name
PRESIDENT
Title

Date 4-28, 1993

MINUTES
EMERGENCY DRAINAGE BOARD MEETING
KOLB DITCH
JULY 6, 1993

A special Emergency Vanderburgh County Drainage Board meeting was held on July 6, 1993, at 7:00 p.m., in the Commissioner's Hearing Room 307, with President Pat Tuley presiding.

Commissioner Tuley: "Notice is hereby given that the Drainage Board of Vanderburgh County, Indiana, will hold an emergency meeting on Tuesday, July 6th, 1993 in Room 307, Civic Center Complex, Evansville, Indiana, immediately following the meeting of the Board of Commissioners, which begins at 5:30 p.m. Purpose of said meeting is to discuss Kolb Ditch. Ok. This was called for by Mr. Brenner, the Surveyor, because he declared that we had an emergency and it was something that could not wait until the next scheduled Drainage Board meeting."

Bob Brenner: "We have divided the cleaning of Kolb Ditch into three phases. This basically is a farm field where the ditch has basically disappeared. We laid that out as Phase I. Phase II, is quite complicated. It has three culverts that need cleaning which were discussed in the Commissioner's Meeting. We are going through a subdivision, so we have no place to spread the dirt, so it has to be trucked out. What it is, is just silt that is in the bottom of the ditch, debris, trees whatever. But it all has to be trucked out. That is Phase II."

Commissioner Borries: "It is a shame that within a very close distance that we couldn't truck to those three rather large holes. Just a little side comment there."

Bob Brenner: "I'm sure that we'll find somewhere. Dirt in this low area is at a premium. This gentleman will take it, or they will take it down here along the ditch."

Commissioner Borries: "This is on Mr. Elikofer's farm, old property?"

Bob Brenner: "Uh-huh."

Commissioner Tuley: "The only place that we have got a real problem is through the subdivision."

Bob Brenner: "Is through the subdivision."

Commissioner Borries: "Is any portion of this, a concrete bottom or not?"

Mr. Borries: "No. It is all just the culverts. The culverts through here are all concrete. This one is corrugated metal. Phase III starts south of I64, and we clean it to the culvert at Pollack. We have had an estimate. We will seed this area here because we are disturbing the side banks. Through here we are just dipping silt out of the bottom and we normally kill, we try to kill, the grass and things in the bottom."

Commissioner Borries: "Where do you think this silting process is being caused from?"

Bob Brenner: "It started right at 64, they had a fence and straw bales that caused the backup to us."

Commissioner Borries: "Ok. Does the ditch actually go under 64?"

Bob Brenner: "Yes."

Commissioner Borries: "Is there any determination on your part that there is anything that may be silting in there, or is it clear there under 64?"

Bob Brenner: "No. They put it a foot high. They made a slight miscalculation when they put..."

Commissioner Hunter: "The culvert is a foot higher than the ditch?"

Bob Brenner: "Yeah. It can be dug out. It is inserted in the ground. We will have conversations with the State about them cleaning that out. That is ongoing. There is a lady outside, she was here on Kolb Ditch but she left after I told her what we were going to do."

Commissioner Hunter: "What was her concern?"

Bob Brenner: "She lives on West Point. She is backed up and there is water standing in the ditch. She wanted a concrete ditch. I said if she would be willing to pay her share and we got into what it would cost, and they will live with a little water in the ditch."

Commissioner Borries: "I was going to say, this isn't of course the only reason that we are talking about it. It is becoming a very urbanized area, but it has not been annexed by the City of Evansville. What do you envision will happen when it is annexed by the City of Evansville?"

Bob Brenner: "They will do exactly as they have done with all of them. They will say, 'County, keep them.', because they have found that we do a better job of keeping ditches, because we have a standard maintenance. We have ditches where they pay the whole tab. We assess no one but the City and we go in and clean the ditch and keep their money. It has worked out. When I first came we were able to get them to take them and the ditches that they took have disappeared."

Commissioner Borries: "So when are you going to talk to the State then about I-164?"

Bob Brenner: "About cleaning under 164? We are prepared at this time-we have gone out and solicited a bid from Blankenberger Construction. I have the figure here. The job's a little bigger than I thought it was, but it came in at \$14,888.00 dollars. We can't award it, we are also prepared, we have the specs completely drawn to advertise as soon as possible and bid it."

Commissioner Tuley: "There is money in (inaudible)."

Bob Brenner: "There is \$20,000.00 dollars in the account."

Commissioner Tuley: "And you credit this into next year's?"

Bob Brenner: "Oh no, we will pay it. We will just pay it as soon as it is done."

Commissioner Tuley: "You will just pay it. So we just won't have any money left."

Commissioner Borries: "What did you say about bidding?"

Bob Brenner: "We are prepared to bid it. We can put it out for all bids, we can accept Blankenberger's bid. We can do invitational bids. We can do anything that we want. It is under the \$25,000.00 dollar limit. I am prepared to go either way."

Commissioner Borries: "I would rather, to just avoid any criticism go ahead and bid it out."

Bob Brenner: "We have no problem with that."

Commissioner Tuley: "You said the specs are ready?"

Bob Brenner: "The specs are ready and I am prepared to bid it out."

Commissioner Tuley: "That is with us cleaning the culverts."

Commissioner Hunter: "You say they wanted \$10,000.00 dollars more to clean the culverts?"

Bob Brenner: "Eight thousand."

Commissioner Hunter: "Eight thousand and we can clean the culverts."

Bob Brenner: "Yes, I know that is what I said. We eliminated that from his bid, we included mulching in Phase II & III and most of the area that we are going to disturb is the bottom and I pay people to kill the grass in the bottom of the ditch so we can leave it at that."

Commissioner Hunter: "This is a retention pond in here?"

Bob Brenner: "Yes."

Commissioner Hunter: "This is the one that Bussing-Kattman...now is there any problem with silting in this?"

Bob Brenner: "Not yet, but it will. It is quite deep at the moment because it was a borrow pit for 64."

Commissioner Hunter: "Then they are responsible for that."

Bob Brenner: "They are responsible for that whole thing. And they will never clean it out."

Commissioner Borries: "They won't have to."

Commissioner Hunter: "It will go right on through?"

Bob Brenner: "Yes. It is so deep. It should start catching the silt for us."

Commissioner Borries: "But this one at least works as compared to the other ones I was referring to down here."

Bob Brenner: "Indiana Hill?"

Commissioner Borries: "No, the ones on..."

Commissioner Hunter: "The borrow pits are the big ones. They'll hold water cause they're so deep."

Commissioner Borries: "This one may be deep, I don't know how deep."

Commissioner Hunter: "There is still severe erosion going on along the edges of it, really."

Commissioner Borries: "So much so that, in fact, we really need to inform INDOT on it. It could affect 164. If you are looking from the Pollack side, the southern most pit. It is going to get on their right-of-way."

Bob Brenner: "Ok. How do you like the auto layout presentation?"

Commissioner Tuley: "Is this stuff in your office?"

Bob Brenner: "That is computer enhanced. It does a fantastic job."

Commissioner Tuley: "So what do you need from us, just permission?"

Bob Brenner: "Permission to advertise it."

Motion made to allow advertising by Commissioner Hunter and seconded by Commissioner Borries. So ordered by President Tuley.

Bob Brenner: "As soon as possible we will get it to Joanne. The Auditor's office."

Commissioner Borries: "If you can get it to her by tomorrow, she is pretty fast about getting them in. It will still take you ten days or so, but she will get it in there."

Bob Brenner: "Ok, we will try and make-we can't make the next meeting but we will set it up. We will just call another meeting."

Commissioner Borries: "You don't think that you can make the 26th?"

Commissioner Tuley: "That is the next scheduled meeting."

Joanne Matthews: "If you advertise it twice seven days apart..."

Bob Brenner: "I think that you will find that drainage is different. Once. Once, ten days prior. If we do not make it, we will just call another meeting. It will cost us \$105.00 dollars for your gentlemen's presence here. We understood and maybe there's something that we don't understand, about calling a meeting, but I am suppose to be a defacto member and I can call a meeting and we believe that the notice from the previous meeting is notice good enough to call another Drainage Board. I had some subdivisions that did not make it, they were not prepared by last meeting's agenda, they were on the agenda but did not make it. Both Mr. Morley and Billy Nicholson had subdivisions. Mr. Morley is here and he has his. Billy Nicholson, that is another thing that I need to ask you, in their design of a subdivision they came up with using a road for a retention pond. There is really nothing specific,..."

Commissioner Borries: "Is this the legendary-the one out on the west side?"

Bob Brenner: "No, no, this is Summitt. This is right off Burkhardt Road. It is surrounded by legal drains-three sides. The reason that those legal drains are there, is we dug them because Cherry and Chestnut-the streets that back up to what's the ditch now, did not drain. We got more calls on that then we did on the rest of the city put together. What they were complaining about were their roads were retention ponds and now, you don't hear a word from them. They are in the designing-and it is not specifically prohibited. It is in the city, and I can't come in and recommend it to you. I won't. I would like it not to even come."

Commissioner Borries: "I would feel as you do. Let me just address the other thing..."

Bob Brenner: "Ten houses will have water-guaranteed-they are going to have water in their lawns."

Commissioner Borries: "Let me just say to address your other thing, I know that you are ex officio here as technical advisor to the Board and we have had more than one meeting before, but when you call an emergency for a certain purpose I think that it is different than just saying that we are going to have another meeting. I think that is what happened to us on this."

Bob Brenner: "See that is where we had to advertise it."

Bob Brenner: "I mean, you can call a meeting."

Bob Brenner: "I understand that. I just wanted...they are here I would like to hear them."

Commissioner Borries: "I don't know, based on what the attorney..."

Attorney Alan Kissinger: "Bob even if we hear them, we can't take any action on it tonight. It was not advertised. This meeting was advertised for a specific purpose. An emergency meeting for a specific purpose."

Commissioner Borries: "If you call a meeting every week, we can hear it every week, but when

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you did that, that is why I was asking last week on this emergency thing. It was my understanding that we could handle that, if they can go pending some official action that can be taken on July, later in our meeting, we can do that."

(inaudible remarks)

Bob Brenner: "He lives, he boards it, up against where one of the culverts is backing up."

Commissioner Borries: "I guess that if you want to call a meeting for next week again."

Bob Brenner: "No, it wouldn't make any difference."

Commissioner Borries: "But an emergency puts it into a different status. I can't recall you calling too many emergency meetings. But to me that puts in-I knew we had to take some action on it."

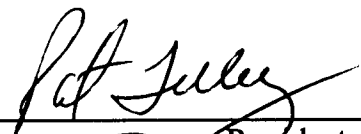
Bob Brenner: "We used to have them every week."

Attorney Alan Kissinger: "The problem is if we give public notice of the Drainage Board meeting, theoretically the public is informed that. But, if we put notice on specifically an emergency meeting then the public has a right to assume that, that is all that will be discussed."

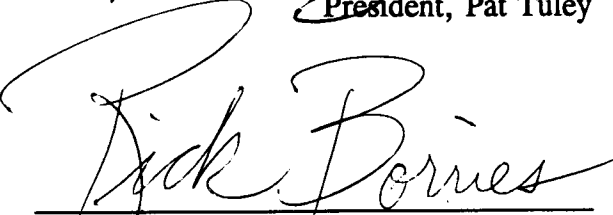
There being no further business the meeting was adjourned at 7:20 p.m.

PRESENT:

President Pat Tuley
Vice-President Rick Borries
Member Don Hunter
Attorney Alan Kissinger
Auditor Sam Humphrey
Keith Poff, Morley & Association
Dan Hartmann
Bill Kattmann
Petro Schutzius
Secretary Joanne Matthews
transcribed sbt



President, Pat Tuley



Vice-President, Rick Borries



Member, Don Hunter

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JULY 26, 1993

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MINUTES
DRAINAGE BOARD MEETING
JULY 26, 1993

The Vanderburgh County Drainage Board met in session on July 26, 1993, at 7:30 p.m., in the Commissioner's Hearing Room 307, with President Pat Tuley presiding.

A motion to approve the minutes from the meetings of June 28, 1993 and the emergency meeting of July 6, 1993, was made by Commissioner Borries and seconded by Commissioner Hunter. So ordered by President Tuley.

RE: REQUEST FOR DRAINAGE APPROVAL

A. The Villas, Deerfield Section II, Deerfield Section III (Morley & Associates)

Commissioner Tuley: "The next things up are requests for drainage approval. We have approximately five or six different areas coming up tonight. I want to start this part of it off by just making a point of observation. I have been a Commissioner a short time, but in the six months that I have been here whenever we have a rezonings or we have Drainage Board meetings and I look out in the audience and recognize people who are not engineers and developers, it tells me that we have some people here that would like to speak to certain issues. You are more than welcome to speak, but we will move along faster and get more done if we keep our comments germane to the problems-not to personalities. We will allow anybody that wants to speak, to speak, as long as we are coming up with new information and are not rehashing the same points. So this will be better for everybody if we can get through this, and get done and hopefully we will walk out of here not mad at each other. The first request up is The Villas by Morley & Associates."

Mr. Hartman: "I would like to suggest that we look at The Villas, Deerfield Section II and Deerfield Section III simultaneous because they are, all related to each other."

Keith Poff: "My name is Keith Poff, I am a staff engineer at Morley & Associates. That map represents the undeveloped watershed basins. We basically have five in this area. We have the developer, who is involved in three separate subdivisions by name-The Villas, Deerfield Section II and Deerfield Section III. Because of the overlap of the legal boundaries and the natural watershed boundaries we are bringing this together as a single plan for the entire area. The area number one, is approximately a thirty acre watershed that drains to the southwest through an existing culvert crossing Eissler Road. The majority of the rest of the property drains to the northeast and then east into Little Pigeon Creek. There are three smaller areas that drain in different directions. The northwest corner, area five, drains offsite to the northwest. Area three currently drains southeast into a roadside ditch, off of the property. Area two drains almost a bowl configuration-it drains into the middle of that south line which would be the north side of Eissler Road. The developed plan which is sheet number two, if you would like to move to it. There are four retention basins being planned for this. Two of those retention basins would be inside The Villas' boundary. Those will take care of a thirty (30) acre natural watershed that drains that direction and eventually drains through a culvert on Eissler Road."

Commissioner Borries: "What kind of event are they designed for?"

Keith Poff: "Twenty-five year. Basin number two, will provide the detention for the natural basin number two. Watershed area number three that used to drain offsite will be redirected and drain into retention basin number four. The basins inside The Villas will provide 110% of the twenty-five year required detention volume. The retention basin number two, will provide 291 % of the twenty-five year retention volume, and retention basin number four will provide 173 % of the required twenty-five year detention volume. All pipes that drain the streets, the yards, the basins are all proposed to be reinforced concrete pipe. I will entertain any questions at this time."

Commissioner Borries: "Mr. President for the record, the staff field report from Area

Plan Commission regarding the Deerfield Section III, indicates that the topography of the area does not support the density proposed. This density could cause problems with erosion, lot drainage, structural stability and could lead to multiple applications for variance. The overall grading plan, erosion control must be filed with Soil Conservation. How do you address some of these concerns, Keith, with 95 lots on this?"

Keith Poff: "As far as the individual lots, we are providing drainage structures close enough in accordance to the ordinance that we do not inundate the curbs with a five year event. The actual pipe design elevations for those structures will be put on to road construction plans brought before the Board of Commissioners at that time. The density for this terrain can be addressed. It is something out of the hands of the developer somewhat. The builders and lot buyers as they come in, have their own ideas about what they wish to do with their individual building sites. Covenants or commitments can be made by the Developer and affixed to this development that can address some of those concerns, but as the engineer I really don't have any comment or any plan at this time to do anything significant for drainage."

Commissioner Borries: "Well I guess that my question is, 'Would you consider instead of a twenty-five year event that you address-you would have to run some statistics here-but we could go fifty year event, one hundred year event?'"

Keith Poff: "Our detention basins will provide in excess of 100% of the twenty-five year. You have 110%, 291% and 173% of those required volumes."

Commissioner Borries: "So in effect then, what would be your estimation? You have to put this in plainer English for me."

Keith Poff: "We have 10% excess."

Commissioner Borries: "What will they hold? They will hold over and above..."

Keith Poff: "Do you want to hear the volumes?"

Commissioner Borries: "I just want to know that they are going to exceed twenty-five years and then I want Dan Hartman to verify those statistics."

Keith Poff: "Retention basin number one is required to have, between those two basins, they are required to hold thirty-nine thousand (39,000) cubic feet of storage. We are going to provide forty-three thousand (43,000) cubic feet of storage. That is 110% percent. Retention basin number..."

Commissioner Borries: "And that is according to a twenty-five year event?"

Keith Poff: "Twenty-five year event."

Commissioner Borries: "That would be the twenty-nine thousand (29,000)."

Keith Poff: "Yes. Well, it is thirty-nine thousand (39,000) and forty-three thousand (43,000). Basin number three is required to have five thousand three (5,300) cubic feet. We are providing fifteen thousand five hundred (15,500). Retention basin number four is required to have twenty-six thousand eight hundred (26,800). We are providing forty-six thousand, five hundred (46,500)."

Commissioner Borries: "And you will submit some 'as built' plans on these?"

Keith Poff: "They are not required by ordinance now, but if,..."

Commissioner Borries: "But, I am asking."

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Keith Poff: "We can if you request them."

Commissioner Borries: "Ok. Have you filed your erosion and control plan?"

(inaudible remarks)

Keith Poff: "No, we have not filed an erosion control plan yet. Until we have street designs more in mind so we can provide final contours. Those have to be filed prior to any construction."

Commissioner Hunter: "I wonder at this time, I notice that we have Soil Conservation Service represented here by Mr. Rice. Would you react to this? I am assuming that you have looked at it."

Darrell Rice: "We haven't received any drainage plans, so I haven't reviewed the drainage plans. I have been on the site, and I just live down the street from this, so I guess I *could* become their worst nightmare."

Commissioner Hunter: "You live near this? That could be interesting."

Darrell Rice: "Yes. They are packing in what, Keith? A hundred and twenty some-odd houses?"

(inaudible remarks)

Darrell Rice: "With Villas, Deerfield II & III. There is one hundred and twenty four (124)?"

Commissioner Tuley: "There is one hundred and forty something."

Darrell Rice: "One hundred and forty-nine (149) lots; on how many acres?"

Keith Poff: "Seventy-four (74)."

Darrell Rice: "Seventy-four acres (74), that's packing a lot of houses in a fairly steep terrain. Erosion control is going to be real critical on a development of this size. I believe that The Villas were presented once before, wasn't it? As a PUD? There are some problems currently with Eissler, of water going over the road now. So the storm detention is going to be real critical. Like I said I haven't reviewed the drainage plan-I didn't receive one."

Commissioner Borries: "This will not be detention now, it is going to be retention."

Darrell Rice: "Yes, it is slowing the water down whether you are retaining it or detaining it. Like I said, I haven't seen the drainage plans and so I don't know if it is permanent water or just detention pools. It is going to be real critical. Case in point, was Mt. Ashley, steep terrain, and it has been a real challenge to get it developed."

Commissioner Hunter: "Both with the retaining of water and if there is a problem with silting then their retention basins will be ineffective."

Darrell Rice: "Right, we've got a call on another subdivision where the detention has, or is currently silting full."

Commissioner Tuley: "No place for the water to go? Is that what you are saying?"

Darrell Rice: "No, it is full of soil now, so the detention is gone. So it is going to be-it needs to be policed and I noticed in the staff review that there was some comments in

reference to that, on inspections of erosion control on each lot before permits were given."

Darrell Rice: "If I could take my hat off now and talk as a person that lives out there. Eissler seems underdesigned for that amount of traffic now, or it appears to be from the traffic. I drive on it every day. And when you add that many people on Eissler Road it could be a problem. It appears, now I haven't run any sizes on the culverts that go along that road ditch but there are some drainage problems along there now. I don't know if this could compound it, or with the detention it might eliminate it. I don't know. But like I said, I haven't seen the drainage plan, I have reviewed the plat and walked over the site, but that is as far as we have taken it."

Keith Poff: "Regarding the existing culvert at the southwest corner of the property, I have calculated that, we have approximately forty-two (42) CFS in a twenty-five year rainfall event trying to cross through that culvert. When we built our basin we will have a maximum under the same rainfall event with only eleven CFS. So we are going to reduce it by almost $\frac{3}{4}$."

(inaudible remarks)

Keith Poff: "When we built our accesses to Eissler Road we will have all new culverts underneath those roadways. That is on the north side. The south side of course, we won't be doing anything. The existing culvert underneath Eissler Road, I assume, is County maintained."

Commissioner Hunter: "Have you disturbed any of the soil on Deerfield II, III, or The Villas? Anything that we are talking about here yet?"

Keith Poff: "Not that I am aware of."

Commissioner Hunter: "Will you have your erosion control plan filed with the SCS, before you start?"

Keith Poff: "It is required by law to be filed."

Commissioner Hunter: "Before any dirt is turned?"

Keith Poff: "Before disturbing soil. Parcels of five acres or greater disturbances."

Commissioner Hunter: "That is (inaudible remarks)"

Keith Poff: "I understand."

Commissioner Tuley: "Is there other people besides Mr. Hartman? Ok, anybody that wants to speak we will call you up one at a time. If you would please come to the mike and state your name and address and speak to the mike so we can tape the minutes. Please."

Odie Carrier: "I live at 425 Eissler Road. I am not going to expound on his statement, except I will say that the road and culvert-they had a study back in '87 when Garrison tried to develop this and it was signed and documented that before any drainage or any of that would take place, or building on there, that the roadway would have to be widened. Because the center part of the roadway is too far south. It is approximately a foot or two foot off the edge of the road on the north that there is no right-of-way. So before drainage or anything should be considered on this point, it should be stated too, that the access on and off Eissler Road back in '87 was signed, guaranteed that before anything was developed in there the road would be widened from Eissler. From Old State all the way down. In effect you will be moving the culvert that is existing now and the

tree lines and everything that would have a lot of bearing to do with the drainage that they are proposing on Villas. The other ones are not a concern of ours right now, but The Villas is the one that I am worried about more than anything. Adding all those homes in there on that steep terrain-you will get blinding lights coming down. They are supposed to put screening up. Of course screening and everything will have an effect on drainage also. Widening the road to accept the extra traffic-Eissler originally was and stated back there it has only been a thirteen outlet access road when it was designed to bridge the culvert. It has been built and is too far south from where it was suppose to be planned in the first place. To sustain all that traffic and the water flow through there, there is going to have to be some serious thinking on the culvert, because of the roadway. For that you will be moving it and you will be affecting a lot more than just water retention. That is all I have got to say."

Phil Pate: "I own from 216 to 308 Eissler Road. I have lived out there for thirty-seven years. My property adjoins the property that they are talking about developing here. They are going to end up running the water down through the ditch in front of my house. There is no place for that water to go. The runoff-you can't tell me that with the lakes that they are planning to build, paving the roads-you are going to have runoff from that. When they started Strawberry Hill Subdivision, I use to hunt and trap back all through there. The first year that, that was in, I had to check traps with chest waders, people with their new homes were standing out there with eighteen inches of water going into their houses. The water has to run west and then south probably two miles before it gets over to the Little Pigeon Creek. It will run all the way behind Petersburg. I have walked all that area, I know it. There is no place for that water to go. As far as this gentleman said here, that bridge was put in ten foot on the wrong side of the easement. We all donated twenty-five foot to the north so that they would widened the road and close the ditches over fifteen years ago, and none of that was ever done. The first thing that they did was put the bridge in ten foot on the wrong side of the easement and then they paved the road."

Commissioner Tuley: "Thank-you. Is there anybody else? Dan, do you want to speak?"

Mr. Hartman: "I have checked the computations and the detention areas and pipe sizes only and what would become of the water after it leaves the area itself I stopped checking because it was out of my realm there. I merely checked for the three areas involved, and they all checked out like the computations said they would. I recommend that you pass them on that premiss."

Keith Poff: "If I may I would like to respond to a couple of the inquires. With all due respect, the adequacy of Eissler Road paved will be addressed by the Board of Commissioners with the set of road plans that are sent in. Of course they would be approved by the County Engineer if there needs to be auxiliary lanes or additions to Eissler Road that can be done at that time. The question of the lights coming from the entrance of The Villas-we've moved that entrance to line up with a property line that actually lines up to two driveways. We have taken some extreme, to make sure that, that didn't happen because when Foxrun was proposed, that was a point in question. The matter of the amount of drainage going southwest along Eissler Road-there is no more than half of this site drains in that direction. Over half of it drains to the northeast and eventually goes into the Little Pigeon Creek in less than three-eighths of a mile. So only half of it actually goes through the Eissler Road area. The culvert at the southwest corner of the property runs northeast to southwest and accesses a ditch along the west side of Old State. One of the Old State sections, I'm not sure which one it is. There is also more ditch that continues on the north side of Eissler Road and does empty, I believe, I don't know the contours, I don't recall which way that it goes, but empties at the new bridge on Eissler Road."

(inaudible remarks)

Commissioner Borries: "Dan, do you have any information at all about the discussion on the culvert? The placing of it?"

Mr. Hartman: "No sir, I have not. You are speaking of the one on Eissler Road, are you not? No. I have no discussion on that."

Commissioner Borries: "I am having some trouble with it."

Riley Winders Jr.: "I live 417 Eissler Road. In plans that I have seen to do with this I didn't think that they were originally planning on widening the road. Which I think that they should, but that is beside the point. I thought that they were planning-which would start about in front of my house-I thought, a deceleration lane that would do something with the ditch or drainage that was on the north side of Eissler Road right now. In front of my house to the entrance that they are talking about, and then there would be an excelleration lane for another one hundred (100) feet on the other side of that. The ditch will be taken away then at those points and I am *real* concerned about what will be done there as far as drainage. I'm looking about in the center of this everyday out my front door, straight up the hill to the top of that. I'm not a professional at all."

Commissioner Hunter: "So your concern is with the deceleration and excelleration lanes, that part of the ditch will disappear? Is that what you are saying?"

Riley Winders Jr.: "Partly, yes. Yes, maybe there will be a culvert underneath there. That will handle water from another area, it will run water through. What about water that is coming straight? Straight down from it? The ditch wouldn't be open any longer to accept any of that. I can't see it going anywhere but across the road and right to me. I haven't really checked the elevations but I live in a tri-level house that has about half a basement in it right now. I don't have any kind of problems there now but I sure don't want them either."

(inaudible remarks)

Keith Poff: "I would like to make one other comment. As far as the amount of water that is actually going to reach the north side ditch of Eissler Road, we are capturing, that is the reason for a drainage plan to show what you are going to do with that developed water, we are capturing probably 90% of the water in this development prior to it hitting the north side ditch of Eissler Road. There is one area, I believe it is labeled area number seven, that will send water directly to that north side ditch. Everything else will go through a pipe system and through either one lake or another, to go to the southwest corner of this development. Everything else will go northeast."

Commissioner Borries: "What are some of the grades on this land? What kinds...?"

Keith Poff: "There are some natural grades there in excess of 10% in some areas. As a whole, it probably averages just under 10%. There are some areas that are as flat as 2%."

(inaudible remarks)

Keith Poff: "All four of them are retention basins. Storage levels vary from two feet to a foot in order to make the twenty-five year requirement. With the emergency elevation approximately one foot above the storage."

(inaudible remarks)

Keith Poff: "No, no, no. The permanent pool has got to be five feet deep. The storage difference is approximately two feet on the larger lake, one foot on the smaller lake."

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(inaudible remarks)

Keith Poff: "Retention basins, yes."

Commissioner Borries: "So in order to clarify here, maybe it is just a matter of semantics between the detention and retention. There will always be some water in the retention, is that correct?"

Keith Poff: "Retention means permanent pools, yes."

Commissioner Borries: "That is right. We are not just detaining water flow, there will be some in there."

Keith Poff: "Yes."

Commissioner Tuley: "All the time."

Commissioner Borries: "And is it your understanding that-who would maintain them?"

Keith Poff: "They will either be maintained by the individual lot owners or Homeowners Association."

Commissioner Borries: "Will that be put on those individual lots?"

Keith Poff: "It will be in the covenants. If it goes to an Association it will be stated so, if it goes to a lot owner it will be stated so on the subdivision plat and the owner's certificate."

(inaudible remarks)

Keith Poff: "I don't know how he wishes to phase this. The Villas will probably be constructed yet this year, possibly Deerfield II, but I don't know..."

(inaudible remarks)

Keith Poff: "For material they will probably be fairly close to first."

Commissioner Tuley: "Fairly close to first? Is that what you said?"

Keith Poff: "Yes, I really don't know what the scheme of it is. Some of the phases may not even involve the lakes. For the first phase."

Commissioner Borries: "That is why I am asking. That is why I am asking for some 'as built' plans."

Keith Poff: "Is that to verify the volumes?"

Commissioner Borries: "To make sure that if there are going to be some changes on this, that we are dealing with a final product on this. It is hard to make decisions. That is why we are sitting here delaying this, on a flat piece of paper, if you know that the thing is going to change on you. Do you see what I am saying?"

Keith Poff: "I am talking about the *phases* of construction. I do not know if they..."

Commissioner Borries: "Yes, that is what *he* is asking about in terms of the size of these things, if you are going to put those in first. If they are going to change, then that changes the whole decision of what we are trying to do here, because these lakes, or these basins, are critical to the whole plan."

Keith Poff: "Ok. The Villas will be an independent subdivision, those lakes will probably be built in the first phase as they start that subdivision. There is no way of getting around those because the only entrance that we have is Eissler Road. For Deerfield II, there are no basins for that area. That is served by retention basins 1 & 2, which will be inside The Villas. The Deerfield Subdivision Section III, I do not know which way he will start but they may be decided by the County Commissioners whenever they discuss Eissler Road improvements. And if he does have to build Eissler Road entrance first, we will have to build that basin down there."

Commissioner Borries: "Well that is another matter we will have to deal with by the County Commission, you are correct on that. I am not aware of any budgeted amounts for improvements on Eissler Road, so that is going to cause us..."

(inaudible remarks)

Keith Poff: "For the erosion control to even work we will almost have to dig the basins first otherwise, you can't effectively do the erosion control. We will have to have some place for the silt to go to."

(inaudible remarks)

Keith Poff: "There is the extreme northwest corner which is less than two acres. It drains offsite and goes into this natural valley and there is one sub-basin number seven (7) which will drain, undetained, into the north side ditch of Eissler."

(inaudible remarks)

Commissioner Borries: "So, you are going to start the Villas first? You are not going to do all of this all at once-I mean you are going to wait. You are going to phase this in?"

Keith Poff: "There are three separate subdivisions. The Villas..."

Commissioner Borries: "How about it if we consider accepting one, and seeing what happens?"

Keith Poff: "Well, because there are three separate subdivisions there are different parties involved with each and of course, they wouldn't like to see their's held up and let the other party go. There is one common owner for all three subs, but there are other partners in some of the subs. We thought it would be best to put this plan together in this manner such that we wouldn't have a legal boundary to dictate where the detention basins would go. We are trying to use the natural locations in order to put these basins in."

Commissioner Borries: "But what you are saying is, that they may not go where you say they are going to go."

Keith Poff: "The basins will have to go. We have a primary plat that is going to dictate where the lots are, the drainage and retention easements on the back of those lots. Because we made this in the natural terrain, we don't have much choice about moving these basins around. They are in the valleys."

Beverly Behme: "The subdivisions that have been submitted are going to be contingent on your approval of the drainage plan. If you change something then they will have to change the plan and they are three separate subs."

Commissioner Borries: "Can they be separated?"

Beverly Behme: "They are separate. They will be voted on by Plan Commission separately. Their letters of credit and cost estimates will be done separately. I guess the

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only reason that they are putting them together for the drainage plan is, they're adjacent to one another. But they will be handled by the Plan Commission as individual subdivisions and they could be developed-each subdivision could be developed in sections, phases, however. So we are not looking at one big subdivision we are looking at three separate subdivisions that will be addressed by Plan Commission as separate subdivisions, with separate drainage plan approvals even though they are adjacent and they may be connected to one another as far as the general plan but they will be handled separately."

Commissioner Tuley: "It is a possibility that we could have construction going on in all three phases even though none of them would be complete? Is that right?"

Beverly Behme: "It is possible. I don't know the development plan but once they get Plan Commission approval they have 18 months in which to record that subdivision. They can do it by two ways, as you know, they can do it by a letter of credit with cost estimates or they could put the improvements in and you can accept the improvements and they can build houses."

Keith Poff: "Once we submit road plans in order to have any phase of any of the subdivisions approved we would have to show our storm pipe crossing of those public right-of-ways. Once we have those we are committed to build the basins that it will drain to. We do not have interconnecting pipe systems that take us to the extremities of our property. We have multiple pipe systems that lead us to ditches that take us to the lakes. This plan is a commitment to build these lakes."

(inaudible remarks)

Keith Poff: "There is one partnership that wishes to develop The Villas with a totally separate development that has it's own entrance and it does not connect throughout the rest of the subdivision."

(inaudible remarks)

Keith Poff: "No, there is one partner that is involved in both sides so he is the controlling partner."

(inaudible remarks)

Darrell Rice: "My concern to Keith was, we were called out on a situation where they were using common drainage between two subdivisions and it's finished construction and now neither one of them-they both contributed silt to the drainage way and neither one of them want to clean it out now. I was wondering how this, being separate subdivisions and different developers would work together or if there would be a conflict in that?"

Commissioner Hunter: "Mr. Rice, who is responsible for submitting the erosion control plan to you, the Engineer?"

Darrell Rice: "The Engineer develops it and the Developer submits it."

Commissioner Hunter: "What I am wondering is, are we dealing with one person or are we going to end up dealing with three separate developers here?"

Darrell Rice: "You will work with a separate developer on each separate subdivision."

Commissioner Hunter: "So we are looking at an erosion control plan for each one, which will involve three different developers."

Darrell Rice: "Is that how it is set up Keith? Is there two developers or three?"

(inaudible remarks)

Darrell Rice: "Similar to their drainage they have kind of conjugated all of their drainage together and their erosion control also."

Commissioner Tuley: "You haven't seen the plans here?"

Darrell Rice: "The drainage plans? No."

Commissioner Tuley: "What you have heard here, does it sound feasible and reasonable that it will work or not? Based on your experience and your background."

Darrell Rice: "As long as the-and Dan has ran through the calculations-as long as the basins are installed, and I would strongly suggest them go in first and then you can do all your erosion control through those basins. If the calculations prove to be correct and the basins are installed correctly and maintained, the detention and retention basins are a great idea. Many times they show up on a piece of paper but never get on the ground and you got a commitment here from the Engineer that they will go in. But they have proven to work very well and the problem that we have got, is the developer many times if they don't correctly install erosion control practices those detention and retention basins can silt full and then you have got a mud hole that is really not functional."

Commissioner Tuley: "You live out close to there so I'm sure that you are going to be very concerned and watchful, I would assume, on what is going on out there. If there are commitments being made here tonight that aren't followed up I am sure you will be one of the first ones to let us know that-right?"

Darrell Rice: "Right. We will be receiving a erosion control plan pretty soon."

Commissioner Tuley: "You as an individual living out there, not just as a SCS guy. You will be watching what is going on."

Darrell Rice: "Oh yes."

(inaudible remarks)

Commissioner Tuley: "That was going to be my next question. I believe that if we specify 'as built' and these ponds go in first,..."

Darrell Rice: "The Building Commissioner has stopped permits for building if things aren't followed through with."

Commissioner Hunter: "Let me ask you another question. It has been mentioned here that Eissler Road has drainage problems along here. Are we going to compound those drainage problems? Do those need to be addressed before we begin to break ground?"

Darrell Rice: "To make a good solid project I would say that those culverts on the north side of the road would be ideal to be replaced because some of them are silted. One of them is silted almost half full. Any additional silt that might run into those could cause some real problems. I don't know the undersizing. Does Rose do a traffic count on that? To see if..."

(inaudible remarks)

Darrell Rice: "So she would determine if the road was wide enough for that additional traffic?"

(inaudible remarks)

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Commissioner Borries: "You have a plan here that people say will work. I think we can put some stipulations on this. I don't know if we can delay it a month to see what is discussed about Eissler Road."

Commissioner Tuley: "I don't know that, that is going to have any bearing on it. If there is a commitment made, then somewhere along the line we are going to have to honor that commitment. But as you have already indicated, you don't know if there is money in there to do it right now, so if we delay it-we might be delaying it a lot more than a month-if that is what you are talking. Until Eissler is improved upon. Right?"

Commissioner Borries: "Yes."

(inaudible remarks)

Commissioner Borries: "I can't answer that. I don't know. The only thing..."

(inaudible remarks)

Commissioner Tuley: "In 1987 there is only one of us that could have been here. I don't know."

Commissioner Borries: "Obviously the reason there would be that stipulation, that there would be some widening, is going to be that there is going to be some homes built in the area."

Beverly Behme: "We have the files on the 1987 PUD."

Commissioner Tuley: "Do you have them with you?"

Beverly Behme: "No, I don't have them with me. I could get the minutes and information and staff fields or anything. I remember that Eissler Road was the major part of the discussion at that time. When the Garrison PUD was going to be developed on this property. I can go down and get it."

Commissioner Borries: "This is not going to be developed in the exact way that they talked about that."

Beverly Behme: "Oh, not at all. No."

Commissioner Borries: "I mean this has changed-hasn't it? Because it is not going to be as I envision it, it is not going to be a PUD the way they originally talked about it."

Beverly Behme: "The PUD is a comparison on the Staff Fields."

Keith Poff: "The area of Foxrun which was the plan (inaudible remarks) development that was filed back in 1987 is now essentially the area called The Villas. We have decreased the density from sixty-six (66) lots I believe it was, to the forty-nine (49). For the same access."

(inaudible remarks)

Keith Poff: "The boundaries of The Villas is less."

(inaudible remarks)

Keith Poff: "There are two separate entrances. One for The Villas and one for the rest of it. But The Villas is actually a smaller less dense development than Foxrun."

Commissioner Hunter: "You are putting forty-nine (49) single dwelling units on thirteen point one eight (13.18) acres?"

Keith Poff: "Instead of sixty-six (66) on fourteen (14)."

(inaudible remarks)

Commissioner Borries: "I would like to see 'as built' plans. I mean there are a lot of grades in there. You are saying in your numbers-and Dan has verified-in certain areas they exceed that, and we keep talking about it but at some point we are going to have to address the fact that we need to get something more than a twenty-five year rain event in our County Ordinances. I'm not sure as our growth continues that I'm satisfied with, personally with, twenty-five years. So you have said that you exceeded that. If we can provide the stipulation that these are going to be built first, that you are going to have 'as built' plans set up that we could verify that these things are going to work, review what needs to be done down here on Eissler Road, I will make a motion that we approve it with those stipulations."

Keith Poff: "Could we clarify the statement about build the basins first for The Villas? I have no problem, we will build the basins the first phase that we go into-The Villas. Deerfield II does not have a basin that services it. Those basins are inside the Villas."

Commissioner Borries: "Where are you going to drain Deerfield II? Where is it going to go?"

Commissioner Tuley: "Back down to The Villas."

(inaudible remarks)

Commissioner Borries: "I guess what I am saying is, before you build on where you say, that you are going to have these retention basins. They need to be in first."

Keith Poff: "I would just like to have the clarifications about when basin three needs to be built and when basin four needs to be built. We should do it by street name."

Commissioner Borries: "They need to be built before-for my clarification-they need to be built before you start a development in Deerfield III and before you start one up here, I guess they are both up here in Deerfield III."

Keith Poff: "Yes, well there is a ridge that cuts this off. This is in it's own watershed area. This is another watershed area here. If we build these lots here I don't mind building this basin but that one would be totally useless."

Commissioner Borries: "That is why we maybe ought to separate the whole thing to begin with."

Keith Poff: "Any lot that touches this basin, we don't have a problem building that. If that is the first phase that it goes into. But, if this is where it goes to, that basin does no good."

Commissioner Borries: "That is why I asked you if we could start this one first, over here and just do The Villas."

Keith Poff: "There are different partners and they would not like to do that. They want to start two sections at the same time. The Villas will start and Deerfield Section II will probably start."

(inaudible remarks)

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Keith Poff: "I would agree to build the basins as soon as they are necessary. Any pipe system that..."

Commissioner Borries: "Would you consider an approval tonight on The Villas as a subdivision plan?"

Keith Poff: "I would be unhappy with it-just that."

Commissioner Borries: "I am sure that you will. We are..."

Keith Poff: "If we could agree to any pipe system. Here is a pipe system that feeds this. As soon as we propose anything that would touch that pipe-these lots, that lot, then we would have to build that basin. If we start there, then we will build that basin. If we start here, we will build this basin. If we start at both ends we'll build both basins."

Commissioner Borries: "But you see that is why sometimes we don't have enough information as to how this whole thing is going to drain. Sometimes you will be able to see that on a map like this."

(inaudible remarks)

Andy Easley: "May I suggest that the Commissioners approve the conceptual design of the drainage plan and then require the developers to submit a schedule for implementation. You want the runoff controlled as the construction of the houses progresses-correct? You want the runoff controlled as the construction of the houses or the development progresses. Let them submit a separate implementation plan and maybe put a stipulation that they not take out any building permits until you have approved their implementation plan."

Commissioner Tuley: "That sounds fine but then how do we control it?"

Andy Easley: "Let the Building Commissioner work hand and glove with you."

Commissioner Tuley: "Can we do that?"

Beverly Behme: "I am not sure that Plan Commission is going to rely on a conceptual plan, as Mr Hunter is a member of the Plan Commission. When the drainage plan is approved Plan Commission then can give approval if it meets all the other requirements. Development could begin the next week if the subdivision is recorded. I think that Plan Commission relies on more than just conceptual plan from the Drainage Board when they are giving approval on major subdivisions."

Commissioner Borries: "You can't go on conceptual on something like this."

Andy Easley: "Between the County Engineer and the Building Commissioner you have enough control to control the progress of the required construction. They have to put up letters of credit and if you know what they are going to record then they would have to have the letters of credit to guarantee the basin for that construction. I don't think that it is that hard to administer. I think that you are making something much more difficult than it really is."

Beverly Behme: "A letter of credit is issued after an Engineer's estimate on what it cost. It doesn't mean that it is going to be put in tomorrow or the next day. That just means that there is money there to put that in if the developer doesn't and then you can record subdivisions. Once it is recorded and addresses are issued nothing can prevent them from getting permits. Once the sewer and the improvements are there. So, it is either way."

Darrell Rice: "Drainage improvements whether they be excavation for ditches or basins,

constructions of curb inlets, manholes, pipes-all those are line items on those cost estimates and they are approved by the County Engineer and they are put on file at the Area Plan Commission office and those are required before they can record those plats. Unless they have everything constructed and accepted by the proper authorities, that is the procedure for sanitary and streets, likewise storm. The only difference is, storm never gets maintained by the public."

Commissioner Borries: "Let me go back to my first question here and then we have got to move on. We have got a lot of other people here. Would you consider a drainage plan approval on The Villas tonight as a separate drainage plan?"

Keith Poff: "Is that my only option?"

Odie Carrier: "I have got a question. When you have gone over your statistics and everything you say that you are only allowing 110% on The Villas and yet you are allowing 173% and more on the other two. Why?"

(inaudible remarks)

Odie Carrier: "Natural terrain?"

Keith Poff: "It would cost more substantially to build the berms up higher to get those increases up above there."

Odie Carrier: "Ok, but what I am saying though, wouldn't it be more feasible to go ahead and increase that, then just allowing 10%? Because if you do have any silt infiltration and fill up, you done lost a lot."

(inaudible remarks)

Odie Carrier: "When we get heavy rains it comes down that hill pretty fast. And with your street plan and everything your drains are not going to catch it all and it is going to go out in the street."

(inaudible remarks)

Odie Carrier: "I think that, that ought to be addressed as far as the Ordinance goes to make sure, because we are going to suffer if they are wrong."

Commissioner Borries: "It is an educated guess at best. I appreciate all that. I am just trying to look out for, at this point a partial start so that you can get started on this so we can see what is going to go in on this. It gives us time to study Eissler Road. It gives us time for you to come back. President Tuley noted-have this Purdue model because I am going to up it. It is not for growth. I know we have to consider right now but what I am saying is Keith, is that at some point we have to with the growth here, we have to address this drainage situation. It probably will work, it is a flat map, we are taking some guesses here. The technical person from the Surveyor's office, the Engineer has said it will work."

Keith Poff: "I would like to point out that all of our pipe designs and calculations that we use-because they are twenty-five year-the HERPICC manual recommends that those are factored by another 10%. All of these are taken into account in our calculations. I don't know if that is true for all designs."

Commissioner Borries: "I am not satisfied even with that. I want to go higher than that. In particularly because of the density that you have involved in this particular situation. It makes it a heck of a lot easier if you have two or three lots rather than ninety some odd lots that you are considering something on this. Mr. President, I would like to move

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that the drainage plan for the area known as The Villas be approved as per recommendation from the County Surveyor's office, Engineer Dan Hartman."

Commissioner Hunter: "I will second that."

Commissioner Tuley: "We have a motion and a second, so ordered. Are you going to address the other two?"

Commissioner Borries: "The other two I would like to have the Surveyor's office and Area Plan if we

(pause due to break in tape)

what commitments that we have in relation to the drainage along-if there is a drainage easement along the Eissler Road. I would like to have a further report back, as to some technical drainage information in regards to the Deerfield whether or not these are going to be started before the plan itself..."

Keith Poff: "If you are asking for a commitment for the basins, I can give you that. If you are asking for technical information you need to tell me what you think that you need."

Commissioner Hunter: "I would like technical information."

Keith Poff: "Such as?"

Commissioner Hunter: "Since SCS is so deeply involved in this and they haven't seen the drainage plans until tonight would it be possible and since you have to submit an erosion control plan to them-could they see the drainage plans for Deerfield II and Deerfield III?"

Keith Poff: "Is that requirement required from every subdivision in the county?"

Commissioner Hunter: "If I had my way the answer would be 'yes'."

Keith Poff: "Could it be part of the Ordinance then?"

Commissioner Hunter: "I would certainly like to see it there, yes."

Keith Poff: "My position is and I don't want to be short with you but, I hate to wait to come to the meeting to find out what I am suppose to have done before the meeting. I bring our plans in to your technical advisor and he reviews those and he brings you the plan and he recommends it."

Commissioner Tuley: "Keith, has there ever been a plan that didn't work?"

Keith Poff: "Yes."

Commissioner Tuley: "Ok, with the recommendations, and I am not trying to be short or smart either, like Commissioner Borries said, these are educated guesses and if they work that is all well and good but the first time that they don't, it's not you, we are the ones that are going to catch the flack."

(inaudible remarks)

Commissioner Hunter: "Is there some reason that you all quit sending the claims to them. Do you have a problem with that?"

Keith Poff: "No. It is really not listed as a requirement and it is something that doesn't..."

Commissioner Hunter: "It is if you have to submit an erosion control plan to him."

Keith Poff: "Currently, yes since December."

Commissioner Hunter: "Yes. Since October first of last year wasn't it-when the law went into effect? Is there some reason-wouldn't it be helpful to him to have the drainage plan?"

Keith Poff: "If he is serving as your personal advisor-yes."

Commissioner Hunter: "I am a non-technical person here, I have visions of this and that grade here, there being another subdivision that we have some major problems with, and the problems haven't yet been resolved. I don't want a second."

Keith Poff: "The action on two or three is tabled?"

Commissioner Borries: "Until next month. Can you get the information-to the Soil and Conservation folks on that-in another month?"

Keith Poff: "Will you be able to address at the end of the month?"

Commissioner Tuley: "I don't see why not."

Keith Poff: "Thank-you."

B. Summitt Place II (Veach, Nicholson & Griggs)

Commissioner Tuley: "Next up is Summitt Place II; Veach, Nicholson & Griggs."

Mr. Hartman: "I have two sets of plans there for you. One showing the subdivision 'as is' and the other one showing the drainage plan 'as is'-as I understand it to be. One is colorfully marked up for you, there is a lot to be added to it as you see. The Surveyor's main objection is the seventy-five foot clearance from the top of the bank of the legal drain to the limitation of the drain itself."

Commissioner Hunter: "How many feet should that be?"

Mr. Hartman: "It should be seventy-five feet in all instances for working conditions and things like that, or no construction shall take place at all. As you see these plans call for almost half of the lot itself."

Commissioner Borries: "Is this along the east side urban drainage area there?"

Mr. Hartman: "Along three sides, yes. All three sides. Now there are certain commitments that can be made here as far as the people maintaining their own ditches and things like that. If that be the case then these dimensions which I have shown here-seventy-five feet-can also be erased then at the same time. These are the various cross sections at these various locations as you see, 'A', 'B', and 'C' here.

Bill Nicholson: "I am with Veach, Nicholson and Griggs Associates. The plan is a fifty-eight (58) unit PUD that was preliminarily approved by the Subdivision Review Committee. The drainage swales were to be built in the area along side of the legal drains. The one on Burkhardt Road, we are asking for a relaxation from seventy-five (75) feet to thirty (30) feet, on the north side a relaxation from seventy-five (75) feet to forty-five (45) feet, on the east side from seventy-five (75) feet to thirty-five (35) feet. That is showing on the subdivision plat here. The area that would be there we have proposed to use as the detention pond area. This would still leave enough working area there that if the ditches have to be cleaned and maintained they could be entered upon during the dry weather in order to do so."

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Commissioner Borries: "How do you address Mr. Hartman's concerns over here?"

Bill Nicholson: "As far as what?"

Mr. Hartman: "Giving up this seventy-five foot easement to forty foot easement."

Bill Nicholson: "The ditches have been constructed and are in place now the one along Crawford Brandies, along Burkhardt Road and Bonnie View Ditch which runs east off of the Crawford Brandies along our north line and then along the east line of the property back to Bonnie View Drive. The ditches are already constructed and/or in place. It is not a large drainage ditch per say, like some of them where you would need the seventy-five (75) foot to get in there for the maintenance."

Commissioner Borries: "That is a pretty deep ditch over here though."

Bill Nicholson: "It is deep right at the north west corner but as you go down to where we purpose this entrance it is only about 2½ foot deep there."

(inaudible remarks)

Commissioner Hunter: "Mr. Hartman, what is the purpose of creating a legal drain in the beginning?"

Mr. Hartman: "So that they can be cleaned out by the County uniformly, the whole length of the ditch."

Commissioner Hunter: "And this is requested by the homeowners or by the farmers?"

Mr. Hartman: "Yes, this is requested by the homeowners and farmers-adjacent property owners-affected property owners."

Commissioner Hunter: "And it was somebody's wisdom that seventy-five (75) feet was necessary to do this adequately?"

Mr. Hartman: "Yes."

Commissioner Hunter: "We are being asked to cut this from seventy-five (75) to thirty-five (35)? There are two or three legal drains that are impacted by this..."

Bill Nicholson: "We are on three sides, yes. When this was farm ground I would say that the seventy-five (75) foot was a minor thing the dirt could be laid back that was silted in, could be laid back on the farm ground and be spread out over the property. The lot actually extends through, into the center of the legal drain. The legal drains are approximately centered along the north line and the east line the legal drain along Burkhardt Road is partially in the right-of-way as we show it there along Burkhardt Road."

Commissioner Hunter: "So, the County would only have thirty-five (35) feet in which to operate and maintain these legal drains, is that correct?"

Bill Nicholson: "Thirty-five (35) except, part of the ditch itself is within that thirty-five (35) feet."

Commissioner Hunter: "That thirty-five (35) feet that we are talking about is actually the homeowners backyard?"

Bill Nicholson: "Except that there would be a fence constructed along this...you can see the dotted line there is a six foot utility easement that lays parallel there and there will

be a fence laid along that side to separate the back of the backyards of these homes from the legal drain and the ditch itself."

Commissioner Hunter: "So now in order to maintain these we will have to negotiate a fence? In other words, now the thirty-five (35) feet on one edge of it now we have a six foot fence."

Bill Nicholson: "Thirty-five feet plus six foot."

Mr. Hartman: "What we have here is, the legal drain then we have a parapet, then a detention pond, and then the property owner, and then the fence and then the property owner there on. There are three different things that take place there."

Commissioner Borries: "I'm trying to envision that. You have that deep ditch and then it gets shallow down here-isn't there a guard rail already down here?"

Bill Nicholson: "Along Burkhardt Road in the deeper part of the ditch it doesn't quite extend down to where this entrance will be."

Commissioner Borries: "But then down here, you have this deep ditch and then what are you going to do? Then you are going to create another ditch on the other side of that?"

Bill Nicholson: "Not a ditch a detention pond."

Commissioner Borries: "So in effect this is going to be kind of like a swale down in there."

Bill Nicholson: "This one is actually the Bonnie View ditch back here. This is the ditch itself, then there will be a five foot berm and then there will be a three-on-one eight foot bottom swale that will form the detention pond along the back of these lots."

(inaudible remarks)

Bill Nicholson: "In this PUD, let me say this, there is a Homeowners Association that will maintain the streets, the storm sewers, the storm facilities within the subdivision. They will also-as a Neighbor Association, and not an individual lot owner-will be the ones that will maintain the detention ponds."

Commissioner Tuley: "They will pay like an association dues to do that and then they will also pay the County for maintaining the drainage ditch. Right?"

Mr. Hartman: "Possibly, yes."

Bill Nicholson: "We can maintain, as far as the maintenance of the ditch itself, we can maintain our side of it but our property lines at the approximate center line of the ditch, we can't..."

Commissioner Tuley: "If you're in the watershed, where that water is running off, whether it butts up against...you maintain it right?"

Bill Nicholson: "It can be worked either way."

Commissioner Hunter: "Anybody whose property empties into it, maintains it, as I understand it."

Mr. Hartman: "As a matter of fact, they allow five feet for that parapet along there and we recommend eight foot for the working area of that parapet along the inner side of the..."

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Commissioner Hunter: "The homeowners are going to maintain their own sewers in this subdivision?"

Bill Nicholson: "Within the subdivision. The only thing that they probably will not maintain is the water lines and the sanitary sewers. They will maintain the streets, the storm sewers, the storm sewer facilities-everything outside of the yards that are fenced in and the front yards. Anything else?"

Mr. Hartman: "Retention ponds? "

(inaudible remarks)

Bill Nicholson: "That is essentially what it is. Yes, and the Neighbor Association will maintain the..."

Mr. Hartman: "Then this side of the ditch then, of the legal drains I should say, the sectional side-the subdivision side, of the legal drain-who will maintain that ditch or that side?"

Bill Nicholson: "That is the detention pond and that will be maintained by the Homeowners Association."

Mr. Hartman: "You have a berm here, now this is the legal drain here."

Bill Nicholson: "The center of it, yes."

Mr. Hartman: "Now, who is to maintain this berm here, sloping toward the legal drain?"

Bill Nicholson: "As I stated before, the Homeowners Association will maintain everything up to the property line."

Mr. Hartman: "The property line being the center of the ditch."

Bill Nicholson: "Wherever the property line is. On the north side and the east side it is approximate center line of the ditch. Yes."

Mr. Hartman: "Ok, that is fine."

Bill Nicholson: "Now, the only thing that we probably can't do if the ditch is silted in, this is something that will have to be taken care of probably-you know about that-that the grade usually the ditch has a set grade on it, which is assigned by the County Surveyor. Ok, if it silts in to amount to anything and has to be dredged or cleaned out then the grade would have to be set by the County Surveyor."

Mr. Hartman: "Grade only. Not the cleaning of it."

Bill Nicholson: "Just the cleaning of it. We can clean up to the property line but we can't take care of the neighbor's side of it."

Mr. Hartman: "They will take the center line of the drainage ditch itself they will maintain and clean and dredge and everything else, cut grass up to the center line of the legal drain. They will maintain all of this in here."

Tony Clements: "That is right. We can't maintain those farmers-we only own half of the ditch-they would have to do their own side."

(inaudible remarks)

Tony Clements: "We pay and I still pay."

Commissioner Tuley: "You pay a ditch bill. Sure you do."

Tony Clements: "I pay a ditch assessment to clean that ditch out. Now I think that we will maintain it, mow it and do all that but I think that when it comes to a major cleaning, that is what we pay..."

Commissioner Tuley: "That is what you pay and that is what they contract to you. I use to be the Treasurer so I know what you're..."

Tony Clements: "I pay right now, right there across the road, I pay five dollars a lot every year on the lots that we haven't sold. I don't have any problems with maintaining everything except the clean out. I think that, that should be done by..."

Commissioner Tuley: "That is what you pay for. That is what I was trying to get at. This legal drain, they pay a ditch bill or ditch maintenance bill or whatever you want to call it at a minimum of five dollars, already. Each homeowner pays that."

Tony Clements: "I don't have any problem with maintaining the mowing and that, but if it fills in, I think that, that should be up to the County which we have already paid for. But part of our restrictions call for us to maintain that whole thing anyway according to the Homeowners Association not an individual owner."

Mr. Hartman: "Again, a five foot parapet is very difficult working off of."

Commissioner Tuley: "So you wanted eight?"

Bill Nicholson: "That would be no problem we could change that with the variable of the back slope on the retention pond."

Commissioner Borries: "What do you want back here? What is your recommendation back here? On this, on the seventy-five."

Mr. Hartman: "Well, it is up to..."

Commissioner Tuley: "If you get the variable that you asked for, change it to eight foot to meet his requirements-is that going to work?"

Bill Nicholson: "Yes. No problem, I don't see any problem with it."

(inaudible remarks)

Commissioner Tuley: "Yes, from the seventy-five back to the thirty-five and forty and whatever it is."

Tony Clements: "Change it from five to eight on top."

Commissioner Tuley: "That's what I'm asking."

Tony Clements: "Can we make that work?"

Bill Nicholson: "We can make that work. Yes."

Darrell Rice: "Where are your easements? From center line of the ditch?"

Bill Nicholson: "It is from the property line."

Darrell Rice: "So your easements are from the center line of the ditch. So you would only have thirty-five (35) feet from the center line of the ditch out to maintain?"

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Bill Nicholson: "Right."

Darrell Rice: "So that leaves you very little for an excavator to move along there and dig out actually."

Commissioner Tuley: "That is why he asked for eight feet."

Darrell Rice: "But to swing an excavator around without hitting a fence..."

Bill Nicholson: "The width of the ditch itself on an average is about eight to ten foot from our property line to the top of the bank. So, the ditch, the largest ditch is along the north side, the least ditch is along Burkhardt Road, it gets shallow as it comes up to where our entrance is. The east ditch I would say starts out up here about five feet and goes to about ten foot of width off of our property line towards the northeast corner."

Darrell Rice: "But they probably maintain that with a trac-excavator."

Bill Nicholson: "Yes."

Darrell Rice: "It takes a large swing to get that around..."

Bill Nicholson: "I don't think that there would be a problem with it. Not with the thirty-five foot and the forty-five foot that we have set aside along the north side."

(inaudible remarks)

Bill Nicholson: "There is an additional six foot easement."

(inaudible remarks)

Commissioner Hunter: "Just from personal experience I would hate to see you relax the easements..."

(inaudible remarks)

Darrell Rice: "Those ditches were levied probably for a reason."

Bill Nicholson: "What?"

Darrell Rice: "The ditches were levied up for a reason."

Bill Nicholson: "I can't answer that. Usually, like I stated before when the ditches are dredged out on farm land, they cast it back and then they come out with a dozer and level it off and that is the reason that, that ground is sort of bowl shaped, that has been leveled off along that ditch and really hasn't been..."

(inaudible remarks)

Tony Clements: "The highest that I have ever seen it, is four feet in the great big ditch over here, when the other side of the road may have been full, there was only four feet of water in that ten foot ditch. That is the most water that ever got in it, that is when-we never get over the road."

Darrell Rice: "Will the water back up your storm outlets or basin?"

Bill Nicholson: "If the ditch is two-thirds (2/3) full."

Darrell Rice: "Would it overflow back?"

Bill Nicholson: "No, it would not overflow on the property. You mean the property side? No. I think it would run out into Burkhardt Road and down that ditch there before it would do that."

Darrell Rice: "Do you use floodgates?"

Bill Nicholson: "We can, but we haven't in this."

(inaudible remarks)

Mr. Hartman: "To prevent this from flooding, these legal drains here, they have put retainers, in these two manholes here. To restrict the water from gushing into the respective legal drains."

Commissioner Hunter: "So where does the water go?"

(inaudible remarks)

Mr. Hartman: "It goes into this green area. The green area is a retention. Twenty-five years, yes. Now in order to visually see we have the proper retention volume, I have recommended that they put in all the adjacent property lines a concrete block at the flow line of the retention ponds. I put them on every property line. To maintain elevations, so if you see the concrete block there you know you have the volume in the retention pond."

Bill Nicholson: "I don't see any problem with that."

Mr. Hartman: "The only problem that we have is when we dredge the thing and we have a eight foot parapet to work off of. Now, if there is a problem there, I think that it is enough, we have used that in the past, but if somebody thinks that we need more, speak up."

Tony Clements: "If it is more than eight foot I can't make the project work, that's all I know."

Bill Nicholson: "The only way that we could do that would be to change the back slopes from three to one to increase it, but the reason for the three to one is so they could maneuver the equipment down in there without any problem. In order to do your maintenance. If you widen that out more than eight foot then we can't get the back slope."

Mr. Hartman: "You can work off a three to one slope. It doesn't have to be necessarily flat like on top of the parapet, which I just asked for. But they could off of a slope three to one, it is possible."

Commissioner Hunter: "By giving this variance are we going to increase the cost of the bidding on the maintenance of these ditches in the future?"

Mr. Hartman: "No, no. They are going to do half of it."

Commissioner Hunter: "That is not what I'm saying. What I'm saying is, if we have eight feet here and there is some question about whether that is adequate or not to bring equipment in are we ultimately going to end up paying this in the future because the bidding on the maintenance of these legal drains would be more expensive because they can't use basic equipment that they have?"

Mr. Hartman: "The first place they are only dredging all of it but they are maintaining half of it."

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Commissioner Hunter: "Are they going to have enough room to operate? To dredge it?"

(inaudible remarks)

Bill Nicholson: "I would like to answer that. The only way that this is going work-they can get the equipment in there to do the dredging, it will have to be trucked out in order to maintain this. You have got the same situation over here on the east side there are lots right up to the creek there and..."

Commissioner Hunter: "That is what I'm driving at. So by doing this we are increasing the cost of maintaining that legal drain."

Commissioner Tuley: "But, who is paying for it? The homeowners are paying for it."

(inaudible remarks)

Commissioner Hunter: "You are going to have to increase the homeowners assessments if there is not enough money in the till to maintain this correctly. And all the homeowners in the end of this..."

Commissioner Tuley: "The homeowners will still be paying a ditch assessment, correct? That will be based on the bid it cost to do it-on their benefitted acreage. It won't cost the county any money. It will cost the homeowner more money."

Commissioner Hunter: "By the variance are we going to increase the cost of maintaining this section of the legal drain?"

Commissioner Tuley: "To the homeowner, we are, yeah."

Commissioner Hunter: "To all the homeowners that empty into that. Not just these but to all of them. That is my point. We are asking other people to pick up an additional tab for what we are talking about here."

Commissioner Tuley: "That is true. It is not just those. It is every one of them."

Commissioner Hunter: "Because if you say that you are going to have to haul the dirt away, out in the county don't they just pile it up along the edge and the farmers spread it out over the fields?"

(inaudible remarks)

Commissioner Hunter: "That is my point, it is going to have to be hauled away."

Mr. Hartman: "I would like to see all these cross sections put on one sheet that I have indicated here, if we should go any further."

Commissioner Borries: "I would like to see a set of 'as built' plans. We need to have a pretty definitive-what you are going to do from that standpoint."

Bill Nicholson: "This sheet here shows the contours, again, you are looking at a flat piece of paper. But if you look at the elevation of the outfall here and then look at the contour you can see the build up and the slopes the way that they are made in there."

Mr. Hartman: "Again, these cross sections 'A', 'B' and 'C'."

Bill Nicholson: "Put right directly on that plan?"

Mr. Hartman: "Yes."

Bill Nicholson: "Ok, there is no problem there. And we will increase your berm..."

Commissioner Tuley: "Increase that berm to eight feet and put that concrete block in there. And 'as built' plans. What other stipulations?"

Commissioner Borries: "This is a PUD, so you will have an association that will be responsible for the maintenance of..."

Bill Nicholson: "Everything within the subdivision except the water lines and the sewer lines."

Mr. Hartman: "The dredging not, but the maintenance, yes."

Tony Clements: "They are requiring us and we have to file these restrictions with the plat which say that."

(inaudible remarks)

Commissioner Borries: "Ok, so we have determined then the eight foot. Dan?"

Mr. Hartman: "That is what we have used in the past and it worked."

Commissioner Hunter: "Where have they used it?"

Mr. Hartman: "Mt. Ashley Road, behind the retention pond before it went to the houses below it."

(inaudible remarks)

Darrell Rice: "But you didn't have a drainage ditch on the other side of it."

Mr. Hartman: "That is true."

Darrell Rice: "Mt. Ashley, what he is saying is that, there is an eight foot top on the dam."

Commissioner Hunter: "Without a legal drain next to it."

Darrell Rice: "Right. (inaudible remarks)"

Bill Nicholson: "...sanitary sewer will come up through this easement here and it will cross, it will be approximately two foot below the bottom of the ditch there and also be encased in concrete."

Commissioner Borries: "Dan, if we get this eight feet, what is your recommendation on that?"

Mr. Hartman: "I would recommend that the plans be approved when the drainage plan is approved. After the drainage plans indicate what I have marked up here in red and yellow."

Commissioner Hunter: "This *is* the drainage plan."

Mr. Hartman: "I know, but the final drainage plan, the print. You can't give this to the Highway Engineer and tell him to go out and build the drainage..."

Commissioner Hunter: "This is what we are being asked to approve right now. This thing laid in front of us."

Commissioner Tuley: "I think that you will recommend approval once the actual plans with those changes have been submitted. Is that what you are saying?"

Mr. Hartman: "Yes."

Bill Nicholson: "And we agree to fulfill his wishes as far as putting the cross sections on, redrawing that block situation and designating where the blocks should be..."

Mr. Hartman: "The volumes here."

Bill Nicholson: "And adding the volumes too. That is in your drainage calculations. But, I can see Dan's point, someplace down the road if the drainage calculations should happen to be lost out of the file there would be still something on file that would show the volumes and the grades of the bottom and so forth that would be on a sheet of paper."

(inaudible remarks)

Mr. Hartman: "That is my recommendation to you, to approve the plan as is, when and if the final drainage plans come in corrected."

Commissioner Hunter: "I don't like passing something off that is not the final drainage plan. I'm sorry."

Tony Clements: "It is the final drainage plan."

Bill Nicholson: "We have the final drainage plans, the only thing that Dan is saying, he wants to get them all on one sheet. We have the information."

Commissioner Borries: "At some point we either have to give approval to this or state what our objections are.."

Bill Nicholson: "But they are not all on one sheet. This shows the drainage areas that are compatible with the drainage areas. Then you've got the cross sections on this sheet and he wants them on this sheet. All we have to do is transpose all this stuff onto the one sheet that shows the contour bottom of the detention ponds and you don't care whether the drainage areas are on there or not. They are in the book here."

Mr. Hartman: "I wish you could show that which I have shown."

Bill Nicholson: "Yeah, whatever you have shown on there we can consolidate that on one plan and have it to you by noon tomorrow."

Mr. Hartman: "Alright."

Commissioner Borries: "With the discussion that has transpired here, based on the recommendation of the technical advisor in the Surveyor's office I move that Summit Place II drainage plan be approved."

Commissioner Hunter: "I will second and ask for a roll call vote."

Commissioner Tuley: "Ok. Commissioner Hunter?"

Commissioner Hunter: "I vote 'No'."

Commissioner Tuley: "Commissioner Borries?"

Commissioner Borries: "Yes."

Commissioner Tuley: "I vote 'Yes'."

C. Darmstadt Heights (Andy Easley Engineering)

Commissioner Tuley: "Darmstadt Heights, Andy?"

Mr. Hartman: "Let me have my say about this Darmstadt Heights first. I want to get off any opposition here. I agree with every calculation there is except the final calculation for the retention pond or detention pond, I forget what it is, and I have some question here about it and I think that I am backed up by other professionals in the area and I think the retention pond is too small for the area that he wants to drain. Thirty point eight two (30.82) acres combined. Andy?"

Andy Easley: (pause due to changing of tape)"This is Boonville-New Harmony Road. This is 41, the 4-H Center-it is land that is immediately west of the 4-H Center. The property just northwest of this little entrance road here drains down Boonville-New Harmony Road, the rest of it drains back here and will flow down to this ditch here. There are no homeowners south of it. These were submitted in the middle of the week and I apologize to Dan Hartman, they were done in a format that we are used to submitting and they were a little bit hard to follow. At the suggestion of Dan, I asked David Savage to look at them and I think that he will vouch that the assumptions and the factors used are correct and proper. We computed the difference between the developed and undeveloped runoff using a difference of two point seven five (2.75) CFS. It requires eleven thousand two hundred and fifty (11,250) cubic feet, which we are going to put an 'L' shaped pond in. It is a wooded area, the lots are very large, we don't anticipate any appreciable amount of silt coming off of it. We will have a silt control plan submitted. Most of it is probably wooded, some grassy meadows. There are two existing houses up on Boonville-New Harmony Road, I understand one of the residents may be present. They will have virtually no change in the amount of runoff they will be receiving. The houses that the development will take place will be on the other side of the ridge. If you follow the contour lines, the development will take of the southwest of the ridge, so they really have nothing to worry about. I would like to, I don't know if it is proper but, Mr. Savage might want to say something now or you can say something later."

Commissioner Borries: "I think that there was some confusion about the kind of pipe that you were going to use in here. What are you going to use?"

Andy Easley: "We originally submitted the following format in Warrick County. They used an ADS pipe. We have changed it and submitted-a reinforced concrete pipe. We revised that. I didn't hear about that until this afternoon, that there was an issue with that. We have reinforced concrete pipe and this retention basin at the southwest corner of the property, and I don't think that it will give anybody any trouble."

Commissioner Tuley: "What was the calculation Dan, that you...?"

Mr. Hartman: "Again, I agreed with everything that he has done except his undeveloped runoff. I do not agree with his developed watershed area."

Commissioner Borries: "What should it be?"

Mr. Hartman: "It should be thirty point eight two (30.82). As the original watershed area. You can't compare unequal areas. You have to compare equal areas. Equal developed, equal undeveloped, and get your result from there."

Andy Easley: "Dan, this hydrograph form which we submitted and attached, if you use it in this manner, like we submitted it, it agrees with the difference between the developed and the undeveloped that is on the front page. I can't..."

Mr. Hartman: "I have always worked with this area of developed and undeveloped as being the same."

Andy Easley: "Well, the way that, that hydrograph is used, if you have a thirty acre watershed and you are developing twenty acres of it, you should be allowed to pass through your-into this stream the amount of water equal to the undeveloped runoff from the thirty acres. That is how that was computed and then you have to hold back the difference between the increase that is going to be caused on the twenty acres. It is a little different in most developments, maybe it is the same. But we thought that we followed the example in the HERPACC and if upon closer examination we can be convinced that it is wrong, we'll make the retention basin larger. But as far..."

Commissioner Borries: "You have got to Andy. He is our technical advisor. We can get all kinds of numbers up here but..."

Andy Easley: "I understand that. Dave Savage will say that I did it in a manner that he approves of."

Commissioner Borries: "We are talking Warrick County and then we are talking something else, and..."

Andy Easley: "No, we're talking about Dave Savage approves what-I was asked to consult Dave Savage."

Commissioner Borries: "I understand that. I just feel that your numbers have to agree with Dan's. That is what he is up here for."

Andy Easley: "Dan told me this afternoon that he didn't understand how they were presented."

Commissioner Borries: "Well you better make him understand."

Commissioner Hunter: "May I ask a question? I don't understand what either of you are really talking about. I have a feeling that we are going to hear from the Jefferies' and Miss Brush because it looks like it drops from 465, the elevation, off of your property down to about 435. But, I have another question, I know that on the east is the 4-H Center, what I want to know is, what is on the south, and what is on the west of this proposed subdivision?"

Andy Easley: "The 4-H Center wraps around the south, it is on the south side."

Commissioner Hunter: "Ok, it goes all the way around the south. Now what is on the west?"

Andy Easley: "There is residential property."

Commissioner Hunter: "No, right here. What is in here? I guess what I'm driving at is, is there any agriculture back in here?"

Robert Dillon: "It is a wooded, some agriculture, a minimal amount back on this back side here. Over in here there is basically nothing except for a field. And the last home is up over in this area to the west of the house (inaudible remarks). That is the only house there are no other houses back in this area. It is a field and in all of this, for the most part, it slopes back to this area here. Including whatever I see downstream. I'm not seeing a bunch of farmers cornfields or anything else down to the other elevations where that water is coming to."

Commissioner Borries: "Bob, will you identify yourself?"

Robert Dillon: "I am Robert Dillon. I am developing this property here."

Jerry Jefferies: "I own the house right here. There is some incline or decline coming down to my house. I am concerned about the road being there and the drains coming down to my house. I have a full basement. So I am concerned about that. If they keep that water and have a ditch here, what are you going to have back there?"

Robert Dillon: "There will be, obviously, what is the culvert out here now, between Mr. Jefferies' and these contours marks that you are talking about. There will be this one home right here, there is an existing home that is there right now, so we are not changing anything on this Lot #2. This is all that we are changing and I think that what I see is from this roadway here, this water is running in this direction all the way up to close to Mr. Jefferies' house here they start falling and going the opposite way. They are not coming to Mr. Jefferies'."

Commissioner Hunter: "Is this part of your subdivision?"

Robert Dillon: "That will be. That will be Lot #1. Yes, sir."

Commissioner Hunter: "And that is a four hundred and sixty (460)?"

Robert Dillon: "That is correct."

Commissioner Hunter: "And that is a four thirty-five (435) right there?"

Robert Dillon: "Right, which those exists right now like that, Mr. Hunter, so I'm not really getting into-we are building a house here."

Commissioner Hunter: "But there is nothing here right now."

Robert Dillon: "That is correct, there is nothing there."

Commissioner Hunter: "My concern is not what's there now, but question is,..."

Robert Dillon: "And that is what I just answered you, is that there is nothing currently on that particular lot. Half of it is going this way and half of it is going the other way."

Commissioner Hunter: "I agree with you, but are we going to increase the flow of the half that goes this way when this ground is disturbed?"

Robert Dillon: "Then we are kind of missing Mr. Jefferies' property here, according to the way I read this. I don't think that it is going to run back across ways. I think that it is going to come down across."

(inaudible remarks)

Robert Dillon: "That is just it. I'm still not saying does it all go to this direction here, or where is that water actually winding up and is there a ditch here so..."

Commissioner Hunter: "You say that there are fields here and grass and vegetation."

Robert Dillon: "Yes, there are some large trees which will stay on that particular piece of property the best that I know. No one would want to take them down."

Vickie Jefferies: "There are not really any trees boarding back in here."

Robert Dillon: "I said that there was a few trees that are standing there. I am not saying that there is a big stand, but there are..."

Vickie Jefferies: "There might be two."

Robert Dillon: "Whatever that is. We are not changing that or taking them down so..."

Vickie Jefferies: "I think that our concern right now is how close this road is coming to the back of our house. I mean it is within approximately forty feet from my back door is where this fifty foot right-of-way easement goes in. And that goes straight down hill."

Robert Dillon: "I thought the Jefferies' lot-I thought that, that house was a little bit closer to the road. I don't want to argue or anything but, I know this is the back of the property and I want to comply with whatever that roadway (inaudible remarks). I just didn't realize. I don't know why that comes into play. I just know..."

Vickie Jefferies: "Because we are scared that when this road goes in if the drainage isn't..."

Robert Dillon: "Well that is fine, but tonight we're talking about the drainage of it."

Vickie Jefferies: "Well that is what I'm saying. When you put this road in-is that going to increase the water flow as it comes down to our house? It is downhill."

Andy Easley: "The water in the road right-of-way, the new road would stay in the right-of-way until it goes down into the ditch."

Vickie Jefferies: "Is there going to be a ditch there? A ditch along the roadway?"

Andy Easley: "There will be a ditch to collect it. No, no-rolled curb and gutter."

Robert Dillon: "No it will not, it is not required in Darmstadt."

Andy Easley: "That is right. There will be a slight-there will be a roadway ditch that brings the water down."

Vickie Jefferies: "So it is going to be like Jordon Lane on the other side? It is just going to be in the road."

Robert Dillon: "The development that I did across the road, Mr. Hunter and other Commissioners, is done so that I have a swale along that roadway and it is also landscaped along the roadway-looks very nice and is not going to let water just rip across this property here to these folks property. I have a concern for them too. I don't want to cause Mr. Jefferies any grief, his wife or Miss Brush. I don't mean to cause them any grief and I certainly..."

Vickie Jefferies: "Where will this pond be? Is it going to be across the street? What is going to keep it from coming down this way on us?"

Robert Dillon: "The ground falls the other way."

Vickie Jefferies: "No, it doesn't. No, that is up hill from us. Where Mr. Hopkin's driveway is now, this is the existing road it comes down..."

Robert Dillon: "You are losing me, because what I am seeing is here is the dividing line, this one-sixty (160)..."

Vickie Jefferies: "Mr. Hunter said that from here to all the way down to our house it is down..."

Commissioner Hunter: "I am looking at the four hundred and sixty foot (460) contour

right here and the four thirty-five (435) down there..."

Robert Dillon: "I think that you should be aware that here is the dividing line cutting across your property for the most part. So part of her property is running in the opposite direction already. How much can I keep from coming onto there when part of it is already going the other direction across the roadway anyway. It is a minimal amount and I don't want them having any problems and I'm not going run the water down the road and dump it into their backyard."

(inaudible remarks)

Cindy Brush: "I own Lot #2 which would be 50 W. Boonville-New Harmony. Which way would the water be running as far as your house is concerned? Will it be running back that way or will there actually be water coming across."

Andy Easley: "You get run off from this property now. This is a 1½ acre parcel, they will probably build, I would think in the west half acre and probably with a little effort all the additional runoff could be collected and taken to this road here."

Robert Dillon: "They don't want the water from the front of their property into the front of their house."

Andy Easley: "They could put a berm along here to guide that water back here but, eventually it has to go where Mother Nature wants it to go."

Darrell Rice: "Shouldn't the drainage swales be shown on it? If you are going to use berms or grading swales?"

Andy Easley: "I don't know that we..."

Darrell Rice: "I mean to make them feel better. Could you do that?"

Andy Easley: "Well, they could stipulate that a berm..."

Cindy Brush: "Excuse me what exactly is a berm?"

Andy Easley: "A berm is a little raised dike. Maybe eight inches to a foot high."

Commissioner Borries: "It is very low, it is over three to one, and it would be grass and filled in. It basically just handles water too."

Andy Easley: "On a 1½ acre parcel if they build up here the additional runoff is minimal. You won't even notice it, you couldn't measure it. You would have no way to measure it unless you collected and ran it in a pipe and ran it through some 'V' notch."

Cindy Brush: "Would you consider that berm to be sufficient enough to prevent..."

Darrell Rice: "You are diverting the water away from your houses, but you are still going to be putting it someplace else back here."

Robert Dillon: "How much does the berm have to be when the four sixty (460) is this close? How much of a little berm are you going to have? Are you going to berm this triangular section of ground here?"

Darrell Rice: "They are wanting a comfort zone to make sure nothing off of the house comes this way. That is pretty minor..."

Robert Dillon: "Yes it is and I want to be reasonable-what do you have to do to

accommodate this little triangle here on runoff of water? So, I don't know whether they particularly want to berm in between the property."

(inaudible remarks)

Robert Dillon: "That is fine, I want to do whatever is right, I want these people to be happy. I don't want to mess with their houses. I don't want to cause their basements any problems. If we look at it and the things that have been discussed here tonight-this is a pretty minor thing that we are talking about the diversion of water off of a ½ acre lot."

Commissioner Borries: "Acre and a half."

Robert Dillon: "But what I'm looking at is a ½ acre because the rest of it is flowing the opposite direction off of this 1.5 acre lot."

Darrell Rice: "But if that would make them feel comfortable I think that I would just go ahead and put it on there."

Robert Dillon: "I want them to be comfortable but I do not want to be held up for additional time to do things, I want them to be comfortable and it is a minor thing to do."

Jerry Jefferies: "Is this going to be dug in some or is it going to be raised up with the road itself?"

(inaudible remarks)

Darrell Rice: "If you guys would feel comfortable with a drainage swale, I would say Mr. Dillon would agree to that. We were talking about the drainage calculations on the basin and Mr. Savage was telling why the difference was, and the way Andy designed it, he designed it as this being developed and the upper part of the drainage area not being developed and that is why he came out with a smaller basin than Dan. I don't know what the future plans for the upper part of the watershed are."

Robert Dillon: "Not to develop. This ground-the person is quite adamant about, that and in about twenty-five years he is going to move back here. This is his father's home and he will (Jr.)-is going to come back and put a home on all that property up there."

Darrell Rice: "Is this all owned by the same person?"

Robert Dillon: "Yes, it is."

Cindy Brush: "This will not be sold then?"

(inaudible remarks)

Robert Dillon: "The barn is going to come down."

Commissioner Hunter: "Let's just assume that Jr. gets sick or gets killed and somebody else decides to develop this undeveloped area, are you saying Dan, that this is not adequate to deal with the undeveloped area?"

Mr. Hartman: "Yes, I am saying that."

Commissioner Hunter: "So at a later date if a set of circumstances came up this would not handle?"

Mr. Hartman: "That is correct."

Robert Dillon: "Do all these contours, Dan, on this piece here that we are not going to develop do all those contours push that water down this?"

Mr. Hartman: "I don't know. I went according to his first total watershed area, three hundred and eight-two (382) acres, and his undeveloped area was twenty-one point thirty-one (21.31) acres. Like I have said before on all calculations I have never used the undeveloped watershed acres. I have always used the total watershed acres and in my case I would end up with about twice as much retention as he indicates he has."

Robert Dillon: "This ground does not all flow back into this watershed. I can not continue to assume what could happen fifty years or twenty-five years down the road. I want to accommodate what I am doing, I'm not in the business of developing somebody else's property. That would be something I would imagine would be done by the person that buys it and tries to develop it. It is three acres."

Commissioner Tuley: "If he doesn't build on that house, Don, he can't subdivide too well-into two houses maybe?"

Robert Dillon: "That is it. There is a one acre minimum in Darmstadt. If he goes to three he is back to a major subdivision and he is back down here again."

Andy Easley: "The increase in runoff from the footprint of a house, it's driveway, and a patio is very, very slight. It is going to be going through this water collection system down to a retention basin."

Robert Dillon: "The thing to say to Dan and Mr. Rice, who we will be seeing is that, downstream from here I don't think there is a lot of things that I could damage even if these educated guesses were off somewhat. There is not residential ground back there, it just continually flows off. There is basically nothing downstream that my little pond down here wouldn't completely retain and I have a lot of friends that are farmers and I don't want to cause anybody any grief because I would pay for it dearly later. He knows what is down there, there is nothing back behind that..."

(Inaudible remarks)

Commissioner Borries: "Dan, what have we got to do to get this thing..."

Mr. Hartman: "Gentlemen, I have here a form set up by HERPICC that says the watershed area should be this much and I agree with that and it has two point nine (2.9) inches per hour which I agree with and I even agree with the runoff coefficients of both of them and I have always used the combined watershed areas throughout the whole thing, the whole graph. I have never broken my stand on using anything but the total watershed area."

Darrell Rice: "What he is saying is, before when he is calculating, he is saying before development there is thirty (30) acres flowing through it and then they use the calculations later after development of only twenty-one (21) acres flowing through it. So they shrunk it."

Robert Dillon: "But there is not another nine (9) acres up there."

Mr. Hartman: "Where did he come up with the thirty...?"

Robert Dillon: "The total ground is only twenty-five (25) acres."

(inaudible remarks)

Andy Easley: "That is for the flow through calculations. What you are allowed to release

from that control structure is the amount of rain that Mother Nature would give it in an undeveloped condition and then the amount that you have to retain, and throttle, is from the runoff from the developed."

Darrell Rice: "But, Bob is saying that there isn't thirty (30) acres and you show-the thirty acres?"

Andy Easley: "My staff computed it and I don't have the 'topo' map with me but I would like to believe that they did it properly."

Mr. Hartman: "Let's let it go then. Let's let it go that way then. It was unchecked."

Robert Dillon: "That is fine, do, but-I'm telling you that is twenty-five acres here."

Darrell Rice: "So, it needs to be recalculated?"

Robert Dillon: "I don't see why, because we are using thirty (30), and not all of that is running back. I have faith in these markings here because they come from somewhere else years ago. But not all of even this twenty-five (25) acres, as anybody can see, is running into that drainage."

Commissioner Hunter: "Why is there a thirty on there? I don't understand this."

Mr. Hartman: "Why put it there if it is not true?"

Andy Easley: "That is what there-is there on that. It is on any legal description that you will come to on that particular property-there is twenty-five acres of development there. There is additional acreage up here."

Commissioner Borries: "So, your point Bob, is that if there is twenty-five acres, if they calculated on thirty, will this hold it or not? Would the basin then be adequate or not?"

Mr. Hartman: "No, it would not be adequate. No."

Andy Easley: "He is not increasing the runoff on thirty acres. He is not increasing the runoff on the thirty acres."

Robert Dillon: "He only has about twenty-five counting this acreage up here that we were assuming somebody could build on down the road. Of actual development if you add up all of these lots back in here you are going to come up with twenty-one, close to twenty-two acres of developed ground, and then when you add this on, that is where I would come up with, like I said earlier, about three acres which would take it up to twenty-five plus-or-minus a fraction."

Mr. Hartman: "I will say this, I can not find out, I can not check this twenty-one point thirty-one (21.31) developed acres. I can not find that."

Andy Easley: "If you add up all these things you get twenty-one. All those acres on the lots."

Mr. Hartman: "I can not find it. Again, I would have to do that. That should be done for me. That should be done for me. I'm not..."

Robert Dillon: "It is done, isn't he basing it on that twenty-one acres of runoff?"

Mr. Hartman: "What is this?"

Robert Dillon: "I have no idea. I am just saying that there is twenty-one acres here and

out of all of that-the twenty-one acres-not all of it is running off here. This lot here, which is Lot #2, we are starting to slope back the other way. Along through this area here."

Mr. Hartman: "May I suggest, I find myself another free consultant engineer who can verify the figures that Andy presents and verify the figure that I present and compare the two and get a final answer accordingly?"

David Savage: "The basic question is, Dan is coming up with his number correctly and Andy is coming up with his number correctly, the question is, assuming, and his calculations show that there are 10 acres that drain into this area that is outside of the developed area-I don't know if that is right or not, but that is what the calculations show. If you want to make them retain enough water to handle development on that 10 acres, then go with Dan's number. If the 10 acre water-if it were developed would be handled later, as part of that 10 acre development-then go with Andy's original number. That seems to be the question."

Commissioner Hunter: "So there is thirty acres?"

David Savage: "There is indicated thirty acres on the drainage calculations that come-ten extra acres that come into that area from outside the developed area. I don't know if that is right or not."

(inaudible remarks)

Commissioner Hunter: "But there are thirty acres in the watershed. Is that what you are saying David?"

David Savage: "That is what the calculations indicated."

Commissioner Hunter: "A watershed is an area that drains a single place and that Engineer says somewhere here that there are thirty point eight two (30.82) acres."

David Savage: "In the total watershed. In the developed area of the watershed it is twenty-one acres."

Commissioner Borries: "We have got to get these numbers to agree someway. It looks like to me, if we can get this resolved here in terms of Miss Brush's concerns and..."

Andy Easley: "I think that I may have discovered a fallacy in something. Look at this. Someone has written three point one three (3.13) acres offsite. He has got nine and ten. If you add these together you are getting twenty-one. I don't know why they-it is a little embarrassing-but I don't think that the thirty-one ever existed. I think that we have only got the twenty-one acres, period. We did on the first sheet, we computed twenty-one point thirty-one (21.31) acres of undeveloped and then we computed twenty-one point thirty-one (21.31) acres of developed and we got this difference of two point seven five (2.75) CFS. Just throw this out and we have a pond that will take the required detention. If I may request, you want to get on with this meeting, how about approve them and let me submit to Dan, I will go back and look at this twenty-one (21) verses thirty-one (31), but I don't believe that the thirty-one exists. I think that somebody grabbed something in a hurry in my office and they shouldn't have been using that number. I know the area pretty well, now that I look at it on the map I think that is correct. So there is only about twenty-one acres there. We have a retention for the difference of the runoff between twenty-one."

Mr. Hartman: "I think that is what we ought to do. We ought to re-submit..."

Andy Easley: "We would like to make the next Plan Commission meeting if at all possible. A month this time of the year is very valuable to a developer and there is not

that much water at stake here."

Cindy Brush: "Then when will we be notified?"

(inaudible remarks)

Commissioner Borries: "I don't know how we can be fair to anybody on this. Let's go back through here, Bob, what are you going to do on the road here? Is there going to be a drainage ditch along here somewhere?"

(inaudible remarks)

Commissioner Borries: "I just want to-to insure them."

Robert Dillon: "Whatever it takes to insure them of that, that's fine with me."

(inaudible remarks)

Commissioner Borries: "Folks? We need to resolve this here."

Commissioner Hunter: "We may have a whole new set of prblems,...because notices haven't been received yet."

(inaudible remarks)

Commissioner Tuley: "So, it doesn't matter, is that what you are saying? I mean if they don't have them today. I don't have a question about that. But we are already at eight days before your next plan, they are both standing there saying they don't have them."

Commissioner Borries: "Whose job was that? Andy, was it your's to mail them out?"

Andy Easley: "Our office."

Commissioner Borries: "The Jefferies' and Miss Brush-have we addressed your concerns here at this point?"

Vickie Jefferies: "Yes, I think so if we can agree to a little swale there or something to keep the water off of our property."

Commissioner Borries: "Mr. Dillon has agreed to that."

Cindy Brush: "Who will decide what the specs will be for that, as far as satisfying..."

Commissioner Hunter: "Will Mr. Dillon be willing to work with Mr. Rice on that?"

Robert Dillon: "I would be glad to."

(inaudible remarks)

Commissioner Borries: "Have we addressed your concerns on that?"

Cindy Brush: "Yes."

Commissioner Borries: "What's left is-we can't verify that we have some legal requirements."

Commissioner Hunter: "We are going to have legal requirements there is no question, it is the loss of..."

Commissioner Tuley: "It is lost for another month.

Commissioner Hunter: "That's right."

Robert Dillon: "If that indeed is the case, it is still kind of redundant that we come back here if we can handle this and get this squared away. Redundant and time from all of you men just sitting up here to go through this process again. It is time consuming for me and everybody else. If indeed I am done on the other one..."

Commissioner Hunter: "Since there is some question about the calculations, I'm not sure that we are done."

Robert Dillon: "I don't think that there is really any question."

Commissioner Tuley: "With looking at the other map, I think that if somebody on his staff picked up the wrong number and caused this much grief..."

Commissioner Borries: "I think that they are big lots and the way the drainage falls from here, I think that we have got to get these figures to agree, but, I don't see any objection to the point if as big of lots as they are, that this is not going to work."

Mr. Hartman: "I agree with him. All I am saying now is the fact we need a bigger retention pond. That is all I am saying."

Commissioner Borries: "Let's determine the size of what we are trying to figure. That appears to be the problem. We are trying to figure something that is based on the size for twenty-one acres, can we agree to that?"

Mr. Hartman: "No, based on the size of thirty point eight two (30.82) acres."

Commissioner Borries: "Then we are off again. We are back to the same... they are saying that it is twenty-one, we are saying that Andy made a mistake, then."

Mr. Hartman: "If it is a mistake, then it is a different thing then."

Commissioner Borries: "Is that what you are saying, Andy? That there was a mistake here?"

Andy Easley: "Yes, there was a mistake there, I think that the thirty-one figure came from the three point one (3.1) offsite."

Commissioner Tuley: "It was picked up in error."

Mr. Hartman: "Fine, fine. I wish you would compute for me again the developed for the area we are talking about and also give me some different runoff coefficient factors. If they should be affected."

Andy Easley: "They won't be affected, the 'C' [runoff coefficient] won't be affected."

Mr. Hartman: "Ok, fine I thought maybe it might be affected, the runoff, the intensity, time of concentration might be changed and so forth."

Robert Dillon: "Mr. Hunter, Mr. Borries, Mr. Tuley there is twenty-one acres. There is nobody downstream. There are two couples here who I will work with and take care of whatever problems-minor problems-that could happen up here. Mr. Rice, I don't know why we need to belabor this anymore. There is nothing back there on the back of this property for me to harm, there are not fields down in the back of here for me to flood. (inaudible remarks) All I'm wanting to do is come up here and comply and I'm not

trying to do anything back there. I know the ground, I live here. I have developed the ground across the road and I have no problems there."

Commissioner Tuley: "Do his calculations of twenty-one acres work?"

Mr. Hartman: "I don't know, I stopped immediately when I found the discrepancies right there."

Andy Easley: "Mr. Savage has looked at the figures for the twenty-one and has said that they will work."

Commissioner Borries: "Based on the twenty-one acre calculations I would like Mr. Hartman and Mr. Easley and Mr. Savage if necessary, if he is involved here, figure based on the Soil Conservation person working to establish proper drainage berm on property to the north, I would move that the Darmstadt Heights drainage plan be approved."

Commissioner Hunter: "I will second it."

Commissioner Tuley: "So ordered."

RE: REQUEST TO DRAIN NON-CONTACT RETORT WATER

A. Ameriquel Foods Inc. (Dave Rector)

Commissioner Tuley: "We still have a gentleman sitting here that we haven't heard from. Ameriquel Foods, Mr. Dave Rector. I am going to assume it has to be you."

Dave Rector: "I am the plant manager for Ameriquel Foods. The reason that I am here tonight is to request to take our retort drainage water into the new south drainage pond at the plant, and they are going to make a correction please, it is not to the Maidlow Ditch it is to Pond Flat Lateral 'D'-(inaudible remarks) maybe some explanation around what this water is, and retort to help you understand the process. The food is processed in the kitchen and packaged in the kitchen and sealed in the kitchen. From there it goes into containers into these vessels like this. The upper chamber is filled with water and the lower chamber then is closed and sealed. The food is in the package already sealed up. The water comes up this chamber and goes into the lower chamber where it is heated up. That is what cooks the food, and gives it the shelf stability, killing all the microorganisms. After that point, cold water is introduced, shoving the hot water back up into the upper chambers, where we use it again and then that water is drained, currently right now, into the sanitary sewer. What I would like to do and hopefully help two cases here is, one, will help the sewer department that they say eventually one day that, they are going to tell me I am giving them good clean water that they are having to treat at the pre-treatment plant. And quite honestly, if I could get credit on this, I can save quite a bit of sewer bills and make us more competitive. To show the quality of the water, here is a comparison from Nalco Chemical that shows city water and the retort water draining from us-it's virtually the same. We are talking good clean water no chemicals or bacteria or anything in there that would harm the drainage ditch when it does go into it. In trying to cover the bases in this, I have talked with Mr. Rice and he has not seen the plans but I have talked with him, talked-on his suggestion-with Gene Wilzbacher who is an adjacent property owner for farming and Gene Rexing and Fred Creetch who is the manager for Southern Indiana Properties-the industrial development-that our plant sits on. I did walk the ditch also, on Mr. Rice's suggestion, and it looks like a good clean straight ditch. I have talked with Jim Cameron with the Evansville City Water Department to review the meter that I am wanting to put in to get the credit from the sewer department and Tim Birkmeier and John Biasini there. And last but not least I have talked with Mr. Hartman to review this plan with him. One of the things that Mr. Hartman wanted to see and I think is in his files from before is the original-the pond that

you see there is actually smaller than the actual pond we do have. That is the calculations that were turned in initially when we constructed that pond. They show that the..."

Mr. Hartman: "This represents what they are turning in there eight times a day. It is relatively nothing from the plant. Point thirty-six cubic feet per second goes into this pond. Now, this pond is still restricted by the orifices at the other end so, regardless even if they should be over, if it should overflow, the pond itself is restricted by that orifice. And the orifice goes into the drainage ditch there."

Dave Rector: "To give you some idea of how much larger the pond is than what was needed, your calculations show that we needed six thousand seventy-six (6076) cubic feet. I constructed that pond for nothing more than asthenic reasons we thought it would look better in front of our building at fourteen thousand seven hundred (14700) cubic feet which is eight thousand six hundred twenty-four (8624) cubic feet larger than what we needed. One retort load holds six hundred twenty-two (622) cubic feet of water. According to what product that we are running, we can go through twenty-one to thirty-five retorts loads a day. I plan as the flow sheet indicated here to also put in a drywell that I will use this water to do lawn sprinkling with and thereby avoid water charges for the lawn sprinkling and the sewer charges because it goes onto the yard. That is going to remove another thirteen hundred and forty (1340) cubic feet from that pond all of this I am saying is just creating the excess that we will have and we will need to put the retort water in and I think Mr. Hartman agreed. I also came up with a point three seven eight (.378) cubic feet per second. That is assuming that the pond is totally full we have the rain and the water is going in and going straight on out it is a point three seven eight (.378) cubic feet per second. Before it goes to the pond it will come from the retorts and go to a sump first that holds three retorts loads full. I also have contingency plans if for some reason that this would fail. (inaudible remarks) I'm not sure what is going to happen come wintertime putting the water into the lake. I just want to have a contingency plan for January or February (inaudible remarks) The only time, and I know that this is not your concern, but the only water that I will be getting credit on is the water that actually goes through this meter into the ponds. (inaudible remarks) With that if I can answer any other questions I will be glad to. I think that you have calculations before you."

(inaudible remarks)

Commissioner Borries: "What do you recommend Dan?"

Mr. Hartman: "I recommend that we wholeheartedly approve it."

(inaudible remarks)

Commissioner Hunter: "I move that we approve the request to drain non-contact retort drain water into Ameriquel drainage pond and retention and then into Pond Flat." [Lateral 'D']

Seconded by Commissioner Borries. So ordered by President Tuley.

Commissioner Tuley: "I would like to change the agenda. Under 'New Business' we put 'Old Business' on there from Monday night as well."

So moved by Commissioner Borries and seconded by Commissioner Hunter.

Commissioner Tuley: "The next request for Drainage Board Meeting will be on August 2, 1993. Which is where we are going to transfer the 'Old Business' to. So we will have for next week's meeting, there will be a schedule bid opening additional maintenance on Kolb Ditch, which was advertised for July 14, and 21. We will also check on the status of the revised drainage code based on the Purdue Model and we will do the cutoff date


for submitting drainage plans for checking and recommendation by the County Surveyor prior to being placed on the agenda for approval by the Board. So all that is 'Old Business' is now going to be business that will be conducted Monday night on August 2nd. Yes. Is that alright with you Dan?"

Mr. Hartman: "Very much so. I agree."

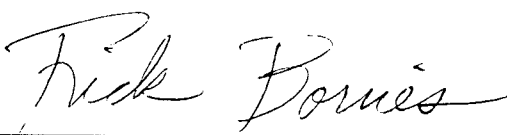
There being no further business, the meeting was adjourned at 9:57 p.m.

PRESENT:

President Pat Tuley
Vice-President Rick Borries
Member Don Hunter
Sam Humphrey, Auditor
Mr. Hartman
Robert Dillon
Andy Easley
Keith Poff
Dave Rector
Philip Pate
Darrell Rice
Jerry Jefferies
Vickie Jefferies
Cindy Brush
Joanne Matthews, Secretary
transcribed sbt



President, Pat Tuley



Vice-President, Rick Borries



Member, Don Hunter

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MINUTES
DRAINAGE BOARD MEETING
AUGUST 2, 1993

The Vanderburgh County Drainage Board met in session on August 2, 1993, at 6:40 p.m., in the Commissioner's Hearing Room 307, with President Pat Tuley presiding.

RE: AUTHORIZATION TO OPEN DITCH MAINTENANCE BID

Commissioner Tuley: "First item up is the authorization to open bids, reference Kolb Ditch maintenance. Someone has received those bids. Do we have permission to open it?"

So moved by Commissioner Borries, with a second by Commissioner Tuley. So ordered.

RE: DRAINAGE APPROVAL REQUESTED

A. Weslake Subdivision (Veach, Nicholson, Griggs)

Commissioner Tuley: "We do have on the agenda, item number three, which is a drainage approval request for Westlake Subdivision; Veach, Nicholson, Griggs."

Bill Nicholson: "We had received approval on this and the eighteen months elapsed by not recording it."

Commissioner Tuley: "So, it has already been here and it's already been approved. You had eighteen months to act on it and you haven't done it?"

Bill Nicholson: "It was approved in 1991."

Commissioner Borries: "Let's go through it again, to refresh my memory, please."

Bill Nicholson: "I don't know if you are familiar with the old Weslake swimming hole. There were two lakes on there. Using those lakes with a modification of the outlets to control the drainage from the pool to the (inaudible). We have the volumes storage, two point one (2.1) acres on the smaller lake, and point zero eight (.08) on the larger one. The reason for that is, there is a much larger berm (inaudible) between the top of the dam and the normal pool of that lake. We have faster runoff in this area that we can control."

Commissioner Borries: "How many lots are...?"

Bill Nicholson: "There are five (5) lots."

Commissioner Borries: "These are big ones. Six acres on one of them? Looks like you are even going to have your own field bed system at that point."

Bill Nicholson: "Yes, right."

Mr. Hartman: "I approved the calculations back in 1991 and I haven't change a bit. I recommend that you approve it."

Commissioner Borries: "Mr. President I move that the five (5) lot Weslake Subdivision drainage plan be approved."

Seconded by Commissioner Tuley. So ordered.

RE: READING OF BIDS

A. Kolb Ditch Maintenance

Attorney Keith Rounder: "The bid from Woodward Backhoe was twenty-five thousand dollars (\$25,000.00), and accompanying is a Public Works Bid Bond from Amwest Surety Insurance Company in the amount of twenty-five thousand dollars (\$25,000.00).¹

Commissioner Borries: "Bob, do you want to issue this contract today or do you need to review this at all? Since this is the only bid received."

Bob Brenner: "We can't. We don't have that much money. There is, like, seventeen thousand dollars (\$17,000.00) in the account. We had a hand-in bid from Blankenberger for, like, fourteen thousand (14,000). We reduced the job considerably since then."

Commissioner Tuley: "What are we going to do about the problem?"

Bob Brenner: "We don't have the money. There is no way I can let that bid."

Commissioner Tuley: "I understand. So, what do we do from here?"

Commissioner Borries: "You will either have to readvertise-I don't think that you want to take that hand-in bid."

Commissioner Tuley: "I don't think so either."

Bob Brenner: "Now you can't."

Commissioner Borries: "No action. I will make a motion then in the affirmative. I move that the bid regarding Kolb Ditch maintenance be approved in the amount of twenty-five thousand dollars (\$25,000.00)."

Seconded by Commissioner Tuley with a request for a roll call vote.

Commissioner Borries: "I vote, 'No'."

Commissioner Tuley: "I vote, 'No'. The motion is denied."

RE: OLD BUSINESS (CONTINUED FROM 7-26-93)

A. Status of revised Drainage Code-Purdue Model (continued from 3-22-93)

Commissioner Tuley: "Under 'Old Business' continued from last week, I think that we need to understand where we are at. Remember that we have talked about this, Jim? I think that you had been in on some of these discussions of the revised Drainage Code. Are we going to work on that or can we get some people together? We talked about it, it looks like on March 22nd. We need to make some changes-get something that we can all work with and live with."

Commissioner Borries: "Do you have any comments on this David?"

(inaudible remarks)

Commissioner Borries: "I certainly concur. We have talked about it. We do need to, Mr. President, move forward on this. As more growth occurs all the time-you see what has happened in the record flooding along the Mississippi-referred to earlier-hopefully that will never happen here, but whatever happens it seems like with the growth that is there we just seem to run into more and more concerns with this. So, I would like to involve a pretty broad based committee, but certainly as technical advisor here, the Surveyor's

¹Copy of Public Works Bid Bond from Amwest Surety Insurance Co., in the amount of \$25,000.00 for Woodward Backhoe Services included with the 8-2-93 minutes.

office needs to-in my opinion-if we can move forward on this. We need to do so. I certainly think it deserves at this point, serious consideration. We just have to do it."

Commissioner Tuley: "So where do you want to go from here?"

Bob Brenner: "You have an option. Purdue has given us a sample ordinance which they think will fly for anywhere. It is a fill-in your county name. The City of Newburgh took Purdue."

Jim Morley: "I would like to make a comment. You know the last time we had our committee together-three, or four years ago-we had the committee and it was obvious that it was going to take a lot of time to really do a good ordinance. This was before Purdue published the Model Ordinance and before the work on the Newburgh Drainage Ordinance. At that point in time it became obvious that Bob didn't have the time to spend on it with staff from his office. The City Engineer was not able to do very much and as a volunteer member of the committee, I reported to the committee that, there was no way that I could perform the amount of hours needed to get together an ordinance. I felt that the Commissioners and the Board of Works ought to work together on hiring someone to prepare it, if they didn't have the staff to do it. Since that time you have got the evolution of a couple of ordinances. Here, you may have more time out of Bob's office-the ability to put things together, and now have the benefit of these to work with. One of the things that we have..."

Commissioner Borries: "What is different about the Newburgh Ordinance and the Purdue Model?"

Jim Morley: "It has got some methods of submission of plans and details of certain standards of certain 'in-sections' and grates and defines certain castings and so on that are commonly available to apply as standards in the preparation of the design drawings. It contains in addition to the ordinance end of it, it contains a lot of other helps for the designer in putting together what things he ought to be using."

Commissioner Borries: "So you would recommend that as a more comprehensive model?"

Jim Morley: "Both of them taken together. The Newburgh thing needs to fit Vanderburgh County and what we are using locally, although, it is very close. I think that the question at the moment is, where is the staff-do you have the staff to do the typing and the wordprocessing? And if there is then we really need to do-I really get frustrated when I get up in front of this Board and I present to you that a flat field has a runoff coefficient of point two (.2) and I watch another Engineer in this community bring you in a coefficient that says the runoff factor is point five (.5) and there is no way that both answers are right. The one thing that the Newburgh Ordinance did, was just went down through there and using the rational method picked some numbers and said essentially, these are the numbers that we are going to use for Newburgh. I think that is exactly the same thing that you ought to do here. I am tired of the ability of one person to not detain water because he can show that runoff from flat ground is fifty percent (50%), and yet we all know that is not true. We need to detain more water on the site than that. I think that it is high time that we put the numbers in the ordinance so that we are all on a level playing field. I think all of these things about drainage plans, we can spell out in the ordinance exactly what a set of drainage plans submitted for review have got to contain. We need to do a check list and just put them in there."

Commissioner Borries: "Do they have a check list in there?"

Jim Morley: "Newburgh has a check list. I don't think that it is published within the ordinance, but there is a check list that we use when we check..."

Commissioner Borries: "And you will submit to the Surveyor's office a copy of that check list?"

Jim Morley: "I can make copies. All of this is available. I am willing to work with the committee. I just at that point in time, couldn't put in three to four thousand dollars (\$3,000-\$4000) worth of time creating an ordinance for you. It was just too much to ask of me. Newburgh paid us to do this. You have got the benefit of what somebody already paid for now."

Commissioner Tuley: "Is part 'B' under 'Old Business' for tonight something that should be incorporated into that? When this stuff has to be submitted to the Surveyor's office?"

Jim Morley: "That is where it belongs."

Bob Brenner: "Absolutely."

Jim Morley: "The check list, the procedures, the submittal deadlines-that whole procedure ought to be in the ordinance and then..."

Commissioner Tuley: "Everybody understands and once we establish it, you meet that deadline, you meet that criteria or you don't get heard, or you don't get voted down."

Jim Morley: "That's right. It would sure make our lives a whole lot easier and I think that it would make Bob and Dan lives a whole lot easier too, if they didn't have these various opinions of what to use."

Bob Brenner: "You had a good example, last week."

Commissioner Borries: "We always have good examples every Drainage Board. It is always the mystical ability of determining on a flat piece of paper how all of this is going to work. It is a difficult job. I would move then, that based on the models here that were referred to, known as, The Newburgh Model and the Purdue State Model, that this Board authorize the Surveyor's office to prepare a model for Vanderburgh County based on those for consideration."

Commissioner Tuley: "Are you willing to take it?"

Bob Brenner: "Yes."

Commissioner Borries: "He has to. He is our technical advisor."

Commissioner Tuley: "But does it need to be expanded to include Dave and Jim and some of these people? Will you form the committee that needs to be on it?"

Bob Brenner: "We will consult with them."

Commissioner Borries: "We did have a committee to do this, we don't want to necessarily reinvent the wheel, but we want David to know, or anyone, that we would be open to anybody's input on this. We would have to advertise this, but we can't even advertise until they come with a model and again, there maybe some technical things in there that you guys might want to change. But in effect, this puts a lot of standardization and reflects more the urban character in certain areas that we are seeing in the growth. So I would move then that the Surveyor's office prepare that model ordinance for Vanderburgh County."

(inaudible remarks)

Commissioner Tuley: "Motion on the floor. I second. So ordered."

B. Deerfield Section II (Morley & Associates)

Commissioner Tuley: "I figure that you guys are here under 'Old Business' and not 'New Business'. If this is reference to last week, I would think that probably at this time we could hear what you want to say but I don't know as far as taking any formal action tonight, if we can."

Commissioner Borries: "I think that in fairness to Commissioner Hunter, who is not here, I would be happy to listen. But I certainly don't want to give any appearance at this point, that this Board did anything without his input. I know how political issues surface from time to time and I know that he had some concerns and I will be happy to address those at some future point-when he gets back. I think that we ought to hear them again."

Jim Morley: "I would like to briefly comment that what we came back for, was the question to determine whether or not that Deerfield could be heard so that we could go forward with the Plan Commission meeting. Or at least act upon. I asked for the minutes of the meeting but they are not available yet. Essentially there were, on Deerfield a recommendation for approval by Dan. We submitted some fifty pages of computations showing the storm detention basin. It is a completely detained subdivision. We showed all the pipe sizes, all the inlet capacities and the various sub-basins. Within that development then there were questions that were raised here that night. One, had Darrell Rice reviewed those plans? Well that answer was 'No' at that time and he was asked to review and he was given a copy of that and Darrell has made review. Keith talked with him-understanding of course Darrell is not in the regular line of communication of the Drainage Board. But we did get those to him immediately after last week's meeting. He has reviewed them. Darrell then talked with Keith this afternoon. He may have called you, Pat, to relay his review."

Commissioner Tuley: "I am shaking my head 'No' but if he did, I didn't get a message this afternoon. I didn't get down there until 4:15."

Commissioner Borries: "The only thing that I heard-and I also had a rather tight schedule-was there was some confusion on Mr. Rice's part on whether or not he needed to be here and whether or not this was going to be heard. At that time I saw that I couldn't confirm that it was either."

Jim Morley: "Calvin Detino representing the developer of the property is here tonight. As I understand it there were some questions related to, do you develop all the basins first? Immediately when you go in? And Keith's response to the Board was, yes, as soon as we enter a drainage basin-a drainage watershed area, that basin has to be constructed first. However, if we are working one side of the hill and that particular portion of the subdivision doesn't fall into the other drainage basin, we won't go over the hill and build the other one until we move over the hill with that section of subdivision. I think that's an appropriate response. That absolutely the basins go in when you work within that watershed. I understand that there were some remonstrators here who asked questions, not related to drainage-things about Eissler Road and this is not the forum to discuss that at Drainage Board unless you have an issue. With Calvin here I would really like to have you bring up-if you do want the developer-to question him about any commitments, I would like to have those brought up to the developer."

Commissioner Borries: "We don't have copies of the minutes. We need to get copies of-I don't know if there are any minutes at all on Drainage Board in terms of this, but there could be some when this subdivision was discussed concerning Eissler Road. There were also some comments concerning the drainage along Eissler Road. In terms of ditches and maintenance there."

Jim Morley: "There was a question that was raised about a culvert under Eissler Road, and whether or not that culvert is essentially large enough to properly convey the twenty-five year storm from the property. I think that Keith's response to you was, no, it was not the proper size today, but it will be whenever the basin in The Villas-the portion that you did approve last week-when that big lake is constructed. Then we set the discharge rate using the existing culvert, so that it would be. So after the development everything will be alright. But before development, right now, today, your culvert couldn't take the twenty-five year flow. Is that correct, Keith-essentially? Ok. But you did approve The Villas last week. Deerfield II is a little six lot subdivision that runs then into The Villas it doesn't affect the other areas, I think that there was six lots there-but I think that the motion last week was to approve Villas and you did not mention Deerfield II, although that is a part of that same watershed."

Commissioner Borries: "Is that immediately to the north?"

Jim Morley: "Uh-huh. Immediately north, that's the six lots on that cul-de-sac. That is Deerfield II."

(inaudible remarks)

Commissioner Borries: "I don't have any problem in terms of that particular drainage plan. Approving that particular section. Again, I just want to emphasis there are a number of, as this is a very complicated plan it involved a series of things and, certainly I am familiar with your work. There were a lot of questions. There were persons here who had some concerns because of locating along Eissler Road and some concerns about whether or not the right-of-way or any ditches along that right-of-way would be affected by the drainage. In fairness to Mr. Hunter, I think that we could take action here on Deerfield Section II, but I don't want to do anything further, frankly I don't want to have to go through too many more of these Drainage Boards until he gets back. If there are questions here that he has, he needs to ask them. I am prepared to take action at the next meeting."

Jim Morley: "Are there any issues that you would like to raise that you would like to have a response from Mr. Dentino on?"

Commissioner Borries: "The explanation of the drainage along the right-of-way, what is your description-I don't know if Mr. Dentino is the technical person-in relation to Eissler. It is a narrow road. We will have to deal with at some point, road commitments at a separate meeting, I understand that, so I really don't want to get into a discussion there. But I would have some concerns of drainage along the right-of-way in terms of the ditches."

Jim Morley: "Essentially what we have done on the basin is we have tried to capture every bit of the drainage. Much of the water that now flows unrestricted onto the ditch along Eissler Road will be returned into the basins and captured and then released at a lower rate. We will be decreasing the flow. Now, I think that perhaps some of the residents have questions about the ditch being awfully deep and there is not much shoulder. And if those are issues that we need to talk about then we need to really look at that road and the question, and develop-I think that maybe that might be the concern more than flow, because there are sections along there where that existing county road ditch is really close to the road itself."

Commissioner Borries: "I don't even think that there is a shoulder there."

Jim Morley: "The thing is, within this development none of the lots will be allowed to face on to Eissler Road. All of the lots face internal to the subdivision; there are only two streets entering in the project, and so you will not have those as front yards. Now, if there is any work done to relocate the ditch or whatever, then that would remove that

tree buffer from the back yard. That needs to be physically looked at on site by you, gentlemen, if you had the opportunity so that you can determine just what the effect would be. If you do the one, you are going to destroy the other. I think that you need to look at the traffic count. That was one of your questions and in your original minutes of the meeting, I think that came up under the Foxrun rezoning in 1985. Eight years ago? I believe was where a question about Eissler Road and then the next year we paved that road. You completed the work on the bridge and repaved that road and widened it somewhat. The County Commissioners did."

Commissioner Borries: "I don't have any problem moving the approval of the Deerfield Section II drainage plan, which is a part of The Villas drainage plan to be approved."

Jim Morley: "It is all part of it."

Commissioner Borries: "I would move that Deerfield Section II be approved."

Commissioner Tuley: "I will second, so ordered. Three we will still have to deal with next month."

Jim Morley: "Ok. Will you be looking, will you have John or someone research your files relative to what you are expecting and looking at on Eissler Road and then it really would be good if you had an opportunity to take a look at that road and make any determination so that you can come back to the developer and discuss what your concerns are?"

Commissioner Tuley: "Foxrun 1985, you said?"

Mr. Hartman: "It was 1988. Rezoning was 1988."

Commissioner Borries: "I think that part of the concern has been and I'm not going to speak for Mr. Hunter in any case, but part of my concern had been, I guess the rather complicated nature. We are use to you coming in, and as most of us are creatures of habit a bit, it is a little clearer for me to understand a drainage plan, see how that works there. When you come in with something that, again, is complicated and you are talking about three, in a considerable amount of property along a right-of-way that is very narrow here, it just causes some concern. It is very difficult sometimes to do. I am not telling you to have them separated but you don't often see a plan quite that complex. I think that it did take us a bit by surprise and to kind of have to learn and understand it and that is why that I felt in a spirit of compromise to move this thing on. It looked like it was very complicated and I didn't know where we were going with it. That is why I suggested that we would approve The Villas drainage plan to at least get a step forward on this."

Calvin Detino: "I want to thank Mr. Morley for his representation and also Mr. Poff last week and I just want to apologize for not being able to be here because I have been out of town on business. When I found out that there had been some remonstrators and there were some issues that needed to be addressed I confirmed what he said. I will be glad to meet with the Commissioners out on the site or even with some of the remonstrators that were here. I've had two land planners that have looked at that entire site and Mr. Morley and his staff have done probably three different versions in order to protect the integrity of the drainage issues. I think that they have put in one extra lake just to insure that there wouldn't be a runoff at any velocity that would change the flow of water that would be a risk to anyone adjoining that property. I appreciate you consideration tonight. Look at again, because you had a continuation of the meeting and we can move forward accordingly with both subdivisions. I thank you."

RE: NEW BUSINESS

A. Big Creek Drainage Association Demonstration Project, Request For Funding-Barr Creek

Bob Brenner: "We have Mr. David Ellison here, who is President of Big Creek Drainage Association. They have come with a proposal from a Mr. Martin, who owns six hundred (600) feet of Barr Creek-north of Boonville New Harmony Road. Starting at the road they propose to implement what the Soil Conservation has urged us to do on this ditch, and that is to lay the sides of the ditches back at a three-to-one ratio, which takes a lot out of the man's field. But he is willing to do this to demonstrate-we have done one other section up near the county line. A different ditch but he is willing to take this as a demonstration project which would stop all the erosion and what we have. This six hundred (600) feet has been set aside. We can go in right now and do it, plant it, and not damage anything of his. He is willing to do this. He is giving up a substantial portion of ground. Big Creek Drainage Association has said that they will put three thousand dollars (\$3000.00) toward this if we would match it. That is a bargain. We have fifty-nine hundred dollars (\$5900.00) in our account. I would recommend that we do it."

Commissioner Borries: "Is Big Creek going to undertake then? Who will do the actual construction?"

Bob Brenner: "Big Creek will do it."

Commissioner Borries: "I move that the request be granted."

Commissioner Tuley: "Second. So ordered."

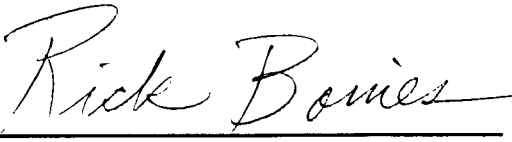
There being no further business, the meeting was adjourned at 7:10 p.m.

PRESENT:

President Pat Tuley
Vice-President Rick Borries
Keith Rounder, Attorney
Sam Humphrey, Auditor
Bob Brenner, Surveyor
Dan Hartman
Bill Nichols
Jim Morley
Calvin Detino
David Ellison
Keith Poff
transcribed sbt



President, Pat Tuley



Vice-President, Rick Borries

Member, Don Hunter



AMWEST SURETY INSURANCE COMPANY

WOODLAND HILLS, CALIFORNIA

BOND NO. 022002193

PREMIUM Premium included
in bid bond service

BID DATE 8/2/93

PUBLIC WORKS BID BOND

Know all men by these presents:

That we, MARTIN WOODWARD BACKHOE SERVICES

(hereinafter called Principal), as Principal, and AMWEST SURETY INSURANCE COMPANY, a corporation (hereinafter called Surety), organized and existing under the laws of the State of California and authorized to transact a general surety business in the

State of INDIANA, as Surety, are held and firmly bound unto

VANDEBURGH COUNTY DRAINAGE BOARD

(hereinafter called Oblige) in the penal sum of One Hundred percent (100%) of the bid amount, but in no event to exceed

Twenty Five Thousand and 00/100 Dollars (\$ 25,000.00)

for the payment of which the Principal and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents. THE CONDITION OF THIS OBLIGATION IS SUCH, that, whereas the Principal has submitted or is about to submit a proposal to the Oblige on a contract for

ADDITIONAL MAINTENANCE ON KOLB DITCH

VANDEBURGH COUNTY, IN

NOW, THEREFORE, if the contract is awarded to the Principal and the surety has been provided with sufficient proof by Oblige of acceptable financing for the project, and the Principal has, within such time as may be specified, (but in no event later than 60 days after such award), entered into the contract in writing, and provided a bond with surety acceptable to the Oblige for the faithful performance of the contract; or if the Principal shall fail to do so, pay to the Oblige the difference not to exceed the penalty hereof between the amount specified in the bid and such larger amount for which the Oblige may in good faith contract with another party to perform the work covered by the bid, then this obligation shall be void; otherwise to remain in full force and effect.

SIGNED, SEALED AND DATED THIS 29th DAY OF July, 1993.

MARTIN WOODWARD BACKHOE SERVICES

By:

[Signature]

Principal Name

Signature

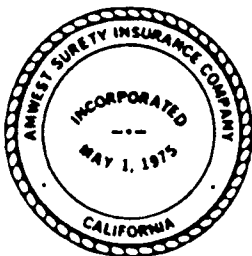
AMWEST SURETY INSURANCE COMPANY

By:

[Signature]

DEBORAH M. ROTH

Attorney-in-Fact



UN-A3017 9/92

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AUGUST 23, 1993

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MINUTES
DRAINAGE BOARD MEETING
AUGUST 23, 1993

The Vanderburgh County Drainage Board met in session on August 23, 1993, at 6:25 p.m., in the Commissioner's Hearing Room 307, with President Pat Tuley presiding.

RE: APPROVAL OF MINUTES (7-26-93 & 8-2-93)

Motion made and seconded to approve the minutes of July 26, 1993 and the minutes of August 2, 1993. So ordered by President Tuley.

RE: RELOCATION OF LOCUST CREEK (VICKIE McBRIDE/COLE)

Vickie McBride: "Briefly if I might, Vickie McBride 1625 Irvington Avenue, Evansville. I would like to pass out for your consideration for you to read at home tonight, hopefully, information that we have gotten from an *Engineering News Report* magazine¹ and was basis for a lot of the information that I made at a presentation or a news conference today. Quickly I would like to take you on a walk down memory lane, back to September and October of 1992, when the consideration of the relocation of Locust Creek outside of the immediate boundaries or property lines of the city limits of Evansville were discussed by this Board. I would like to before I do that though, to tell you a couple of reasons why I am giving you copies of this *ENR* article and why I wanted to tell you what I talked about at the press conference today. That is because once again this Drainage Board had before it the consideration of Locust Creek last year. According to Indiana Code 36-9, the Drainage Board may take into consideration watershed and cumulative impacts to the floodplain as being contrary to the interest to the public. As you can see in that article before you there are many landfills in the midwest that are now underwater or at risk of floodwaters because of the large amount of flooding that has occurred. Now, I am quite sure that all of these landfill operators made assurances that this type of a situation could not happen at their site because of the technologies and the studies that they were conducting, however, it has happened. One of these facilities I would like to point out is a U.S. Department of Energy Radioactive Waste Facility. The Department of Energy like any Federal Agency has to undergo much more stringent guidelines than any other private sector would have to do. By that I mean over and above any local, state and federal ordinances and laws. They must also come under the jurisdiction of the executive order of the President. So what I am trying to tell you is, anyone's landfill, everyone's landfill, even the U.S. government's own landfills can go under water. Along these lines I would like to bring up a piecemeal relocation information on Locust Creek once again, back to September-October of 1992, this was the basic consideration before this Board at that time. Many considerations were brought before you and concerns and as a result of that an agreement or contract was entered into with Browning Ferris Industries. I would like to take a couple of minutes of time later on to query the now County Attorney as to his legal interpretation of what this contract gives us in light of, as I said, the piecemeal relocation of Locust Creek. It was everyone's assumption that Locust Creek, which is a tributary to Pigeon and the Ohio River that runs through Browning Ferris Industries current and proposed sites would be relocated fully and completely prior to the commencement of any fill activity-by that I mean placement of trash on the proposed expansion site. Reviewing things like the DNR permit, comments were made like, 'It is expected that completion and termination of this relocation will occur within a one year period of time.' No one had foreseen the fact that this was going to be what we would call a 'piecemeal' relocation. No one that is, until we started reading through the information that Browning Ferris Industries submitted to the Indiana Department of Environmental Management in their long course of endeavors to get this landfill sited up and running. IDEM is now getting ready and started reviewing BFI's application to operate the landfill on the 150 acres through which Locust Creek and the unnamed tributary that will be rerouted-lie. I would like to bring to your attention from BFI's own submission to the Indiana Department of Environmental

¹Copy of page 11 from *Engineering News Report* magazine, dated August 2, 1993, included with 8-23-93 minutes.

Management a quote that they made on page 11-26², stating in response to the question 'a description of the base flood at the site and whether the site is in the floodway'-this is accordance with 3-2-9 IAC. BFI's response is, 'Portions of the proposed horizontal expansion are located within the existing floodways of Locust Creek and its unnamed tributary. Therefore, prior to the development of this project, (meaning the landfill) Locust Creek and its unnamed tributary will be relocated along the perimeter of the property as shown on Sheet 12 of Appendix G.' Therefore, prior to the development of this project Locust Creek will be relocated. Three paragraphs down under the question, 'Development and progression of the solid waste land disposal facility as illustrated in the design and operational plan' BFI states, 'While filling occurs within the Phase I area (first fill sequence) the site preparation will expand to include the construction of the channel relocations, access roads, et cetera. There they are saying that relocation will occur in conjunction with and commencing with the first fill sequence. On the next page 11-3³ they go on to say, 'It should be noted that not all of the features shown on Sheet 17 will be constructed prior to placement of waste within the limits of the Phase 1 fill area. Some of these features such as the channel relocation and borrow areas will be under construction while others such as the future scales and guard office will be as filling progresses.' So the point that I am trying to make to you here is that two consecutive pages basically four paragraphs apart, BFI says, one, relocation in it's entirety will occur prior to any landfill activity. Twice, later about four paragraphs down they say relocation is going to occur in conjunction with placing of trash in this area. Now, as everyone that has been on this Board for any length of time knows, COLE has always been very concerned for the floodplain out in the current and proposed area because not only does the proposed plan to utilize or take out of storage floodplain, the current site has already done so. Now, we take this concern for the existing floodplain and we compound it when we find out that BFI isn't even going to be relocating the creek and thereby trying as they say to contain the floodplain within the new banks and the over banks of their new improved creek. We are astounded. And then I hear as a little side barr, while I'm in this meeting that Mr. Erv Leidolf says that, this is going to be a seven phase creek location-not to be completed until the year 2010. I'm...I'm just blown away because what this means is basically, they have gone to this Board to seek your approval, the Drainage Review Board, I mean the Department of Natural Resources, and the U.S. Army Corp of Engineers-seeking a permit to relocate a creek before they start with their fill activities and now they are saying that they are doing piece meal which means according to the sheets and the blueprints that they have submitted to IDEM, Phase 1 fill area is going to be in the floodplain of the existing Locust Creek simply because they haven't moved it out of the way as one their initial relocation plans at that point in time. After that we get lost, it gets to be such a mumbo-jumbo of words in this eighteen inch stack of wording that no one can understand even IDEM is going, well we are not sure when this second phase of this relocation will be enacted-no one knows. This Board can't say anything other than the fact that it was their intention too, when they entered into this agreement that this relocation was going to occur first, primary and before any landfiling activities commenced. So in light of that, I would like to talk to you as a Board about implementation of the contract that was entered into with Browning Ferris Industries and legal opinion that was rendered on the night of October 12, 1992, to see if legal opinion as of this date coincides. On the October 12, 1992, minutes on page 4, at the very beginning of this contractual agreement that BFI proposes, '**NOW, THEREFORE**, in consideration of the mutual promises contained herein and other good and valuable considerations, receipt of which is hereby acknowledged, the Drainage Board and BFI agree as follows: 1.BFI agrees to construct and maintain the Project: a. In accordance with the plans and specifications approved and the permits issued by IDNR and the Corp of Engineers:' skipping on down under point

²A copy of page 11-26 from the application to IDEM from Browning Ferris Industries is included with the 8-23-93 minutes.

³A copy of page 11-3, from the application to IDEM from Browning Ferris Industries included with the 8-23-93 minutes.

5, subsection a, where we are talking about the hydrologic inspector, we say, 'the project has-the inspector can say whether or not the project has been constructed and maintained in accordance with the plans and specifications as approved and issued by the DNR and the Corp of Engineers'. Finally in paragraph 10 it states, in part, if BFI breaches the Agreement, or violates any condition or requirement of the DNR or Corp or their permits, BFI acknowledges the Drainage Board's right to file a lawsuit in court to seek any remedies, legal or equitable, it may have for breach of this Agreement et cetera. So my question to you tonight is, since this contract was entered into in good faith, since BFI willingly entered into this agreement, does not-I call it guilt by omission, they never bothered to tell this Board either, that this was going to be a piece meal relocation and that they would be filling in the floodplain. Does this Board now not have before them facts stating that BFI does not intend to adhere to this agreement in the true harmony in which it was initiated? Therefore, I mean, they might have their Corp permits, they might have their DNR permit, but neither the Corp or DNR from what I am told expected to see a piece meal relocation. They have monkeyed with the harmony and the intent of the permits that were issued. Does this body now have the desire or the legal means by which to seek restitution against BFI because they have shown sincere intent not to comply with the plans and the specifications as approved by DNR? That is the question on the floor. Do I need to reiterate it? I am trying to...do you understand what I am trying to say?"

Commissioner Borries: "Say it again, Vickie, real short."

Vickie McBride: "You guys entered into this agreement."

Commissioner Borries: "It didn't say that. It just said that 90 days."

Vickie McBride: "It never does say it."

Commissioner Borries: "It just said 90 days, what you didn't read was after the commencement of construction on the project. Now, it didn't say for how long this was going. It just said that it was going to be relocated and then we are to appoint engineers on this panel and they are to police this project by conducting semiannual hydrologic inspections of the project."

Vickie McBride: "That is correct."

Commissioner Borries: "So what is your point?"

Vickie McBride: "So what I am saying is, the opening clause and repeatedly through here they say that they intend to adhere to the permits as issued by DNR and the Corp of Engineers. The Corp of Engineers and DNR did not know that they were going to do piece meal relocations thereby allowing them to fill in the floodplain. Therefore, I am putting to you that they have violated this agreement. By violating this agreement does that not give you grounds to seek restitution? Or do we have to wait until we are flooded before such action can be taken and maybe that is the question that I should put on the floor?"

Commissioner Borries: "I am only speaking personally, I would think that if BFI breaks any agreement that does give grounds for a suit. However, I can't recall, Commissioner Tuley is the President of the Drainage Board, but I can't recall anything that has come before us from DNR or from the Army Corp of Engineers that says that BFI has done anything. Particularly to violate any ground yet."

Vickie McBride: "I am saying that they are showing intent. That is what I am asking you. Since they are showing intent..."

Commissioner Borries: "You can't sue. They haven't done anything yet. What have they done? I don't get what they have done yet."

Vickie McBride: "What they have done, Mr. Borries, is shown intent like we have told you time and time again that they would-not to honor or abide by the permits as issued."

Commissioner Borries: "I would have to defer to counsel. I don't know what you mean by intent. If the DNR or if the Army Corp of Engineers comes in and say they have violated something then that is grounds for, could be a legal action of some sort. That is correct. But I don't recall getting anything."

Commissioner Tuley: "You didn't get anything from me because I didn't get anything from DNR."

Vickie McBride: "No, you didn't, and you won't. Waiting for them to respond to a public citizen? Don't hold your breath. Maybe as a Board you could get some kind of response, but all we have is the verbal conversations, that we have had over the telephone. No, we don't have anything in writing from them that says that this was not being done as the permit was intended to be used."

Commissioner Borries: "So what would we sue on?"

Vickie McBride: "Based on the fact, for instance on page 19 of the October 12, 1992 minutes where Mr. Gist is talking about lengthening the time period of the monitoring-the five year engineers monitoring program. The response was made by, then Attorney Wilhite that it was his understanding and according to Ms. McClintock, her understanding is that the inspector was to come in for five years but they expected this to commence and end within that five year period of time. Nobody expected that it was going to go on into the year 2010 for crying out loud. Why on earth would you have an inspector come in twice a year for five years during the initial stages of a relocation that is going to take another 15-20 years? You are not going to know..."

Commissioner Borries: "Now, wait a minute. The attorney says that first of all the agreement is not limited to five years. The agreement-this creek will not cause flooding-period. There is no five year agreement on that basic part of the agreement."

Vickie McBride: "Right, only on the inspector's monitoring. It goes on to say that they can sue anytime within the life of the landfill if flooding occurs or they can file a suit anytime. But the point is, that it states in here in these minutes and maybe I did misdirect you as to the point of time when they are talking about it. It was anticipated by this Board and it says in these minutes that this would have been like, at the maximum a five year project. No one saw any reason why the complete relocation would not have been done in five years."

Commissioner Borries: "This clearly says, it was not limited to five years and Jeff Wilhite who was the County Attorney at that time, says it is better permanently because it is permanent, you could do it anytime. Not just five years but you could if something doesn't work here, we are talking about something that could be twenty years, he says."

Vickie McBride: "For the suit, but not the inspection that is correct, Sir. So let me ask you this, let's just simplify this because none of us want to be here all night. I know that I certainly don't. So what you are telling me is, and if anybody on this Board would like to render an opinion too, I am just aghast that things go this wrong and nobody will speak to what they feel are the issues other than Mr. Borries here. I guarantee you that it was not the under all theme of that presentation before this Board to have a piecemeal relocation and filling in the floodplain out by Locust Creek. And although it may not say it in black and white in these minutes because BFI has not said it in black and white or in print, anywhere before DNR, the Corp of Engineers or anyone, that they intended to

do a piecemeal relocation or they intended to relocate it all up front. I call that error of omission or guilt by omission. I don't care what you guys call it. If you want to call it fine with you, well then so be it and it is sad for the residents of Vanderburgh County. I guess I am through."

Commissioner Borries: "Thank-you Vickie."

Commissioner Hunter: "Jerry, are you guys going to do a piecemeal? Is what she saying right?"

Jerry Evans: "I have no idea what she is talking about. There has been no construction on Locust Creek, yet. There has been no approval of the landfill expansion by IDEM. There are operating within their old permit. The application is filed, they are waiting for IDEM to review it. The law is clear on the IDEM permit, they can't-they are not going to get a permit (inaudible remarks) the relocation has to be a part of that if they are going to fill in that. I haven't a clue. I don't know what she is talking about."

Vickie McBride: "It is not clear to anyone what I was talking about?"

Commissioner Borries: "It is clear that you have some concerns. Very real concerns on your part about flooding. I understand that. It is not clear that to me, that BFI has violated anything because they haven't started anything yet. When you talk about piecemeal you imply that there has been a start of the relocation of Locust Creek and I just for the record, would like to ask Mr. Evans, yes or no. Have you started on the relocation of Locust Creek?"

Jerry Evans: "No. The way this was written originally it was anticipated that there would be a delay. While the IDEM permit moved forward. So, the beginning of the inspectors and the beginning of the inspection process wasn't to begin until the creek started because absolutely if that is the point that she is making it would make no sense for you to appoint an inspector now. And the agreement didn't provide for you to. It said that you would appoint one within the 90 days after it begins. Not before. When it begins we will tell you and when you are told then we have got 90 days for you to do that."

Commissioner Borries: "And this Board selects it. This Drainage Board selects."

Jerry Evans: "But the times and the tides do change and the intent was to pick qualified people that we could all agree upon at that time and have a selection of an Inspector by you. Unilaterally. When the construction began and then the inspection process would begin. Now if what she saying is, if she interprets this to say, that you were going to appoint an inspector and begin inspecting now..."

Vickie McBride: "No."

Jerry Evans: "For five years and then we...later time is gone, no, that would make no sense at all, and that isn't what it says."

Vickie McBride: "No."

Commissioner Tuley: "Let me see if I can understand what you said. Your's being-Miss McBride's fear is the understanding and the agreement was entered into that, that whole relocation would be done and everything approved prior to any additional expansion. Right?"

Vickie McBride: "Before any trash was put in there."

Commissioner Tuley: "And now you are of the opinion based on something that you were reading that none of us have that, that is not the way it reads."

Vickie McBride: "I am sorry about that. I can get you a copy of that."

Commissioner Tuley: "Am I understanding what you are saying?"

Vickie McBride: "Yes, that is what I am saying, Sir. Yes."

Commissioner Tuley: "Ok, I don't think anybody else is hearing that."

Vickie McBride: "Ok, and as I was saying it was just brought to my attention. I know that Mr. Evans doesn't really seem to know this yet himself but apparently it is going to be on the media coverage tomorrow."

Commissioner Borries: "Who brought it to your attention?"

Vickie McBride: "One of the reporters. That Mr. Leidolf...I am just quoting maybe out of context but, what Mr. Lightoff said for whatever it is worth for your consideration. That the relocation would not be completed until the year 2010. It is going to be a seven stage, or seven step, or seven piece whatever you want to call it, relocation. All I was trying to put to this Board was, that it was not the intent of this Board at that time in '92 to issue an approval for a piecemeal relocation and trash in the floodplain and that we were trying to ask this Board since BFI seems to have broken promises made, goodfaith, whatever you call it by this omission. Whatever you want to call it Jerry. By this omission of the facts, did that, or did that not, give this Board grounds to file a lawsuit or do we have to wait until the hydrologist finds problems or flooding occurs and then we are taken an reactive stance. Basically that is all I am wanting to know."

Commissioner Hunter: "But at this point they haven't done anything. Have they? They are still sitting at square one, waiting to get started. So it is kind of tough to sue somebody when they haven't done anything yet."

Commissioner Borries: "That was my point."

Commissioner Hunter: "Mr. Rice may I ask you a question? You were very deeply involved in the Locust Creek relocation. Is it possible from an environmental standpoint for them to do a relocation in a piecemeal fashion, or does it have to be done all at one fell swoop?"

Darrell Rice: "I think that if it moves from east to west which I think is their intentions-if they move from east to west they are working with area that is basically out of the flood plain. So as they move in a westerly direction if that is the way-and I don't know how they are going to do it..."

Commissioner Hunter: "East to west is out of the flood plain?"

Darrell Rice: "The easterly edge, a lot of it is out of the flood plain. The bulk of the flood plain is on the western side of Locust Creek. If they keep Locust Creek at a distance from the landfill which they have to and keep moving Locust Creek over until they complete the whole thing I don't know if that would be the best way to do it. Or they if do build pieces of it and use that fill as their daily cover and then start establishing vegetation in that channel and then cut Locust Creek into it. That would be ideal because your channel is already revegetated and then once you cut water into it, it will be much more stable at that point. Now, I haven't seen anything so I don't know."

Commissioner Hunter: "So you are saying, if it were piecemeal it could be done in such a fashion that it would be environmentally sound."

Darrell Rice: "Right, as long as they don't restrict the flow in the existing channel or create a smaller channel."

Commissioner Hunter: "Ok, thank-you."

Vickie McBride: "Basically that was my only concern whether or not this Board was concerned with businesses that took liberties with permits that were issued by other agencies or not and apparently you guys don't have any concerns so thank-you for your time."

Attorney Alan Kissinger: "Ms. McBride could I just ask you couple of questions? Are you aware of the time limits that are established by the permits that have presently been issued?"

(inaudible remarks)

Attorney Alan Kissinger: "They haven't violated or they have haven't missed any of those times?"

(inaudible remarks)

Attorney Alan Kissinger: "Alright. It is my understanding the Indiana Department of Natural Resources has indicated that there must be a starting date of no later than March of '94, am I correct Mr. Evans? And I think that the Corp of Engineers has indicated a completion date of no later that August of 1995. If presently, I don't know if there has been as application for other permits or whatever, but basically what the Commissioners are telling you is that, we can't jump out and sue somebody until there has in fact, been a violation and that is their position. They have not indicated a lack of concern merely that to take legal action when no violation of an agreement has occurred in fact, would be a violation on our part."

RE: REQUESTS FOR DRAINAGE PLAN APPROVAL:

A. Baumgart Road Commercial Subdivision (Morley & Associates)

Commissioner Tuley: "The first up, request for drainage plan approvals is Baumgart Road Commercial Subdivision located on Baumgart Road between Heinlein Road and Mt. Pleasant Road. Morley and Associates."

Jim Morley: "This subdivision right along Baumgart involves within the plan our computations that show detention, it is probably not necessary at this site because of the proximity to the Little Pigeon. The thing that is important that I wanted to bring to your attention. We intend to relocate the stream that is right along Baumgart. Are the Commissioners aware of that drop-off right next to Baumgart right by your bridge? Across from the truck place along Heinlein? Are you aware of the real deep ditch right next to the road? Ok, John Stoll went to the site with Bruce Biggerstaff and I, in the process of doing this commercial, there is a problem with washout right next to the bridge. That deep ditch right next to the road-which in some places drops off-I guess in some places only about 8 inches off of the edge of the pavement. It drops right to the bottom of the that ditch. So that plan on this subdivision that is important to you the Commissioners, is that this stream is going to be relocated along this and come directly into that bridge. There is washout occurring right here and there is some problems right along the road, so that is what is significant to you and perhaps..."

(inaudible remarks)

Jim Morley: "On Heinlein Road the same situation. There is some real steep area-you know how Heinlein is so narrow right along there. To make that better we are going to reroute that internally along here into the stream and come right down through here. So it should take care of a couple major road problems that you have got in that particular area. John has gone out and looked at it and I believe that John concurs."

(inaudible remarks)

Jim Morley: "Plus we hit the bridge, going basically straight at it. We hit it at the right angle so that will solve-it is not a large subdivision, it is ten acres. What we have provided in the computation and the commitments here is that detention would be provided on the commercial area by the lot owners. The important thing for you to know about is about that channel relocation. The channel relocation in this channel is less than one square mile. We sent to DNR they came back and said we have no jurisdiction. It is a local matter and we have that letter on file also."

Commissioner Hunter: "That is not a legal drain?"

Jim Morley: "No, no, but it is a drain that has caused you in the past some problems along there. So I just wanted you to know that this plan does take care of that problem."

Mr. Hartman: "I make the recommendation that the Drainage Board pass it."

Commissioner Borries: "I move that Baumgart Road Commercial Subdivision drainage plan be approved."

Seconded by Commissioner Hunter. So ordered.

B. Fox Hollow Subdivision (Morley & Associates)

Commissioner Tuley: "Next up is Fox Hollow Subdivision located on Heinlein Road east of Baumgart Road. Jim Morley & Associates."

Jim Morley: "This is the portion of the residential portion. This is a mixed used development considering the commercial sub that you just looked at with a landscaping screen between the two which will be along that area of the creek relocation or channel relocation that we talked about. This portion of the residential subdivision which lies up hill from this creek relocation will all be routed into a lake on Heinlein Road which you see there. So we are picking up the water on the site and developing it and bringing it into that lake. The various colored segments that you are looking at on the map represents all of the drainage basins that are broken down into for every pipe size in the subdivision. While I realize that your most important criteria is, is it detaining and do you have that done correctly, we also have it broken down into every inlet size and every sub-basin on that also. I think that Dan has reviewed all the computations and found them to be in order."

Commissioner Tuley: "It was pointed out to me that I failed to ask on the last one if there was anybody here to speak for or against the previous one? Although we have already acted on it we will come back and let you speak. Is there anyone here to speak on the second one-Fox Hollow Subdivision? Ok, there is not. Does the Surveyor's office have a recommendation?"

Mr. Hartman: "The Surveyor's office has checked the calculations and the criteria that is set forth there and they make a recommendation that you pass it."

Commissioner Hunter: "What type of home do you anticipate going into Fox Hollow?"

Jim Morley: "Those will be somewhat similar to Edinborough Development only just a little bit smaller. Some of the lots are a little bit smaller. It will be a lot like Audubon Estates out on the east side. Similar size lots and the small developer-Bussing."

Commissioner Hunter: "What kind of price range?"

Jim Morley: "Seventy-five to one hundred. Somewhere in that range. The key to making this development work, is the development of the commercial and the industrial in this very wide easement for that stream relocation and the creating a buffer strip-a landscaping buffer between there so that they can provide screening. Currently the folks up the hill in the McCutchanville area, there is no real screening between that and the commercial and industrial area on Baumgart Road. So that landscaping easement is going to be used for planting."

Commissioner Hunter: "It looks like you have a berm indicated here with a swale separating the commercial from the..."

Jim Morley: "That is correct. There is a berm and that is also to route the water down into that lake."

Commissioner Borries: "Where are the other swales in here? You have swale number one, number two, number three."

Jim Morley: "This is the primary swale as it comes down here. You also have swales that run along the back lot lines between the lots to pick up points."

Commissioner Borries: "These are very shallow. Are we going to make some real clear specifications? Because we always get caught on this. In terms of structures or any kind of grass cutting or anything else that can restrict the flow of that?"

Jim Morley: "That's right. We will be defining that on the subdivision plat those requirements for maintenance of that. Also, we're able to get these at a little better grade than some of the subdivisions that we have had. The maintenance of the retention pond is included in the covenants of the plat. That is by the association and the ownership and that is covered on the plat. We are not turning that over."

Commissioner Hunter: "What are the total number of houses in here?"

Jim Morley: "It is a good size subdivision."

Commissioner Hunter: "It will be a pretty high density subdivision?"

Jim Morley: "Yes, you see a lot of seventy foot lots."

Commissioner Hunter: "I am just wondering if this cul-de-sac will be big enough for a school bus to turn around in or not?"

Jim Morley: "Normally what you would do within this is the school bus would enter here and then make a loop around. They will likely turn in and pull up to Edinborough right here and come right back out. So these interconnect so that would be normal..."

Commissioner Hunter: "So there will be a continuation here?"

Jim Morley: "Right. This street is being built right now to that point. Then this street comes out right here. That is typically the way that they like to do that. They don't want to go out into a cul-de-sac if they can keep from it."

Commissioner Hunter: "It would be a lot safer if they had sidewalks to walk on too."

Jim Morley: "They are not suppose to back them up."

Commissioner Borries: "That is another subject Mr. Hunter."

Commissioner Hunter: "I know. I know."

Commissioner Borries: "Your recommendation is then, that you think that it will work?"

Mr. Hartman: "It will work."

Commissioner Borries: "I move that the drainage plan for Fox Hollow Subdivision be approved."

Seconded by Commissioner Hunter. So ordered.

C. Eaglecrest Unplatted Section (Morley & Associates)

Commissioner Tuley: "Next up is Eaglecrest unplatted section south of Division and east of Fuquay Road. Morley and Associates."

Jim Morley: "I believe that the section is in the City of Evansville. That all goes into that big-that is around that big barrow pit."

Commissioner Borries: "Hampton Inn and the Koester thing."

Jim Morley: "That is in the city. It is only a one lot division but it is in the city."

No action taken.

D. Sham Lee Subdivision (Dave Savage Engineering)

Commissioner Tuley: "Sham Lee subdivision located west of Big Cynthiana Road south of Schmitt Road. David L. Savage."

David Savage: "This is a four lot sub. A family wants their four kids to have a place to build a house. There is a hill on the corner of the property it is surrounded by flat agricultural ground it doesn't drain down toward any residences and the sum of the area from cultivation to (inaudible remarks) the calculations indicate that there won't be any retention necessary."

Commissioner Borries: "Is there already an existing lake on here? It looks like..."

David Savage: "They built the lake last year before they realized that they had to go through the subdivision process to get building permits."

Commissioner Hunter: "Does the drainage go into this lake?"

David Savage: "Just a small portion of it. Just a small portion of it right here goes into the lake. It sheets off, it doesn't concentrate anywhere, it sheets off onto the area below."

(inaudible remarks)

Commissioner Borries: "Is this going to be a parcel here? There is actually five parcels? Is that what you are saying?"

David Savage: "This is a preliminary plat. For septic tank requirements they had to have 2½ acres. One acre for these two lots, 2½ for these two. This is a part of the same parcel. There is a note over there that says that these two have to go together until such time that the requirements would change. They are only allowed to build one house on this ground."

Commissioner Borries: "I see, here are your four dwellings."

David Savage: "This will be called part of lot three on the final plat. It is actually just..."

Commissioner Borries: "This would be how much acreage here then?"

David Savage: "One acre. This is a total of 2½ and this is a total of 2½."

Commissioner Borries: "Now, these two won't be on septic, right?"

David Savage: "No, they will be. The soil conditions are better on these two lots."

Commissioner Hunter: "So the 2½ doesn't apply to those two?"

Commissioner Borries: "Did you have to get a variance at all or anything on this?"

David Savage: "No. For some soil types you can still do an acre. There is very (inaudible remarks)."

Commissioner Hunter: "The Health Department is abreast of all of that."

David Savage: "...has been out there and dug their holes and then approved it."

(inaudible remarks)

Mr. Hartman: "Predicated on the fact that the final runoff is less than what the initial runoff is..."

Commissioner Borries: "Why is that?"

David Savage: "The runoff coefficient from the HERPICC manuals that they use indicate that for rolling, fairly steep, cultivated ground even with a medium type soil the runoff coefficient is quite a bit higher than it is for a grass type situation. Often with the increase you have to look at the twenty-five year storm after, verses the five year development. It is not normally enough to compensate for that and in this situation down (inaudible remarks) so the lake is really (inaudible remarks)."

Mr. Hartman: "It has no outlet does it?"

David Savage: "No overflow. It will just detain."

Commissioner Borries: "In this, back here, is it just uncultivated ground?"

David Savage: "This is a lot parcelization previously actually it wasn't even parcelization, it was done before that time. There is another house built back here but all of it's water drains (inaudible remarks)."

Commissioner Hunter: "This is pretty hilly too, because there is a twenty foot drop right in here."

David Savage: "This is the only high ground on the property and there is some light woods. They have been planting trees for the last thirty years with the intent of allowing the kids to build back there."

Mr. Hartman: "I would recommend that the Drainage Board pass this plan."

So moved by Commissioner Hunter with a second by Commissioner Borries. So ordered.

E. Deerfield Subdivision Section III (Morley & Associates)

Keith Poff: "Since the last Drainage Board meeting I have made some calculations relative to the holding capacities of the retention basins. Where the retention basin

number one and two, you asked about the one hundred year storage capacity. We can accomplish 97% of the hundred year storage. Retention basin number three, we can hold 228% of the hundred year storage and retention number four we provide 154% of the hundred year storage. Since then I have also discussed with Darrell Rice, at the request of the Commissioners and received his remarks for this plan and I believe that he could probably explain those to you if he has them."

Darrell Rice: "Keith and I have discussed the Drainage Plan and we discussed the initial agreement was that the basins go in as they start on each separate subdivision and that agreement is still intact. All the drainage will be placed into detention basins so the drainage plan really looks good as long as the basins are installed first, as they move from section to section, I think that everything should work out fairly well."

Mr. Hartman: "The Surveyor's office has already recommended that they be passed. We are waiting this time for Mr. Hunter."

Commissioner Tuley: "I believe this is where we have people here to speak. If you would one at a time approach the mike. I don't care what order we go in but we would like to have anybody to speak either for or against at this time speak up."

Riley Winders: "Riley Winders, 417 Eissler Road. My only question-you asked them about the hundred year drainage on Deerfield III. I'm curious about the same figures but for the Villas that you already approved, and you only asked about twenty-five year for that, correct?"

Keith Poff: "No. The first basins that I told you about those are actually inside the Villas. They drain Deerfield Section II and the Villas."

Commissioner Tuley: "Ninety-seven and the two twenty-eight?"

Commissioner Borries: "Did that answer your question? Are you satisfied?"

(inaudible remarks)

Commissioner Tuley: "Is there anybody else? Don you had some questions?"

Commissioner Hunter: "No, I have none if they have worked out the questions that I had the last meeting and everyone seems..."

Commissioner Borries: "The key to it then, is that the concerns are here that the reason the drainage basins have to be built and in place and working before we develop the property. And you all agree to that. Darrell I think, understands and feels comfortable with that at this time."

Jim Morley: "That was by phase. In other words, if we are on one side of the hill, if we do anything on that side of the hill that basin goes in. Now, we might be on the other side of the hill where another basin works and if we are only over there that basin goes in first. But you don't necessarily go to the other side of the hill and build that if you are going to work there."

Commissioner Tuley: "Right."

Jim Morley: "The basin goes in first in every place that you work."

Commissioner Tuley: "Right, that was the understanding."

Commissioner Hunter: "Yes, that was the understanding that we had and Darrell, don't you live out there?"

Darrell Rice: "Yes."

Commissioner Tuley: "The Surveyor's recommendation last time and this time remains the same, which you recommend approval. Is that correct?"

Mr. Hartman: "That is correct."

Commissioner Borries: "With the discussion here that has taken place concerning the construction of the drainage retention structures before construction based on the Surveyor's recommendation and input here from Mr. Rice from Soil Conservation Service, I move approval of Deerfield III drainage plan."

Commissioner Hunter: "I will second it."

Commissioner Tuley: "So ordered."

F. Stonebriar Estates (Andy Easley Engineering)

Commissioner Tuley: "Stonebriar Estates located on Browning Road north of Hillsdale Road. Andy Easley."

(inaudible remarks)

Andy Easley: "Stonebriar is a thirty-six acre development that is basically right across the street from Oak Meadow. It contains a sizeable lake on it. About an eight acre lake. It is rolling terrain. It has several subsection drainage sections. From the standpoint of runoff the lake will in fact catch all the additional runoff if you look at the gross area the difference between the developed and undeveloped runoff it will catch that quantity of water. We are also having some smaller retention basins that will catch the runoff from lot seven and lot five and also sub-basin-the basin over by lot one. So there is going to be three retention basins, in addition to the lake, so we will be catching much more water than we are required to."

Commissioner Borries: "Are you going to put those in before you build the houses?"

Andy Easley: "Well, they can be put in simultaneously. There are only seven lots and plus the lake parcel, and each of the lots are designed to have one house."

Commissioner Borries: "Who owns the lake now, Andy?"

Andy Easley: "The developers purchased the lake, it was on the property when they bought the thirty-five acres."

Commissioner Borries: "Who will maintain the lake?"

Andy Easley: "They are going to have a Lakeowner's Association."

Commissioner Borries: "And these don't need a sewer because of the large size of the acres?"

Andy Easley: "They are going to have sanitary sewers."

Commissioner Hunter: "They are?"

Andy Easley: "Yes. They are going to be extended from..."

Commissioner Borries: "Well some of them are needed, right? In the front we are talking 1½ acres. One is one and two-tenths acres. And then they go all the way to seven?"

Andy Easley: "Yes, the sanitary sewers are going to be extended from the sewer system to the south."

Commissioner Hunter: "I have one question for you Andy. I know since that is in my back yard that there is a problem with your entrance onto Browning Road. Because of the 'S' curve on Oak Meadow. If you move that entrance will that impact this drainage plan to where it will be null and void? We are looking at one thing here and I wonder if we are going to end up with something else?"

Andy Easley: "I don't think that the entrance can-because of the terrain, the entrance can be moved a great deal. They only have so much frontage on Browning and there is an existing lane that comes out there and it has been there for many years. I haven't heard that there was a great deal of..."

Commissioner Hunter: "Existing lane on Browning?"

Andy Easley: "The access that goes back to the property is what I'm talking about. That has the red gates on it."

Commissioner Borries: "How do you address-it is in the official record Andy, in the minutes here it says, 'County Engineer states that the Design Engineer must submit calculations and show stopping site distance requirements can be met on Browning Road for traffic approaching intersection of Stonebriar..."

Andy Easley: "Well we will submit that but we haven't submitted it yet."

Commissioner Hunter: "My question to you is, if that has to be changed will that impact this drainage plan?"

Andy Easley: "Not, no. I can't see that because of the terrain and the contour lines that it can. The road is going to intercept water that comes down the slope and the inlets are going to take it down that little small gully. If you move it north or if you move it south, the same basic plan will still hold."

Commissioner Borries: "What kind of road are you going to have in there Andy?"

Andy Easley: "It is going to be concrete street, I believe. Rolled curb."

Commissioner Borries: "It only shows a cul-de-sac here, is that accurate?"

Andy Easley: "That is correct."

Commissioner Borries: "How do you get to lot seven?"

Andy Easley: "Lot seven has 60 foot of frontage on that road."

(inaudible remarks)

Commissioner Borries: "Will that be paved?"

Andy Easley: "He will put a driveway in. That is his private property. That is what he wanted. They wanted these lots to be equal in size and then there is a lake parcel."

(inaudible remarks)

Andy Easley: "He has a beautiful home site back there overlooking the lake. They sketched exactly what they wanted on..."

Commissioner Borries: "Who is the developer on this?"

Andy Easley: "Andrew Beagle and Dan Whitehead is the other one. His name isn't on the drawing. They are going to end up with, I think that Mr. Whitehead is going to build on lot six and Mr. Beagle is going to build on lot seven. I think that Dan Hartman will tell you, we are holding more than the difference in the runoff between the lake and...the lake itself will hold the difference in the runoff and the other three basins are..."

Mr. Hartman: "Now, there are three basins here that are not shown on here and I have not had time to check them out. But as soon as I can, in fact the computations are in my desk as of this afternoon. So I will check those out."

Andy Easley: "They are in order. They are in order."

Mr. Hartman: "With those three exceptions there I would recommend that you pass it."

Commissioner Borries: "What are the three exceptions? Explain to me."

Mr. Hartman: "There are retention ponds here. They are not drawn and I have the calculations on my desk as of this afternoon, but I couldn't present them."

Andy Easley: "We had some discussion about the runoff coefficient show that as Mr. Savage stated, the analysis of the runoff coefficients for those three lots we reduced the runoff coefficient after it was developed. We were under the impression that we didn't have to do any retention if the runoff coefficient-would actually be less runoff. With the house being build and the grass being planted and I wasn't aware that we had to have retention in that case but we did agree to that. I talked to Mr. Brenner about noon and it was agreed and I told him that I would go back and design two more basins."

Commissioner Borries: "Well, if we get to a point here that we are working toward-we are not only going to be toughening the standards we are also asking for 'as built'. And that is tough for us to look at here, with this scribbling around, it is an educated guess. I would prefer that we offer some conditional approval here, but you need to submit some plans that have those other drainage structures on there."

Andy Easley: "I will submit those."

Commissioner Borries: "I would approve this also and to say that if there is any change, because it is two separate items, we can't deal with the road, but Don has brought up a point. If the road changes the drainage plan and it looks as if you may have to make some modifications on that then that may cause you to resubmit to Dan. Would you agree to that?"

Andy Easley: "I would agree to that. I believe that the site distance can be shown to be proper knowing-that road has a 45 mile per hour speed limit."

Commissioner Hunter: "Again, I am not trying to create problems but the 'S' curve and the entrance to Oak Meadow couldn't be in a worse location and it took me two or three years to get the school bus off of that 'S' curve and into Oak Meadow to pick the children up because of the safety factor and I think that it is going to be a real problem out there among Oak Meadow residents if they see that the entrance isn't sufficiently placed that we are not creating another problem."

Andy Easley: "Maybe the only cure would be to petition for a lower speed limit right in there. I don't know whether that would solve all problems but if..."

Commissioner Borries: "That might be one alternative. But will you agree to those provisions? You are going to submit some 'as built' plans..."

Andy Easley: "I agree to those provisions."

Commissioner Borries: "I would recommend then with the provisions that we have discussed and the terms of any future modifications that he will submit new drainage plans with the 'as built' structures on it and you will also submit for review if there are any changes to the entrance which affect the drainage plan."

Andy Easley: "Yes."

Commissioner Borries: "I would move that Stonebriar Estates be approved."

Commissioner Hunter: "I will second."

So ordered by President Tuley.

RE: REQUEST FOR PERMISSION TO EXCAVATE PIGEON CREEK
MAINTENANCE EASEMENT

A. Lynch Road (Blankenberger Brothers)

Commissioner Tuley: "The next item up is the Lynch Road request from Blankenberger Brothers for permission to excavate outside 75 foot Pigeon Creek maintenance easement."

Steve Blankenberger: "We are the contractor on the Lynch Road extension. At the pre-job conference some questions were raised about a borrow pit and at that time Rick Yunker with INDOT was in the assumption that 150 feet from the 75 feet drainage easement or maintenance easement, we would have to stay away unless we had written approval to get within that 150 feet. In looking at the spec it doesn't say that you have to-155 feet actually only involves the right-of-ways, property lines, public right-of-ways, so..."

Mr. Hartman: "I talked this over with Bob Brenner, the Surveyor, and he says that Pigeon Creek is not a legal drain and therefore we don't have to stay away from the banks of it. We just can't encroach on the banks but we can start at the bank on back with our fill if we should want to. We can start at the Pigeon Creek bank and fill from there on."

Steve Blankenberger: "We would be excavating."

Mr. Hartman: "Excavating then."

Steve Blankenberger: "The 75 foot easement we don't have a problem with leaving the easement in there so if there needs to be maintenance..."

Mr. Hartman: "Ok, fine that would be one factor of safety then."

Steve Blankenberger: "We would not want to encroach on that."

Mr. Hartman: "So you would encroach within 75 feet of the existing Pigeon Creek with your excavation?"

Steve Blankenberger: "Yes."

Mr. Hartman: "What is your maximum slope of the excavation then?"

Steve Blankenberger: "Probably two to one or three to one. It kind of depends on whether or not we are going to come this way."

Mr. Hartman: "It won't be a drop-off?"

Steve Blankenberger: "No."

Commissioner Borries: "So basically, Steve what you want is to get inside the 150 but not 75 right?"

Steve Blankenberger: "Correct."

Mr. Hartman: "He will excavate not as a drop-off but as an incline so that the stress will be feathered out so to speak. The dirt will be..."

Commissioner Borries: "So we are still not affecting even with Pigeon Creek. You are correct it is not a legal drain that is part of the confusion that we have battled with the Pigeon Creek Greenway. This isn't going to change the banks so in other words it shouldn't impact on the flooding in any way. If something floods it is just because of nature. But we are not increasing the impact of flooding because of the changing of the bank or anything."

Mr. Hartman: "In fact we are helping the flooding out by excavating that dirt, is the way that I see it."

Steve Blankenberger: "Well we have retained Donan Engineering, an approved and environmental consultant and we are working in potential wetlands. We are working in potential floodway and at this point there is no wetlands and depending on when we get done, we will make a lake or just a pit type pond to enhance wetlands. We are not quite sure. They will also be checking with the DNR, the Corp of Engineers and so when we get done we will hope to have all of these various organizations satisfied with what we are doing."

Commissioner Borries: "It is going to be a borrow pit that is going to be-the reason why I am asking some questions here, I am not trying to grill you but we don't want any kind of environmental disasters of what frankly has incurred down there on 164. This is going to be a borrow pit that is going to be shallow and flat? Is that correct in a sense? You see those all up and down interstates. You know what I am talking about. In other words, it will have a ..."

Steve Blankenberger: "It could be fairly deep."

Commissioner Hunter: "What do you mean by fairly deep. How deep?"

Commissioner Borries: "It is going to hold water?"

Steve Blankenberger: "Yes."

Darrell Rice: "Most of that will be ground water won't it?"

Steve Blankenberger: "Yes."

Commissioner Borries: "What kind of slopes are you going to have on that?"

Steve Blankenberger: "Well typically you'll have probably three to one going down to the water's edge and then we would steepen it or we can make it flatter. We are pretty flexible on that."

Commissioner Borries: "I just don't want to see anything that occurs where we have a big hole. You see them up and down the interstate, they are kind of like fishing holes."

I don't have any problem with that. That is what I envision, but I don't want anything that is going to be so deep that it impacts the water table or it won't hold water or..."

Steve Blankenberger: "Oh no. I would say 15-20 feet from the existing surface and some of that is on the high also. What we would really like to do is build a levee and make a lake providing the levee doesn't impact the flooding-you can't restrict flooding if Pigeon Creek gets out. That is what DNR is going to tell us or Donan. So we are sure if we are going to put a levee up and do we have enough drainage to keep it full. So those are things we are going to address. The issue tonight is, Rick Yunker from INDOT indicated that he did not have a problem with it assuming the Drainage Board didn't have a problem with it."

Mr. Hartman: "As I understand it, it won't be an eyesore but it will be-you will make use of this once it is excavated."

(inaudible remarks)

Steve Blankenberger: "Right, we hope to maybe develop maybe the upper portion and sell it back as a homesite with a lake on it."

Commissioner Borries: "As I say, I don't have any problem with borrow pits we just want to insure that we are talking with the same language here and make sure that we do it right and it will hold some water here."

Steve Blankenberger: "And we may keep a tree line between the property of Lynch Road and this particular property so when you are driving you probably may not see all the lake area. That is one issue and the other issue is a low water crossing. The bridge project itself has a Corp of Engineers permit and that permit does not disallow to put a low water crossing in..."

Mr. Hartman: "To Pigeon Creek itself."

Steve Blankenberger: "Yes, and that crossing would be used to construct the bridge and to cross back and forth. There again Rick Yunker with INDOT, didn't have a problem with it. We checked with the Corp, we have to get another permit for that and they didn't see a problem with it. Donan Engineering is also checking with the DNR again to see if they have got a problem with it. It will be designed to handle low water flow but not so high that once that water raises that it runs over the crossing."

Commissioner Borries: "What kind of crossing will it be made out of?"

Steve Blankenberger: "State normally recommends or they make you put a pipe in and however big or how many to handle the normal flow and then all rip-rap. You can't use any dirt so you don't get any siltation into the waterway and then when you are done you take the rip-rap and the pipe back out."

(inaudible remarks)

Commissioner Borries: "We have the technical people here. Dan, Darrell, John do any of you have any problems here with any of..."

Mr. Hartman: "Again, there will be no connection between the existing Pigeon Creek and this new borrow pit that they anticipate borrowing from. It will be completely independent until it floods. Until both of them flood I should say."

(inaudible remarks)

Darrell Rice: "Did INDOT change some of the specs? (inaudible remarks)"

Steve Blankenberger: "If you stay within that 150 foot range to their property line. (inaudible remarks)"

Darrell Rice: "(inaudible remarks)"

Steve Blankenberger: "Now when we butt up to Lynch Road, yes, we will have to stay out of that 150 foot range or if we did we would have to have that 15 to 1 slope. But we are just going to stay 150 feet away."

Commissioner Hunter: "And the low water crossing is that a routine thing too."

Darrell Rice: "Oh, yes. Actually you have got one on a county road on Posey County Line. (inaudible remarks)"

Commissioner Hunter: "Again, the State pretty well regulates how you go about it and what to do with it when you are finished."

Steve Blankenberger: "Sometimes there are restrictions on different Corp permits and if there is a restriction then the State says that you can't do it. In this particular case there are no restrictions and the Corp (inaudible remarks)."

Commissioner Borries: "I move approval of the request for Blankenberger Brothers to excavate outside then the 75 foot Pigeon Creek easement and I also in this motion then request approval for the low water crossing at Pigeon Creek."

Seconded by Commissioner Hunter, so ordered.

RE: PLANS FOR VIRGINIA STREET EXTENSION (COUNTY ENGINEER)

John Stoll: "We were not able to get a complete set of plans available to Dan, so we can't really approve those at this time. Valarie has been working with Dan on getting the calculations all straightened out so hopefully we will get a set of plans here soon."

Commissioner Hunter: "Is it critical that we get those approved?"

John Stoll: "I have never been given a time frame from anyone associated with K-Mart development on getting this installed so, the only one we have to have a time frame on is the Vogel Road."

Mr. Hartman: "I have been working with Valarie on these runoff factors here and we agree on everything. Even the type of structure to go in there. But my objection is the fact that the profile grade of the roadway-Vogel Road-is 385.34 at the intersection of Stoffleth ditch and Jim Nunning from the Building Commission tells me and I see on the set of plans that the hundred year flood zone is 386. So, I am just cautioning you that right now, as it is now, it is about nine inches below hundred year flood zone."

Commissioner Tuley: "Virginia or Vogel?"

Mr. Hartman: "Vogel."

Commissioner Hunter: "Virginia is what is on the agenda."

Mr. Hartman: "I'm sorry."

Commissioner Borries: "They were duly noted I don't have a comment except to say that if the hundred year flood gets that high I don't think that nine inches will make any difference."

Commissioner Hunter: "No, everything else out there will be inundated anyway."

Commissioner Borries: "But, your comment is noted anyway."

Commissioner Hunter: "You are correct."

Commissioner Tuley: "There is nothing for us really to do at this point and time."

John Stoll: "Right. I was wondering if it were possible to have a Drainage Board meeting next Monday in order to review and approve the plans for Vogel? If we can go ahead and change that from the bridge-that is currently been approved-back to the culvert?"

Mr. Hartman: "I can meet during the regular session on Monday. Bring it up under 'highways' rather than 'drainage'."

John Stoll: "Is that allowable?"

Mr. Hartman: "I don't know."

Commissioner Tuley: "I wouldn't think it would."

(inaudible remarks)

Commissioner Borries: "But, we can limit our agenda. We can advertise to just do that. So, it should be a very short one. We will try not to hold everybody very long."

Commissioner Hunter: "Let me ask you a question. Should we also advertise-would it be helpful, John, if we also advertise for the Virginia? Since they are-do both of them at the same time. We can only listen to what we advertise. So is there any time constraints or any reason that you think that we should not do both of them next Monday?"

John Stoll: "I would like to have plans for both of them next Monday, but I don't know if Valarie will have both sets done by next Monday. I asked her about that today and she said that she felt that she could but didn't..."

Commissioner Tuley: "Let's advertise for it and then if the information is not available..."

(inaudible remarks)

Attorney Alan Kissinger: "We are calling a special meeting. It is not a emergency."

Commissioner Borries: "So we may not have to (advertise). Just call for a meeting then."

Attorney Alan Kissinger: "Right."

Commissioner Tuley: "Then there will be a meeting next Monday night."

RE: APPROVAL OF BLUE CLAIMS (COUNTY SURVEYOR)

The following Blue Claims⁴ for annual ditch maintenance were submitted as follows:

⁴Copies of Blue Claims and Surveyor's Report included with the 8-23-93 minutes.

Shideler Spray Service #1851 East Side Urban S½ 234-015 93-SPR-15-85	47592 LF @ .048 = \$2,284.42 Pay 85 % 1,941.76 Retainage 15 %.. 342.66	AMOUNT \$1,941.76
Shideler Spray Service #1851 Keil Ditch 234-022 93-SPR-22-85	3012 LF @ .048 = \$144.58 Pay 85 %..... 122.89 Retainage 15 %.. 21.69	122.89
Shideler Spray Service #1851 Sonntag Stevens 234-038 93-SPR-38-85	10705 LF @ .048 = \$513.84 Pay 85 %..... 436.77 Retainage 15 %.. 77.07	436.77
Shideler Spray Service #1851 Harper Ditch 234-017 93-SPR-17-85	4002 LF @ .048 = \$192.10 Pay 85 %..... 163.29 Retainage 15 %.. 28.81	163.29
Terry R Johnson #1052 Aiken Ditch 234-006 93-SM-06-85	1800 LF @ .2495 = \$449.10 Pay 85 %..... 381.73 Retainage 15 %.. 67.37	381.73
Terry R Johnson #1052 Kolb Ditch 234-025 93-SM-25-85	5593 LF @ .2895 = \$1619.17 Pay 85 %..... 1376.30 Retainage 15 %.. 242.87	1376.30
Terry R Johnson #1052 East Side Urban S½ 234-015 93-SM-15-50	29938 LF @ .3595 = \$10762.71 Pay 50 %..... 5381.36 Retainage 50 %... 5381.36	5381.36
Terry R Johnson #1052 Sonntag Stevens 234-038 93-SM-38-85	3050 LF @ .279 = \$850.95 Pay 85 %..... 723.30 Retainage 15 %.. 127.65	723.30
Total Blue Claims submitted		\$10,527.40

Commissioner Borries: "I move that they be approved."

Seconded by Commissioner Hunter. So ordered.

RE: OLD BUSINESS

A. Hunter's Ridge (Jim Fuquay/Andy Easley)

Commissioner Tuley: "Don actually has something under 'Old Business' here that was sent to him and he handed it to me. It is from Jim Fuquay of Fuquay Construction⁵ in reference to Hunter's Ridge II. Remember? This was the meeting that they were suppose to have us an update, and they were all going to be on vacation but we told them that we would be here. Whether or not they were here, they needed to send us some information. It says a culvert has been installed at the intersection of Redgate and Oakgate. You have that same message?"

Mr. Hartman: "I have the same message, yes. It has been installed I am told now. It has not been inspected."

Commissioner Tuley: "Ok, you got the work is complete except for the patching of pavement and siding which should be done by the end of the week? Have you got that same message?"

Mr. Hartman: "The same thing."

Commissioner Tuley: "At any rate they did give us an update and it sounds like they are moving."

⁵Copy of handwritten note from Jim Fuquay regarding Hunter's Ridge dated August 23, 1993 included with the 8-23-93 minutes.

Commissioner Hunter: "Mr. President? I have asked Mr. Rice to wait until the 11th hour and ask him because there has been an additional problem that has cropped up out there on the back side of the Gannon property with regard to the-another sewer had been put in. Would you come up at this time Mr. Rice? React to, first off, the July meeting indicated two or three things would happen. One, that an additional drainage pipe would be put in under the road and I understand that has been done and that there was to be some concrete grouted hand laid rip-rap that has not been done."

Darrell Rice: "Yes. I was on the site at 3:30 this afternoon."

Commissioner Hunter: "So has everything been finished?"

Darrell Rice: "No, they have installed the pipe and they were grouting the rip-rap in at the outlet of the second pipe this afternoon. They have got the channel re-excavated from the inlet of your culvert up to the end of that street. I talked to the contractor-Staub-and apparently it was his son that is running that job, and I was talking about an erosion control plan and he has never seen one. The only information he was given was the installation design for the culvert, and as we discussed the erosion control plan-that was all new to him. He had not seen the erosion control plan. So he was not familiar with any of the silt fences that were on the erosion control plan, any seeding, or any grade stabilization that needed to be done on the site."

Commissioner Tuley: "So, let me make sure that I understand what you are saying then. The things that he agreed to do, the guy that is actually overseeing the project is not aware of them and therefore, they have not been done?"

Commissioner Hunter: "Let me quote from a letter here⁶. This is dated June 25, and this is written by Darrell Rice. 'I met with Jim Fuquay the developer for Hunters Ridge and his engineer Andy Easley, at the site on Monday June 21, 1993. We walked over the site and viewed the failed silt traps. I reviewed a sample erosion control plan and Mr. Fuquay assured me an erosion control plan would be submitted as soon as possible. He also assured me that the proposed erosion control practices such as additional silt fences, using approved materials, mulching and seeding would be carried out as soon as possible.' Now, I guess my question is, 'Do we not have these things?'"

Darrell Rice: "No. They have installed the storm water or sanitary sewer up through the one drainage way behind Gannon's house. That was their biggest concern. Mrs. Gannon had called me with a concern of, the pipe is laying in the low point of that drainage way and if we do get any rain at all-which we have been really fortunate that we haven't since it has been installed-it will clean a lot of that soil off of that drainage way and place it back down there on Gannon's drainage way. Staub has contracted Commercial Landscaping to come in and sod the channel from the new pipe that they installed up to the end of the street. They have contracted them to do that. That is not installed yet. If they install that-the sod-they are probably wasting their time if they are not going to do any erosion control upstream, because all that silt is going to go through there and silt over the sod."

Commissioner Hunter: "Mr. President, what we are talking about here, is the whole problem started when the sewer was run from here across here. Here is the Gannon property here. Here is Redgate and this road deadends right here. When they came through and tore this up and did nothing to reconstruct it, this is when all the silt began to move and this little ditch filled up and that is when they came up with the plan for the additional pipe under here. That is what we have addressed. Now, in the meantime, there has been another sewer line run this way, hooking into this. And his comments are that nothing has been done to-and he is saying that they can sod this until they are blue in the

⁶Copy of letter to Commissioner Hunter from Darrell Rice regarding Hunter's Ridge dated June 25, 1993, included with the 8-23-93 minutes.

face, but if they get silt from here it doesn't do them a bit of good. In fact it will kill the sod is what it will do."

Darrell Rice: "Right, they have wasted I don't know how many hundreds of dollars in sod. They will tear it right back up."

Commissioner Hunter: "And this is the sewer line to Hunters Ridge 'B'?"

Darrell Rice: "Yes. Now they did put five or six straw bales down at the bottom by Gannon's."

Commissioner Hunter: "Down here, by Gannon's house?"

Darrell Rice: "Yes, but that won't do a whole lot of good. They have placed two silt fences, one in Hunters Ridge I, and one in Hunter Ridge II, but they have already overtopped or eroded under them so they are not doing any good."

Commissioner Tuley: "Let me ask you this in a nutshell. Are you of the opinion then, Darrell, that they are trying to comply with the requests of this Board or are they just treading water?"

Darrell Rice: "With the contractor not knowing about an erosion control plan it sounds like he is treading water. The contractor should have received the erosion control plan because he is going to be the one to install it."

Commissioner Tuley: "Right."

Darrell Rice: "And if he hasn't seen it yet, apparently Jim Fuquay-and I am just guessing-didn't have any intentions of following through with it anyway."

Commissioner Hunter: "So this letter that I read of June 25, when you had met with them on the twenty-first and they indicated they would submit an erosion control plan as soon as possible..."

Darrell Rice: "Now, I received that pretty quick. But they haven't done anything."

Commissioner Hunter: "The plan has not been enacted? Is that what you are saying?"

Darrell Rice: "Right. And was it your understanding that he agreed to have it installed by the twenty-third? The erosion control plan?"

Commissioner Hunter: "Yes."

Commissioner Tuley: "That was my understanding. If he didn't have it he was to give us an upgrade as to how far along he was. Correct?"

Commissioner Hunter: "His engineer left so..."

Darrell Rice: "I didn't know if he agreed to start implementation which he has, if he installed the pipe, but I didn't know how far..."

Commissioner Tuley: "My initial reaction is and I just wanted to hear somebody else say it, that we are being jerked around. Every week we come in here or every month and we are told that this is going to happen and by the next meeting, that hasn't happened. There really isn't a serious intent to comply with the wishes of this Board, is what I am gathering."

Darrell Rice: "Well, the contractor thought the erosion control plan looked good and would take a lot of time to install but could be installed. But he had not received a copy of it so..."

Commissioner Hunter: "And it also says here that, 'he also assured me'-'he' being Mr. Fuquay-'that the proposed erosion control practices such as additional silt fences using approved materials, mulching and seeding would be carried out as soon as possible'. And you are telling us that there have been no additional silt fences using approved materials?"

Darrell Rice: "No, actually his plats if you look at his plats, they read that any soil disturbing activities will be revegetated within 45 days of disturbance."

Commissioner Hunter: "Some of those plats go back two years almost. Has he revegetated any of that?"

Darrell Rice: "Nothing. Well, the houses that are developed they have put yards in."

Commissioner Hunter: "But beyond that, there has been no attempt to revegetate Hunter Ridge 'A'?"

Darrell Rice: "No."

Commissioner Tuley: "I would be of the opinion that maybe a very strong letter be written."

Darrell Rice: "He is in violation of the Indiana Department Environmental Management's Rule 5⁷. Because silt is leaving the site. I would volunteer the Soil and Water Conservation Board could report that violation to IDEM-Indiana Department Environmental Management. They will send out an inspector and we can also talk to the Division of Water. We have received decent response out of them, which put one subdivision in pretty quick response because of some violations. So we could write them a letter also and if the County Commissioners would like to do that also, it would probably get some quick response."

Commissioner Tuley: "I think that we have made a good faith effort to allow them time to implement the requests. I am just getting the opinion that the more that we talk about it, that the less work is being done or they don't really care what we are asking them to do. And there has to be some strong message sent there that says you will or you won't be working."

Darrell Rice: "The street is cut and ready for paving or concrete or whatever the street will be. It looks like that will take place pretty soon. Once that happens a lot of the seeding could take place real quick and with September coming up that is the ideal seeding times for revegetating and getting it ready for fall and winter. So something needs to be done next month absolutely or they are going to be back in the same shape."

Commissioner Tuley: "What does anyone want to do?"

Commissioner Hunter: "I was under the impression that we gave them 30 days to do all of this and it hasn't been done."

Commissioner Tuley: "It was more than that, wasn't it?"

Commissioner Hunter: "Well it was in July wasn't it? June meeting? We gave them 60 days-that's right. It was the June meeting and we gave them until tonight-August 23."

⁷Copy of Section 1. RULE 5, included with the 8-23-93 minutes.

They have had roughly 60 days and we still have silt fences that are inoperable, and we have since had additional cutting for another sewer line that has not been in any way revegetated or seeded, or you say that there has been some straw."

Darrell Rice: "Right, down at the outlet, which it is too late. Those straw bales will probably be washed away or silted over real quick."

Commissioner Hunter: "I guess (inaudible remarks)..I don't want to hear my phone start ringing and this is Gannon and the other neighbors out there saying..."

Commissioner Tuley: "See? This is where we are heading, we are headed right into the fall rainy season. Not very far around the corner here, and if we say you have 30 days to comply with this or we are going to take more action....and they are still doing what it is that you don't want them to do. I don't know, my personal opinion is, I think a stronger message has to be sent."

Commissioner Hunter: "I think so too. We had suggested that if this all wasn't completed in 60 days that a letter would go to the Building Commissioner and ask that a halt be put on permits."

Commissioner Tuley: "No more permits. Until such time that.."

Commissioner Hunter: "And also I understand that the Building Commissioner was prepared to issue a citation of erosion."

Commissioner Tuley: "That was the understanding that I had."

Commissioner Hunter: "That is what I understood it all to be. It appears to me that what we had asked for has not happened, and what you asked for has not happened."

Commissioner Tuley: "There is not even a significant move toward that. I mean if he were 75%, I would feel better but it doesn't sound like he is...and he has no misunderstanding. Before there was a change in ownership and there was every excuse possible but for the last two months there has not been..."

Commissioner Hunter: "I think at this point Mr. President that I am prepared to ask that, A: a letter be sent to the Building Commissioner and request that permits be stopped on this subdivision until this issue is cleared up, B: I think that the Building Commissioner will at that point know that he has already been out and looked at the erosion problem and also think that a letter needs to go to the Indiana Department of Environmental Management, perhaps from Soil Conservation Service, the Board..."

Darrell Rice: "Soil and Water Conservation District."

Commissioner Hunter: "Indicating that Rule Five (5) has not been complied with."

Darrell Rice: "I think that if they would receive one from the County Commissioners as a Drainage Board you would get a quick response too."

Commissioner Tuley: "So you will write one and we will write one? Is that what you are saying?"

Darrell Rice: "Yes. I think that if they would have one on Commissioner's letterhead."

Commissioner Hunter: "Mr. Rice is correct. A letter to IDEM on another subdivision certainly listed exactly what we wanted and that was to clean up a problem on the west side. So that is where I am. I guess that I am putting it in a form of a motion."

Commissioner Borries: "I will second."

Commissioner Tuley: "So ordered. Then I will need to draft a letter."

Commissioner Hunter: "Will you have the letter ready for the September meeting? I also have a Commission Meeting. I am also on the Board of Supervisors for the SCS on this so I may or may not be at that meeting but I will be here. That will be on Tuesday night. I would like to have a copy of that letter."

Commissioner Tuley: "Would you be in Friday? In your office?"

Darrell Rice: "I don't have my schedule with me."

Commissioner Tuley: "I am leaving town early in the morning. I will be out until Thursday, but based on what we requested and based on what you have seen I would like to sit down with you and draft the letter."

Darrell Rice: "Ok."

B. The County Drainage Ordinance

Mr. Hartman: "The County Drainage Ordinance is being delayed one more month at least until we get the tape from Mr. Morley. The tape including the Ordinance that was set out by Morley for Newburgh, Indiana. Our tape is to be inclusive of the City of Evansville because they want to incorporate the same ordinance in their scope of operations. So with your permission I would like to extend that one more month."

Commissioner Tuley: "That is fine."

RE: NEW BUSINESS

A. Rule Five Field Day (Brookview VII)

Darrell Rice: "We are planning a sub review, a field day to let the developers and contractors and building contractors, earth work contractors, engineers, to show them what Rule Five means. We are doing it on Brookview VII. The field day will be October 14, from 4:00-6:00 p.m. We would like to invite the Commissioners. We will be inviting the State Representatives-people like that. Area Plan, a lot of government agencies plus the engineering firms. We will start out at the Vanderburgh Auditorium the 4-H Center Auditorium. What we will do is shuttle the people from there out to the site. Bud Bussing is doing a tremendous job on Brookview VII and we are getting some assistance through North America Green, Tenbarga Seed and some other companies to develop a beautiful site to show these people what is going on."

B. Drainage Approvals on Ditches-Future Maintenance

Darrell Rice: "I would like to make one comment on your drainage approval on ditches. Future maintenance hasn't really been addressed and on Fox Hollow and Burkhart future maintenance wasn't even talked about. With a 50 foot easement, it was showing a seven foot depth if you are putting the side slopes back to a two-to-one or even on a three-to-one you are not leaving any room for equipment to sit to dig those ditches out. That is probably something that really needs to be addressed. A ditch won't take care of itself forever. I was talking to a contractor, equipment won't work properly if you are sitting on the side slope. So you need a benched area for that equipment to sit and if you are having to haul the fill off you are doubling the cost of maintenance by having to haul that off. Maintenance easements are pretty critical. So, that is a comment from our view with working with ditches out in the county. Those easements are pretty critical. I would hate

~~Bob~~ Bob

12 noon 8-23-92
MON

→ 473-8618 ←
Jim Huguey-Culvert

Red Gate

Culvert is installed

Red Gate - Everything has

been done - curb - just

about ready to pour - should be today

Blacktop - not patched -

but will be finished a week

Sidney will be ^{completed by} this weekend

All drainage capacity is there

Hunter's Bridge

THE SOUTHEAST QUARTER OF THE
EAST LINE SAID QUARTER.
ORTH 12°21'2" WEST 195.00

CORNER OF HUNTER'S RIDGE
AT BOOK 0 AT PAGE 43
COUNTY, INDIANA; THENCE

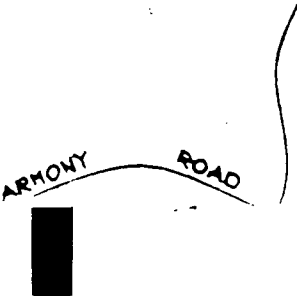
CORNER OF SAID

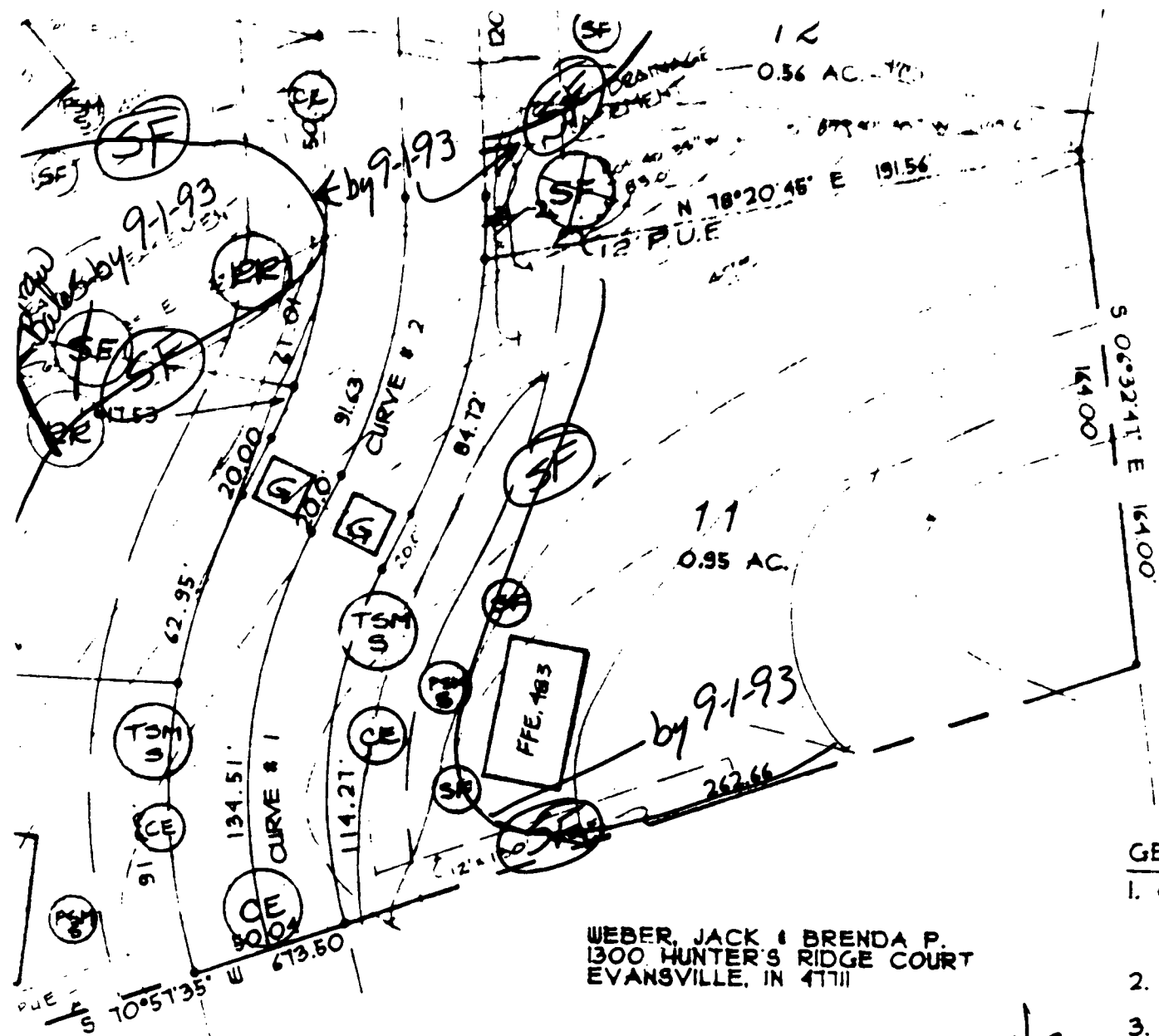
OF [REDACTED] GINNING.

GENT
0.78
0.89

EROSION CONTROL LEGEND

- (CE) CONSTRUCTION ENTRANCE
PRACTICE 3.01
- (RR) R.P.-RAP
PRACTICE 3.16
- (SF) SILT FENCE
PRACTICE 3.74
- (TSM S) TEMPORARY SEED & MULCH OR SOD
PRACTICES 3.11, 3.15 & 3.14
- (PSM S) PERMANENT SEED & MULCH OR SOD
PRACTICES 3.12, 3.15, & 3.14
- [G] GRAVEL INLET PROTECTION
PRACTICE 3.61
- EXISTING CONTOUR
- - - PROPOSED CONTOUR
- F.F.E. FINISHED FLOOR ELEVATION





WEBER, JACK & BRENDA P.
1300 HUNTER'S RIDGE COURT
EVANSVILLE, IN 47711

HUNTER'S RIDGE
SECTION "A"
TOWN "O"
PG 43

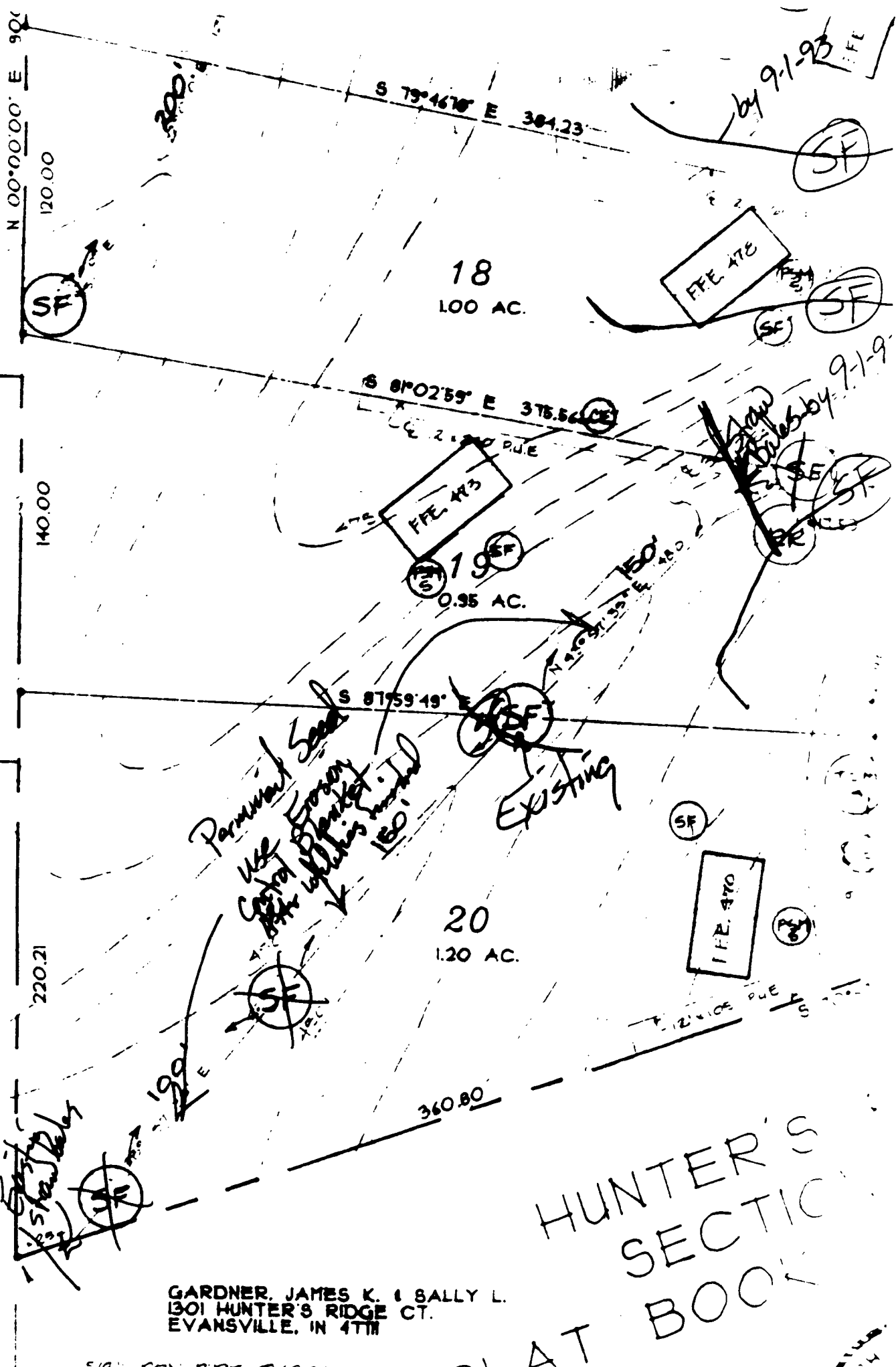
Revised on site
8-26-93 w/ Jim Fuquay
John & Jack Weber &
Andy Easley

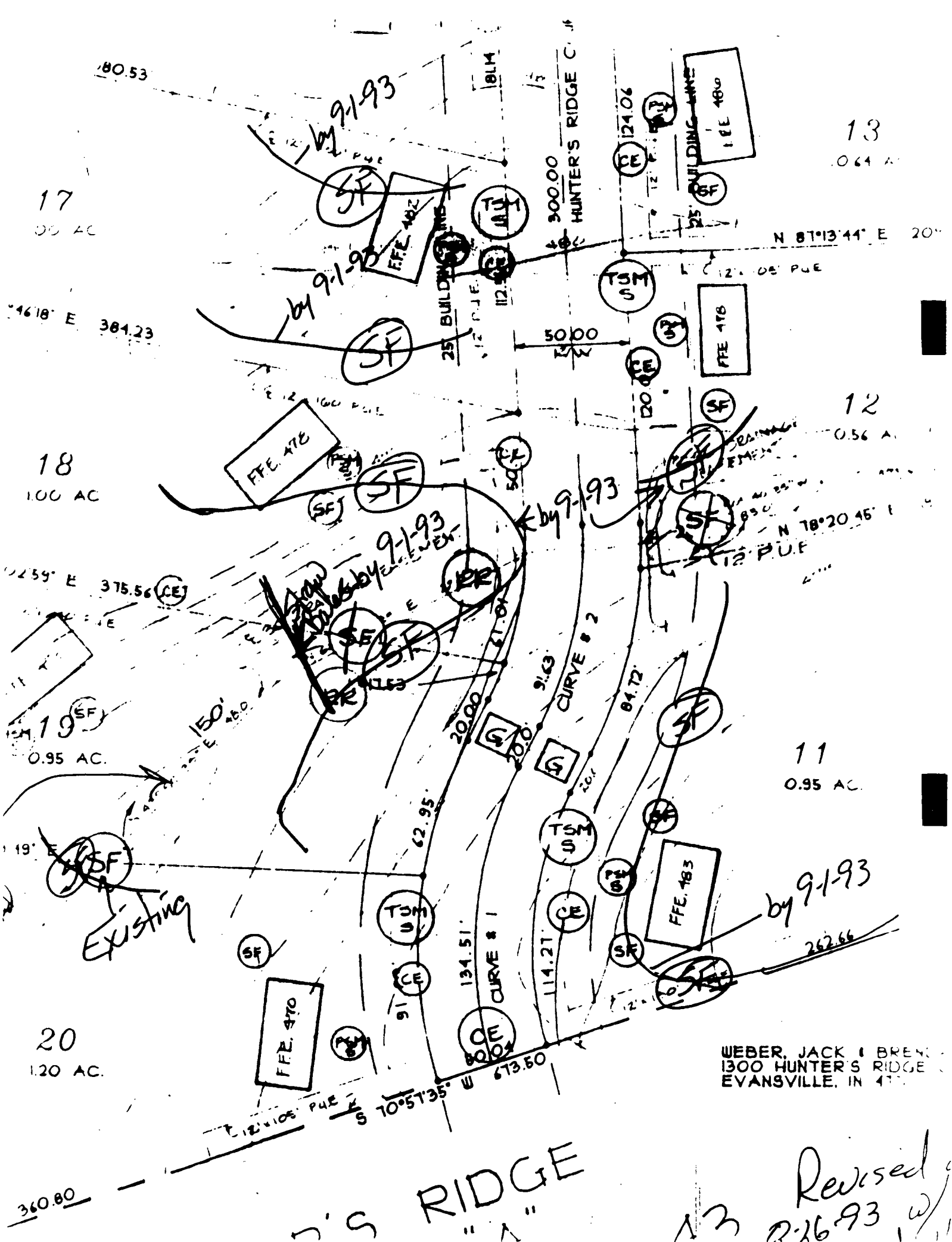
GENERAL NOTES

1. OWNER: JACK & BRENDA P. WEBER
EVANSVILLE, IN 47711
2. UTILITIES: GAS AND WATER
3. EROSION: SEEDED FOR FILL AND M. SLOPE EROSION TURBANE GRADING
4. ZONING: AS IS
5. FLOOD: A FLOOD DATED
6. SOIL CLASS: WEE2: WELL ST: STENO. HOB2: HOS ZAC3: ZAN
7. ALL ROAD
8. ENCROACH: DRAINAGE SHRUBS & STRUCTURE FOR THE
9. MAXIMUM

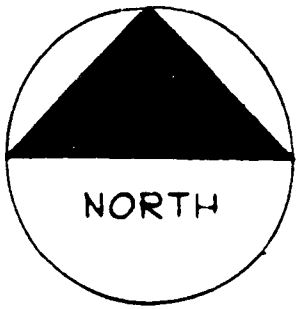


Ralph A. Easley, Jr.
Ralph A. Easley, Jr.
Land Surveyor
Indiana Reg. S 0006





Dion J. and Sylvia S. Dulay
1305 E. Boonville-New Harmony Road
Evansville, IN 47711



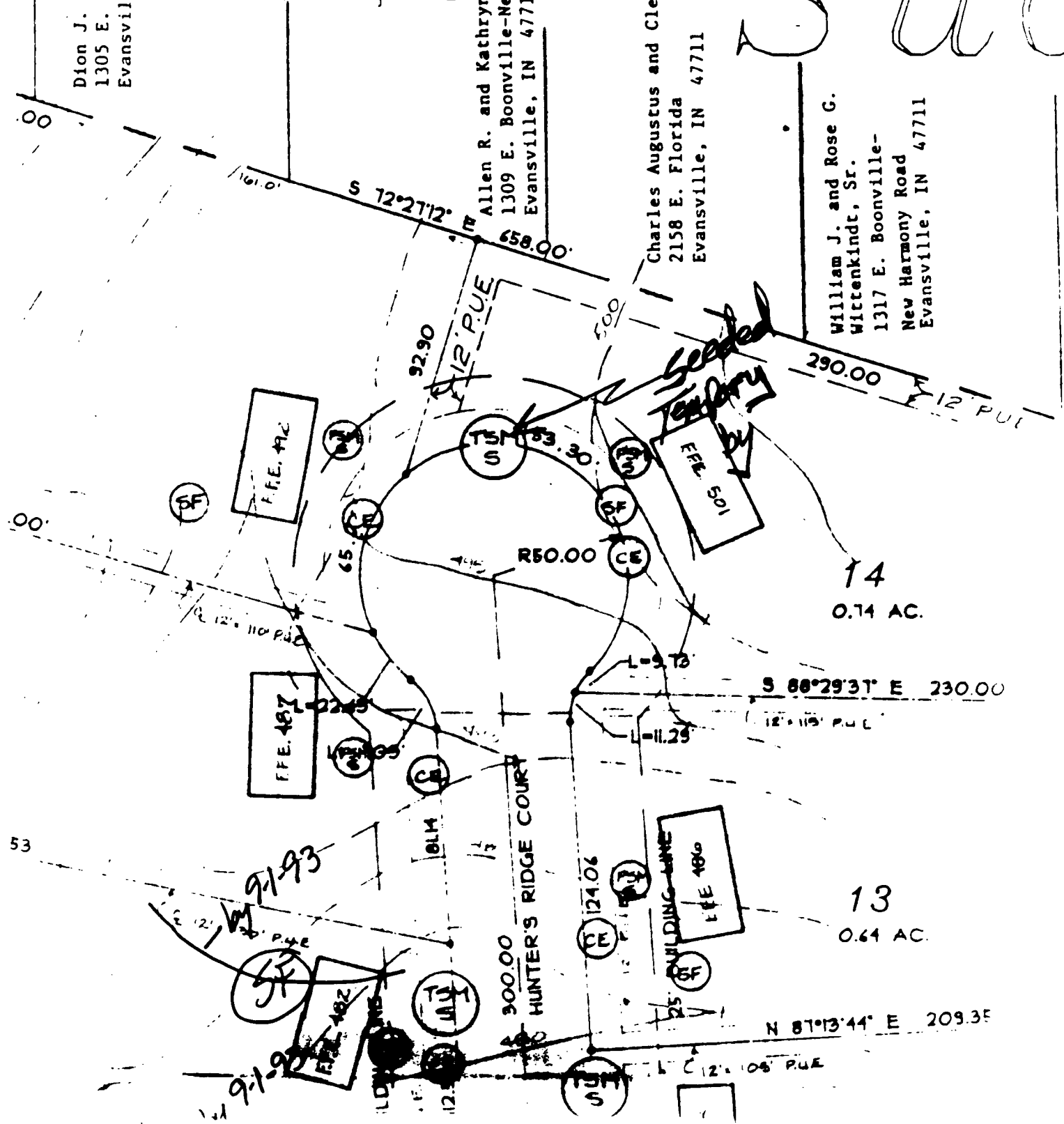
SCALE 1" = 50'
DATE: JULY 1, 1993

Allen R. and Kathryn S. Bredenkamp
1309 E. Boonville-New Harmony Road
Evansville, IN 47711

Charles Augustus and Clea Marie Pickett, Jr.
2158 E. Florida
Evansville, IN 47711

Hur
Suo

William J. and Rose G.
Wittenkindt, Sr.
1317 E. Boonville-
New Harmony Road
Evansville, IN 47711



**327 IAC 15-5. General Permit Related to Stormwater
Runoff Associated with Construction Activity**

LSA Document #92-63(F)
DIGEST

Adds 327 IAC 15-5 concerning storm water run-off associated with construction activity. Effective 30 days after filing with the secretary of state.

Rule 5. Storm Water Run-off Associated with Construction Activity

327 IAC 15-5-1 Purpose

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 1. The purpose of this rule is to reduce pollutants, principally sediment as a result of soil erosion, in storm water discharges into surface waters of the state from sites where construction activity disturbs five (5) acres or more of the site. However, in contemplation of recent Federal court decisions, persons with sites greater than one (1) acre but less than five (5) acres are invited to comply with this rule as well. (Water Pollution Control Board; 327 IAC 15-5-1)

327 IAC 15-5-2 Applicability of general permit rules

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 2. The requirements under this rule apply to all persons who:

- (1) do not obtain an individual NPDES permit under 327 IAC 15-2-6;
- (2) meet the general permit rule applicability requirements under 327 IAC 15-2-3; and
- (3) are involved in construction activity, which includes clearing, grading, excavation, and other land disturbing activities, except operations that result in the disturbance of less than five (5) acres of total land area and which are not part of a larger common plan of development or sale.

(Water Pollution Control Board; 327 IAC 15-5-2)

327 IAC 15-5-3 General permit rule boundary

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 3. Facilities existing within the boundaries of the state of Indiana affected by this rule are regulated under this rule. (Water Pollution Control Board; 327 IAC 15-5-3)

327 IAC 15-5-4 Definitions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3-1.5; IC 13-7-1

Sec. 4. In addition to the definitions contained in IC 13-7-1, IC 13-1-3-1.5, 327 IAC 1, 327 IAC 5, and 327 IAC 15-1-2, the following definitions apply throughout this rule:

(1) "Agricultural land use" means use of land for the production of animal or plant life, including forestry, pasturing or yarding of livestock, and planting, growing, cultivating, and harvesting crops for human or livestock consumption.

(2) "Erosion" means the detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

(3) "Erosion control measure" means a practice, or a combination of practices, to control erosion and resulting sedimentation and/or off-site damages.

(4) "Erosion control plan" means a written description and site plan of pertinent information concerning erosion control measures.

(5) "Land disturbing activity" means any manmade change of the land surface, including removing vegetative cover, excavating, filling, transporting, and grading. In the context of this rule, agricultural land disturbing activities, coal mining activities permitted by the DNR under IC 13-4.1, and active landfills permitted by the Indiana department of environmental management where the permit requires soil erosion control are excluded.

(6) "Nonagricultural land use" means commercial use of land for the manufacturing and wholesale or retail sale of goods or services, residential or institutional use of land intended primarily to shelter people, highway use of land including lanes, alleys, and streets, and other land uses not included in agricultural land use.

(7) "Operator" means the person required to submit the NOI letter under this article, and required to comply with the terms of this rule.

(8) "Site" means the entire area included in the legal description of the land on which land disturbing activity is to be performed.

(Water Pollution Control Board; 327 IAC 15-5-4)

327 IAC 15-5-5 Additional NOI letter requirements

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 5. In addition to the NOI letter requirements under 327 IAC 15-3, the following information must be submitted by the operator with a NOI letter under this rule:

(1) A brief description of the construction project, including, but not limited to, a statement of the total acreage of the site.

(2) Estimated timetable for land disturbing activities and installation of erosion control measures.

(3) Statement of the number of acres to be involved in land disturbing activities.

(4) A written certification by the operator that:

(A) the erosion control measures included in the erosion control plan comply with the requirements under sections 7 and 9 of this rule and that the plan complies with applicable State, county, or local erosion control requirements;

(B) the erosion control measures will be implemented in accordance with the plan;

(C) verification that an appropriate state, county, or

conservation district office has been sent a copy of the plan for review; and

(D) verification that implementation of the erosion control plan will be conducted by personnel trained in erosion control practices.

(5) Proof of publication in a newspaper of general circulation in the affected area that notified the public that a construction activity under this rule is to commence.

(Water Pollution Control Board; 327 IAC 15-5-5)

327 IAC 15-5-6 Deadline for submittal of a NOI letter; additional information

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 6. All information required under 327 IAC 15-3 and section 5 of this rule shall be submitted to the commissioner prior to the initiation of land disturbing activities. (Water Pollution Control Board; 327 IAC 15-5-6)

327 IAC 15-5-7 General conditions for construction activity erosion control measures

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 7. (a) The operator shall develop an erosion control plan in accordance with the requirements under this section.

(b) The following requirements shall be met on all sites during the period when active land disturbing activities occur:

(1) Sediment-laden water which otherwise would flow from the site shall be detained by erosion control practices appropriate to minimize sedimentation in the receiving stream. No storm water shall be discharged from the site in a manner causing erosion in the receiving channel at the point of discharge.

(2) Appropriate measures shall be taken by the operator to minimize or eliminate wastes or unused building materials, including, but not limited to, garbage, debris, cleaning wastes, wastewater, and other substances from being carried from a site by runoff. Proper disposal or management of all wastes and unused building materials, appropriate to the nature of the waste or material, is required.

(3) Sediment being tracked from a site onto public or private roadways shall be minimized. This can be accomplished initially by a temporary gravel construction entrance in addition to a well-planned layout of roads, access drives, and parking areas of sufficient width and length, or other appropriate measures.

(4) Public or private roadways shall be kept cleared of accumulated sediment. Bulk clearing of accumulated sediment shall not include flushing the area with water. Cleared sediment shall be returned to the point of likely origin or other suitable location.

(5) All on-site storm drain inlets shall be protected against sedimentation with straw bales, filter fabric, or equivalent barriers meeting accepted design criteria, standards, and

specification for that purpose.

(6) The following items apply during the time the construction activity is taking place:

(A) Storm water drainage from adjacent areas that naturally pass through the site shall be controlled by diverting it around disturbed areas. Alternatively, the existing channel must be protected and/or improved to prevent erosion or sedimentation from occurring.

(B) Runoff from a disturbed area shall be controlled by one (1) or more of the following measures:

(i) Except as prevented by inclement weather conditions or other circumstances beyond the control of the operator, appropriate vegetative practices will be initiated within seven (7) days of the last land disturbing activity at the site regulated by this rule. Appropriate vegetative practices include, but are not limited to, seeding, sodding, mulching, covering, or by other equivalent erosion control measures.

(ii) The erosion control plan shall be implemented on disturbed areas within the construction site. The plan shall include erosion control measures as appropriate, such as, but not limited to, the following:

(AA) Sediment detention basins.

(BB) Sediment control practices, such as filter strips, diversions, straw bales, filter fences, inlet protection measures, slope minimization, phased construction, maximizing tree coverage, temporary and permanent seeding of vegetation, mulching, and sodding.

All measures involving erosion control practices shall be designed and installed under the guidance of a qualified professional experienced in erosion control and following the specifications and criteria under this subsection. All other nonengineered erosion control measures involving vegetation should be installed according to accepted specifications and criteria under this subsection.

(c) During the period of construction activity at a site, all erosion control measures necessary to meet the requirements of this rule shall be maintained by the operator.

(d) All erosion control measures required to comply with this rule shall meet the design criteria, standards, and specifications for erosion control measures established by the department in guidance documents similar to, or as effective as, those outlined in the Indiana Handbook for Erosion Control in Developing Areas from the division of soil conservation, Indiana department of natural resources and the Field Office Technical Guide from the Soil Conservation Service. The erosion control plan shall include, but is not limited to, the following:

* (1) A map of the site in adequate detail to show the site and adjacent areas, including the following:

(A) Site boundaries and adjacent lands which accurately portray the site location.

(c) Maintenance of the remaining erosion control measures shall be the responsibility of the occupier of the property after the operator has terminated land disturbing activities. (Water Pollution Control Board; 327 IAC 15-5-8)

327 IAC 15-5-9 Standard conditions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 9. The standard conditions for NPDES general permit rules under 327 IAC 15-4 shall apply to this rule. (Water Pollution Control Board; 327 IAC 15-5-9)

327 IAC 15-5-10 Inspection and enforcement

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 10. (a) The commissioner and/or designated representative may inspect any site involved in land disturbing activities regulated by this rule at reasonable times. The erosion control plan must be readily accessible for review at the time of the inspection.

(b) Any person violating any of the provisions of this rule shall be subject to enforcement and penalty under IC 13-7-10-5, IC 13-7-11, IC 13-7-12, 327 IAC 15-1-4 or any combination thereof.

(c) If maintenance of remaining erosion control measures are not properly maintained by the person operating the property, the commissioner may pursue enforcement against that person for correction of deficiencies under 327 IAC 15-1-4. (Water Pollution Control Board; 327 IAC 15-5-10)

327 IAC 15-5-11 Notification of completion

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 11. The operator shall notify the commissioner, in writing, upon completion of the construction activity. (Water Pollution Control Board; 327 IAC 15-5-11)

Content Requirements of a Notice-of-Intent Letter

From 327 IAC 15-3-2

Sec. 2. The NOI letter shall include the following:

(1) Name, mailing address, and location of the facility for which notification is submitted.

(2) Standard Industrial Classification (SIC) codes, as defined in 327 IAC 5, up to four (4) digits, that best represent the principal products or activities provided by the facility.

(3) Person's name, address, telephone number, ownership status, and status as to federal, state, private, public, or other entity.

- (B) Lakes, streams, channels, ditches, wetlands, and other water courses on and adjacent to the site.
 - (C) One hundred (100) year floodplains, floodway fringes, and floodways.
 - (D) Location of the predominant soil types, which may be determined by the United States Department of Agriculture, SCS County Soil Survey or an equivalent publication, or as determined by a certified professional soil scientist.
 - (E) Location and delineation of vegetative cover such as grass, weeds, brush, and trees.
 - (F) Location and approximate dimensions of storm water drainage systems and natural drainage patterns on, and immediately adjacent to, the site.
 - (G) Locations and approximate dimensions of utilities, structures, roads, highways, and paving.
 - (H) Site topography, both existing and planned, at a contour interval appropriate to indicate drainage patterns.
 - (I) Potential areas where point source discharges of storm water may enter ground water, if any.
- (2) A plan of final site conditions on the same scale as the existing site map showing the site changes.
- (3) A site construction plan shall include, but is not limited to, the following:
- (A) Locations and approximate dimensions of all proposed land disturbing activities.
 - (B) Potential locations of soil stockpiles.
 - (C) Locations and approximate dimensions of all erosion control measures necessary to meet the requirements of this rule.
 - (D) Schedule of the anticipated initiation and completion dates of each land disturbing activity, including the installation of erosion control measures needed to meet the requirements of this rule.
 - (E) Provisions, including a schedule, for maintenance of the erosion control measures during construction.
 - (F) Where feasible, preserve vegetation that exists on the site prior to the initiation of land disturbing activities.
- (Water Pollution Control Board; 327 IAC 15-5-7)

327 IAC 15-5-8 Project termination

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 8. (a) The operator shall plan an orderly and timely termination of the land disturbing activities which shall include the following:

- (1) Allowing the installation of utility lines on the site, whenever practicable, prior to final land grading, seeding, and mulching of the site.
- (2) Implementing erosion control measures which are to remain on the site.

(b) The commissioner may, subsequent to termination of a project, inspect the site to evaluate the adequacy of the remaining erosion control measures.

to see you give them up. Individual sites are different. Once you have a maintained easement I would maintain them as that and not give them up if you can."

C. Purchase of Property-Morgan Avenue, Crawford-Brandeis Ditch (Frank Richardson, Hoprich Chemical)

Commissioner Borries: "Mr. Frank Richardson-Hoprich Chemical is interested in purchasing some property not too far off Indiana State Road 62 known as Morgan Avenue. I think that it is Crawford-Brandeis ditch and a portion of that ditch will be on some property or something he is purchased. He wanted to talk to Bob Brenner or someone from your staff. I have a number here. Because originally there was seventy-two feet of what he considered, I guess, property before the ditch in terms of surveying instead of the original ninety-two. He wants to clean out part of the problems with the ditch, the junk and everything else. So in effect it would be improving that but he also wants some consideration in terms of the property because there is no longer ninety-two feet. There is now seventy-two feet due to the problems with the erosion. So, could you or Bob or someone please contact Mr. Richardson on this?"

Mr. Hartman: "Yes, thank-you."

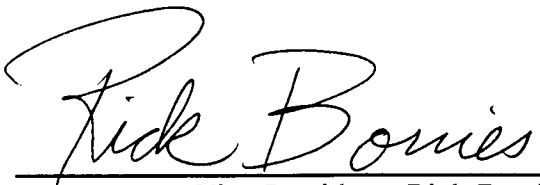
There being no further business, the meeting was adjourned at 8:10 p.m.

PRESENT:

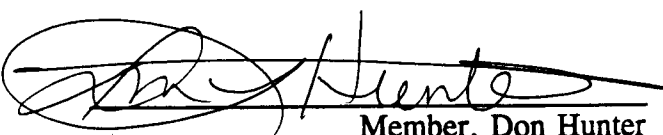
President Pat Tuley
Vice-President Rick Borries
Member Don Hunter
Alan Kissinger, County Attorney
Cindy Mayo, Chief Deputy Auditor's Office
John Stoll, County Engineer
Dan Hartman, County Surveyor's Office
Vickie McBride (COLE)
Jerry Evans, Attorney for BFI
David Savage
Andy Easley
Jim Morley
Keith Poff
Darrell Rice, Soil Conservation Service
Riley Winders
Steve Blankenberger
transcribed sbt



President, Pat Tuley



Vice-President, Rick Borries



Member, Don Hunter

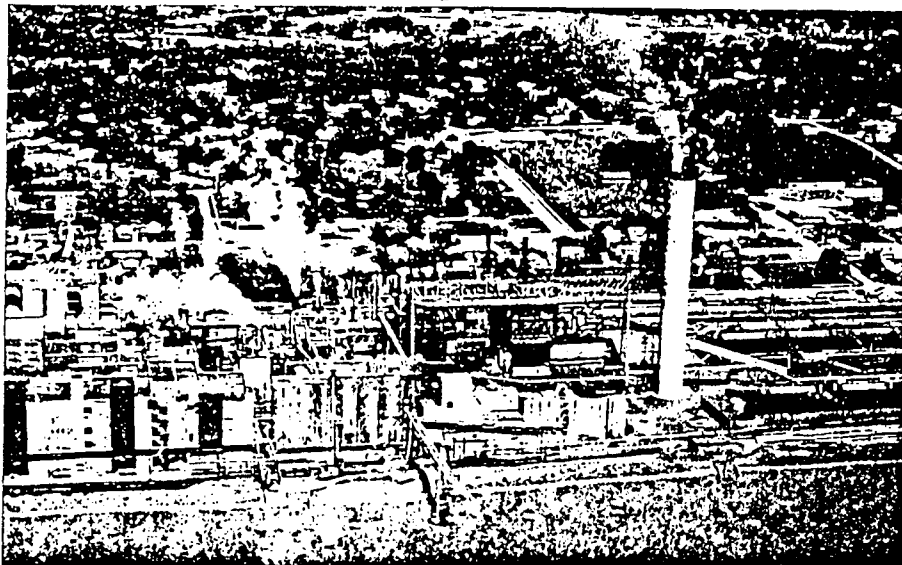
Midwest toxic sites at risk

One of the lingering issues of the Midwest flooding is its impact on hazardous waste sites. A survey of environmental regulators and cleanup industry executives in the affected area reveals more than a dozen Superfund sites and scores of smaller remediation sites and waste storage facilities under water or at risk. Sources say there is immediate concern over possible contamination spread and long-term questions about project costs and viability.

"There is a very real possibility that [flooding] could change the whole approach to a site," says Rowena L. Michaels, a spokeswoman for the U.S. Environmental Protection Agency's Kansas City, Mo.-based region. It includes the four hard-hit states of Iowa, Kansas, Nebraska and Missouri. "We've been having those kind of discussions. But we've got so much going on now we'll have to wait and see."

In Missouri alone, 12 Superfund sites remain under water, says David A. Shorr, director of the state Dept. of Natural Resources. "Our main concern is whether hazardous materials will be released from the sites," he says. Shorr believes this has not happened based on initial site tests, but more thorough

in the 15-county disaster area, says EPA, but it is not known how many are under water. "These are usually remote sites," says agency spokesman Bill Landis in Davenport. "We are just getting people out to them." A spokesman for EPA in Chicago says an industrial waste landfill in Mankato, Minn., was under water. None in Illinois have been affected.



Flooding has already inundated high-risk sites along rain-swollen Midwest rivers such as this Iowa gas station (left), and threatens a Mississippi River powerplant (top).



probes won't be possible until the waters recede. "We're not getting very good sampling information," he says.

Major "hot spots" in Missouri so far are unaffected, says Shorr. The state's 27 dioxin-tainted sites, including the Times Beach Superfund site, are not threatened. The U.S. Dept. of Energy's Weldon Springs Superfund site, which has radioactive waste from past nuclear weapons manufacturing, has "water within the perimeter," says Shorr, but not yet in key waste locations.

Iowa has 18 Superfund sites located

with industrial solvents and explosive ordnance, says a public affairs officer.

State officials are also concerned about flooding of industrial facilities, powerplants, gas stations and waste storage sites. "Bulk storage is a concern," says Shorr. "There may be some releases, but we don't know yet."

Shorr and others also point to possible impacts from chemical runoff from inundated farmland, but "overall it's not that significant," he says. "The biggest polluters are municipal wastewater treatment plants."

EPA has been tasked by the Federal Emergency Management Agency to sample major affected rivers to determine the presence of contamination and to assist local officials in emergency containment. Landis says EPA swat teams have recovered about 200 "orphan" drums of wastes from Iowa's stretch of the Mississippi and are storing them for testing and disposal.

Officials also are moving to contain potential problems from crisis disposal of household hazardous wastes in ravaged areas. EPA is implementing a program in each of the flood-hit counties to set up central collection points.

"Every day the water recedes, it gets to be more of a priority," says Shorr.

While officials attend to the immediate problems, others are debating flood impacts farther out. Changed conditions at cleanup sites is a possibility, but not a probability, says Thomas Buechler, a vice president for Black & Veatch Waste Sciences and Technology Corp., On groundwater pump-and-treat projects, "when you turn off those pumps, you will probably lose some of the long-term gains. But we don't anticipate that big a change. Hopefully the technology will be robust enough to handle it."

But others caution that the flooding could change site conditions drastically. "Projects are based on site assessments," says Louis Fournier, principal scientist with Groundwater Technology Inc., Chadds Ford, Pa. "With flooding, all that information is distorted. It raises serious questions about the assessments. On some sites you may have to start all over again."

By Steven W. Setzer

(10) A description of the supervision which will occur at the site;

Full-time supervision of the operations at this site will be done by the Operations Manager who will report to the District Manager. The District Manager will be available to discuss the day-to-day operations on an as-needed basis and will meet with the operations manager at least weekly to discuss the operations.

(11) A description of the base flood at the site and whether the site is in the floodway;

Portions of the proposed horizontal expansion are located within the existing floodways of Locust Creek and its unnamed tributary. Therefore, prior to the development of this project, Locust Creek and its unnamed tributary will be relocated along the perimeter of the property as shown on Sheet 12 of Appendix G. The relocated channels have been demonstrated to contain the 100-year floodway within their overbanks. The base flood elevation for Locust Creek at the upstream face of Wimberg Road was computed to be El 389.8 ft, MSL and 397.6 ft, MSL at the upstream northeastern property boundary. The unnamed tributary was computed to reach elevation 398.00 at the upstream northwestern property boundary.

(12) Proposed hours of operation;

The proposed hours of operation will be 6 a.m. to 3:45 p.m., Monday through Friday and 6 a.m. to 12:45 p.m. Saturday.

(13) The names and addresses of all adjoining land owners;

The names and addresses of all adjoining land owners are listed on the property survey in Section 2 of Appendix A.

(14) Development and progression of the solid waste land disposal facility as illustrated in the design and operational plan;

Sheets 17 through 23 in Appendix G illustrate the proposed development and progression of the solid waste disposal facility. The initial site preparation will consist solely of the construction of the Phase I liner system. While filling occurs within the Phase I area the site preparation will expand to include the construction of the channel relocations, access roads, entrance road, bridge and the excavation of soil from the Phase II disposal area. An estimate of the service life for each phase of the fill progression is provided in the following table.

provided by Laubscher Road, the current access for the existing landfill. As filling continues in the Phase I area, the channel relocation project will be in progress as will be: the construction of the new perimeter access road; the bridge across the new channel; the new entrance road and the other on-site facilities shown on Sheet 17 in Appendix G.

It should be noted that not all of the features shown of Sheet 17 will be constructed prior to placement of waste within the limits of the Phase 1 fill area. Some of these features, such as the channel relocation and borrow areas will be under construction while others such as the future scales and guard office will be constructed as filling progresses to the area where the existing guard office/scale complex is located.

(D) A plot plan, with surface contours at intervals of no more than 5 feet, which indicates: land surface water diversion structures; berms; vegetation; or fences for visual screening; or fences for visual screening; sedimentation and/or erosion control structures; protective barriers; leachate collection and methane control systems, if proposed; existing and proposed structures; the precise location of the solid waste boundary; methods of operation; direction and order operation and development will proceed; depth of excavation; length and width of trenches, if proposed; depth of lifts and size of working face; and areas of the site to be used only for acquisition of cover soil.

This information is provided on Sheet Nos. 16 through 23. In addition, the precise location of the soil waste boundary along with its legal description is provided in Section 2 of Appendix A.

(E) Geological cross sectional drawings of the proposed facility showing: the types of soil materials or rock strata, as identified by boring logs, from the ground surface to the required boring depth; depth of proposed fill; fill boundaries; and present topography (mean sea level elevations). All boring logs shall be shown on cross-sections; a minimum of two intersecting cross-sections shall be submitted.

This information is provided on Sheets 5, 6 and 7 in Appendix G.

(F) Cross sectional drawings of proposed on-site all-weather roads.

This information is provided on Sheet 32 in Appendix G.

(G) Cross sectional drawings of proposed sedimentation and/or erosion control structures, berms, dikes, ditches, etc.

Cross-sections of the proposed channel relocation and the berm that will separate the relocated channel from the landfill are provided on Sheet Nos. 13, 14 and 15 in Appendix G. Details regarding other on-site diversion ditches and berms are provided on Sheets 31 and 32 in Appendix G.

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME

Terry R. Johnson

1052

On Account of Appropriation for

Aiken Ditch

234-006

Invoice No.	Itemized Claim	Amount
93-SM-06-85	Bid at 0.2495 per L.F. X	
	1800 L.F. = \$449.10	
	Pay 85%	\$381.73
	15% Retainage = \$67.37	

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Terry R. Johnson Const.
Name

Owner
Title

Date Aug. 12, 1993

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME

Henry R. John

1052

On Account of Appropriation for

Kolb Ditch

234-025

Invoice No.	Itemized Claim	Amount
93-SM-25-85	Bid at 0.2895¢ per L.F. x 5593 L.F. = \$1619.17	
	Pay 8576 →	\$1376.30
15% Retainage	\$242.87	

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Henry R. John *cert*
Name
Quinn
Title

Date *AUG 13*, 19*93*

F-4

SURVEYOR'S OFFICE
VANDERBURGH COUNTY
ROOM 205 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R. JOHNSON for ☒ annual -- ☐ additional maintenance to AIKEN Ditch, a legal drain in Vanderburgh County, Indiana, was completed by the said contractor on 8-9-93, 1993, and was inspected by our staff on 8-11, 1993, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner
Robert W. Brenner, Vanderburgh County Surveyor

8-13-93
(date)

Additional comments:

F-4

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Vendor Name Tetty Johnson
Vendor No. 1052

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Dept. Fund Name Kolk D.t.c.l
Account No. 234-025

Allowed _____ 19____

Richard / Jones

Board of Commissioners

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>93-S.M-2585</u>	<u> </u>	<u>AUG 12, 1993</u>	<u>234-075</u>	\$ <u>1,376.30</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
			TOTAL	\$ <u>1,376.30</u>

TOTAL

1,376.30

SURVEYOR'S OFFICE
VANDERBURGH COUNTY
ROOM 225 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

SPRING MOW

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R JOHNSON for ☒ annual -- ☐ additional maintenance to KOLB Ditch, a legal drain in Vanderburgh County, Indiana, was completed by the said contractor on July 9, 1993, and was inspected by our staff on July 26, 1993, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner
Robert W. Brenner, Vanderburgh County Surveyor

Aug. 20, '93
(Date)

Additional comments:

F-4

SURVEYOR'S OFFICE
VANDERBURGH COUNTY
ROOM 205 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R. JOHNSON for ☒ annual -- ☐ additional maintenance to EAST SIDE URBAN SOUTH HALF Ditch, a legal drain in Vanderburgh County, Indiana, was completed by the said contractor on Aug 23, 1997, and was inspected by our staff on Aug 23, 1997, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner
Robert W. Brenner, Vanderburgh County Surveyor

(date)

Additional comments:

F-4

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME

Terry R. Johnson

1052

On Account of Appropriation for

Sonntag Stevens Ditch 234-038

Invoice No.	Itemized Claim	Amount	
93-SM-38-85	Bid at 0.279¢ per L.F. x 3050 L.F. = \$1850.95		
	Pay 85% →	723	30 ✓
	Retainage 15% = 127.65		

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Terry R. Johnson Carist.
Name

Owner
Title

Date Aug. 23, 1993

F-4

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Vendor Name Terry Johnson
Vendor No. 1052

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Account No. 234-038

Auditor

Richard L. James

Board of Commissioners

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
93-SM-38-85		8-23-93	234-039	723.30
			TOTAL	723.30

SURVEYOR'S OFFICE
VANDERBURGH COUNTY
ROOM 225 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R. JOHNSON for ☒ annual -- ☐ additional maintenance to SONNTAL STEVENS Ditch, a legal drain in Vanderburgh County, Indiana, was completed by the said contractor on AUG. 23, 1993, and was inspected by our staff on AUG. 27, 1993, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brannan
Robert W. Brannan, Vanderburgh County Surveyor

8-23-93
(date)

Additional comments:

F-4

VANDEBURGH COUNTY, INDIANA

On Account of Appropriation for Harper Ditch 234-017

[illegible]

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

David W. Churchill

Name

Right-of-Way MANAGER

Title

Date Aug 12, 1993

F-4

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME SHIDELER SPRAY SERVICE # 1851

On Account of Appropriation for EAST SIDE URBAN SOUTH HALF 234-015

Invoice No.	Itemized Claim	Amount	
93-SPR-15-85	EASTSIDE URBAN SOUTH HALF		
	47592 LINEFT X 0.048 = 2,284.42		
	PAY 85%	\$ 1,941	76
	15% RETAINAGE = 342.66		

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

David W. Churnett

Name

Right-of-way Manager

Title

Date AUG 12, 1993

F-4

SURVEYOR'S OFFICE
VANDERBURGH COUNTY
ROOM 225 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: SHIDLER SPRAY SERVICE for ☒ annual -- ☐ additional maintenance to HARPER Ditch, a legal drain in Vanderburgh County, Indiana, was completed by the said contractor on July 29, 1993, and was inspected by our staff on Aug. 11, 1993, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brannan
Robert W. Brannan, Vanderburgh County Surveyor

8-13-93
(date)

Additional comments:

F-4

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME SHIDELER SPRAY SERVICE # 1851

On Account of Appropriation for EAST SIDE URBAN SOUTH HALF 234-015

Invoice No.	Itemized Claim	Amount	
93-SPR-15-85	EASTSIDE URBAN SOUTH HALF		
	47592 LINFT @ 0.048 = 2,284.42		
	PAY 85%	\$ 1,941	76
	15% RETAINAGE = 342.66		

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

David W. Churnett

Name

Right-of-Way Manager

Title

Date AUG 12, 1993

F-4

7-11

Warrant No. _____
Claim No. _____
Date _____

IN FAVOR OF

Vendor Name SHIDLER SPRAY SERVICE
Vendor No. 1851

\$ 1,941.76

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Est. Sigs Wagon 5112
Account No. 234-015

Allowed _____ 19____

In the sum of \$
Richard J. Jones
Richard J. Jones
[Signature]

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

8-13, 93 [Signature]

Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>93-SPR-15-85</u>	_____	<u>Aug 12, 1993</u>	<u>234-015</u>	<u>\$ 1,941.76</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL \$ 1,941.76

SURVEYOR'S OFFICE
VANDERBURGH COUNTY
ROOM 23 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: SHIDLER SPRAY SERVICE for ☒ annual -- ☐ additional maintenance to EAST SIDE URBAN SOUTH 1/2 Ditch, a legal drain in Vanderburgh County, Indiana, was completed by the said contractor on 7-28-93, 1993, and was inspected by our staff on AUG. 13, 1993, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert Brenner (H.P.)
Robert W. Brenner, Vanderburgh County Surveyor

(date)

Additional comments:

F-4

0/4

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA


VENDOR NAME Shideler Spray Service # 1851

On Account of Appropriation for Keil Ditch - 234-022

Invoice No.	Itemized Claim	Amount	
93-SPR-22-85	Bid at 0.048¢ per L.F. 3012		
	L.F. = \$144.58		
	Pay 85 90 →	\$122.89	
	15% Retainage \$21.69		

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.


Name

Right-of-Way MANAGER
Title

Date AUG 12, 1993

OK

Form Prescribed by the
State Board of Accounts

1245

Revised County
Form No. 17

SHIDELEP

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Shidelet Spray Service # 1851

On Account of Appropriation for Sonntag Stevens 234-038

Invoice No.	Itemized Claim	Amount	
93-SPR.-38-85	Bid at 0.0484 per L.F. x		
	10,705 L.F. = \$513.84		
	Pay 85 90	436	77

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

x David W. Chinnett
Name
Right-of-Way Manager
Title

Date AUG 18, 1993, 19

F-4

SURVEYOR'S OFFICE
VANDERBURGH COUNTY
ROOM 203 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: SHIDLER SPRAY SERVICE for ☒ annual -- ☐ additional maintenance to KEIL Ditch, a legal drain in Vanderburgh County, Indiana, was completed by the said contractor on July 29, 1997, and was inspected by our staff on Aug. 17, 1997, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner
Robert W. Brenner, Vanderburgh County Surveyor

8-20-93
(date)

Additional comments:

F-4

SHIDELEP

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDEBURGH COUNTY, INDIANA

VENDOR NAME Shidelet Spray Service # 1851

On Account of Appropriation for Sonntag, Steven's 234-038

[illegible]

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

x David W. Chinneth
Name

Name

Right-of Way Manoeuvre

Title

Date AUG 18, 1993, 1993

F-4

45

Vendor Name Shidcler Spray Services

Vendor No. 1851

\$434.77

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Schultz Steven B

Account No. 234-038

Allowed _____ 19____

In the sum of \$
Robert J. Kelly
Richard J. Bonica

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Aug 20, 93

Robert W. Benners

Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

PURCHASE ORDER NO.	INVOICE NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
	<u>93-SPR-885</u>	<u>AUG. 18, 1993</u>	<u>274-038</u>	<u>436.77</u>
TOTAL				436.77

SURVEYOR'S OFFICE
VANDERBURGH COUNTY
ROOM 225 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: SHIDLER SPRAY SERVICE for ☒ annual -- ☐ additional maintenance to SONNTAG-STEVEN'S Ditch, a legal drain in Vanderburgh County, Indiana, was completed by the said contractor on 7-29, 1993, and was inspected by our staff on AUG 18, 1993, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brannan

Robert W. Brannan, Vanderburgh County Surveyor

8-20-93

(date)

Additional comments:

F.4



June 25, 1993

Don Hunter
County Commissioner
Civic Center Complex
Room 305
Evansville, IN 47708

Dear Mr. Hunter,

This is a follow up letter to our visit on the Hunters Ridge I and II Subdivision and also the downstream Redbud Subdivision.

I met Jim Fuquay the developer for Hunters Ridge and his engineer Andy Easley at the site on Monday, June 21, 1993.

We walked over the site and viewed the failed silt traps. I reviewed a sample erosion control plan and Mr. Fuquay assured me an erosion control plan would be submitted as soon as possible. He also assured me that the proposed erosion control practices such as additional silt fences using approved materials, mulching and seeding would be carried out as soon as possible.

Sincerely,

Darrell L. Rice
District Conservationist
Soil Conservation Service, USDA
12445 Highway 41 North
Evansville, IN 47711

DLR/bb

cc: Jim Fuquay
Andy Easley



The Soil Conservation Service
is an agency of the
Department of Agriculture

AN EQUAL OPPORTUNITY EMPLOYER

F-6

Section 1. RULE 5
General Permit for Construction Activity Stormwater Runoff Control
(How to Comply, Copy of the Rule, NOI Letter Requirements)

"Rule 5" (327 IAC 15-5), adopted in 1992 by the State Water Pollution Control Board and administered by the Indiana Department of Environmental Management, applies to all sites where construction activity disturbs five acres or more. Reproduced here is (1) a brief summary of how to comply, (2) a copy of the rule itself, and (3) the content requirements of a notice-of-intent letter.

Questions concerning this rule should be addressed to:

Chief, Permits Section
Operations Branch, Office of Water Management
Indiana Department of Environmental Management
105 South Meridian Street
Indianapolis, IN 46206-6015
Phone (317) 232-8704, FAX (317) 232-5539

How to Comply with 327 IAC 15-5 ("Rule 5")

You must:

1. Pay the NOI letter fee of \$50.00 made payable to the Indiana Department of Environmental Management.
2. Prepare a soil erosion control plan that contains the required elements in 327 IAC 15-5-7.
3. Send the plan to the Soil and Water Conservation District office in the county where the construction activity will take place and to any appropriate State, county, and local soil erosion control authority. The SWCD will review the plan and make recommendations when necessary.
4. Be sure that the personnel responsible for installing and operating the plan know what they are doing. This may require some training for some.
5. Prepare and submit a complete Notice of Intent letter to the Office of Water Management, Permits Section. All of the requirements in 327 IAC 15-3-2 and 327 IAC 15-5-5 must be included in the NOI letter to be considered complete. Do not send a copy of the soil erosion control plan to IDEM.
6. Construction can begin immediately after fulfilling the requirements in 327 IAC 15.

**327 IAC 15-5. General Permit Related to Stormwater
Runoff Associated with Construction Activity**

LSA Document #92-63(F)
DIGEST

Adds 327 IAC 15-5 concerning storm water run-off associated with construction activity. Effective 30 days after filing with the secretary of state.

Rule 5. Storm Water Run-off Associated with Construction Activity

327 IAC 15-5-1 Purpose

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 1. The purpose of this rule is to reduce pollutants, principally sediment as a result of soil erosion, in storm water discharges into surface waters of the state from sites where construction activity disturbs five (5) acres or more of the site. However, in contemplation of recent Federal court decisions, persons with sites greater than one (1) acre but less than five (5) acres are invited to comply with this rule as well. (Water Pollution Control Board; 327 IAC 15-5-1)

327 IAC 15-5-2 Applicability of general permit rules

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 2. The requirements under this rule apply to all persons who:

- (1) do not obtain an individual NPDES permit under 327 IAC 15-2-6;
- (2) meet the general permit rule applicability requirements under 327 IAC 15-2-3; and
- (3) are involved in construction activity, which includes clearing, grading, excavation, and other land disturbing activities, except operations that result in the disturbance of less than five (5) acres of total land area and which are not part of a larger common plan of development or sale.

(Water Pollution Control Board; 327 IAC 15-5-2)

327 IAC 15-5-3 General permit rule boundary

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 3. Facilities existing within the boundaries of the state of Indiana affected by this rule are regulated under this rule. (Water Pollution Control Board; 327 IAC 15-5-3)

327 IAC 15-5-4 Definitions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3-1.5; IC 13-7-1

Sec. 4. In addition to the definitions contained in IC 13-7-1, IC 13-1-3-1.5, 327 IAC 1, 327 IAC 5, and 327 IAC 15-1-2, the following definitions apply throughout this rule:

(1) "Agricultural land use" means use of land for the production of animal or plant life, including forestry, pasturing or yarding of livestock, and planting, growing, cultivating, and harvesting crops for human or livestock consumption.

(2) "Erosion" means the detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

(3) "Erosion control measure" means a practice, or a combination of practices, to control erosion and resulting sedimentation and/or off-site damages.

(4) "Erosion control plan" means a written description and site plan of pertinent information concerning erosion control measures.

(5) "Land disturbing activity" means any manmade change of the land surface, including removing vegetative cover, excavating, filling, transporting, and grading. In the context of this rule, agricultural land disturbing activities, coal mining activities permitted by the DNR under IC 13-4.1, and active landfills permitted by the Indiana department of environmental management where the permit requires soil erosion control are excluded.

(6) "Nonagricultural land use" means commercial use of land for the manufacturing and wholesale or retail sale of goods or services, residential or institutional use of land intended primarily to shelter people, highway use of land including lanes, alleys, and streets, and other land uses not included in agricultural land use.

(7) "Operator" means the person required to submit the NOI letter under this article, and required to comply with the terms of this rule.

(8) "Site" means the entire area included in the legal description of the land on which land disturbing activity is to be performed.

(Water Pollution Control Board; 327 IAC 15-5-4)

327 IAC 15-5-5 Additional NOI letter requirements

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 5. In addition to the NOI letter requirements under 327 IAC 15-3, the following information must be submitted by the operator with a NOI letter under this rule:

(1) A brief description of the construction project, including, but not limited to, a statement of the total acreage of the site.

(2) Estimated timetable for land disturbing activities and installation of erosion control measures.

(3) Statement of the number of acres to be involved in land disturbing activities.

(4) A written certification by the operator that:

(A) the erosion control measures included in the erosion control plan comply with the requirements under sections 7 and 9 of this rule and that the plan complies with applicable State, county, or local erosion control requirements;

(B) the erosion control measures will be implemented in accordance with the plan;

(C) verification that an appropriate state, county, or

conservation district office has been sent a copy of the plan for review; and

(D) verification that implementation of the erosion control plan will be conducted by personnel trained in erosion control practices.

(5) Proof of publication in a newspaper of general circulation in the affected area that notified the public that a construction activity under this rule is to commence.

(Water Pollution Control Board; 327 IAC 15-5-5)

327 IAC 15-5-6 Deadline for submittal of a NOI letter; additional information

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 6. All information required under 327 IAC 15-3 and section 5 of this rule shall be submitted to the commissioner prior to the initiation of land disturbing activities. (Water Pollution Control Board; 327 IAC 15-5-6)

327 IAC 15-5-7 General conditions for construction activity erosion control measures

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 7. (a) The operator shall develop an erosion control plan in accordance with the requirements under this section.

(b) The following requirements shall be met on all sites during the period when active land disturbing activities occur:

(1) Sediment-laden water which otherwise would flow from the site shall be detained by erosion control practices appropriate to minimize sedimentation in the receiving stream. No storm water shall be discharged from the site in a manner causing erosion in the receiving channel at the point of discharge.

(2) Appropriate measures shall be taken by the operator to minimize or eliminate wastes or unused building materials, including, but not limited to, garbage, debris, cleaning wastes, wastewater, and other substances from being carried from a site by runoff. Proper disposal or management of all wastes and unused building materials, appropriate to the nature of the waste or material, is required.

(3) Sediment being tracked from a site onto public or private roadways shall be minimized. This can be accomplished initially by a temporary gravel construction entrance in addition to a well-planned layout of roads, access drives, and parking areas of sufficient width and length, or other appropriate measures.

(4) Public or private roadways shall be kept cleared of accumulated sediment. Bulk clearing of accumulated sediment shall not include flushing the area with water. Cleared sediment shall be returned to the point of likely origin or other suitable location.

(5) All on-site storm drain inlets shall be protected against sedimentation with straw bales, filter fabric, or equivalent barriers meeting accepted design criteria, standards, and

specification for that purpose.

(6) The following items apply during the time the construction activity is taking place:

(A) Storm water drainage from adjacent areas that naturally pass through the site shall be controlled by diverting it around disturbed areas. Alternatively, the existing channel must be protected and/or improved to prevent erosion or sedimentation from occurring.

(B) Runoff from a disturbed area shall be controlled by one (1) or more of the following measures:

(i) Except as prevented by inclement weather conditions or other circumstances beyond the control of the operator, appropriate vegetative practices will be initiated within seven (7) days of the last land disturbing activity at the site regulated by this rule. Appropriate vegetative practices include, but are not limited to, seeding, sodding, mulching, covering, or by other equivalent erosion control measures.

(ii) The erosion control plan shall be implemented on disturbed areas within the construction site. The plan shall include erosion control measures as appropriate, such as, but not limited to, the following:

(AA) Sediment detention basins.

(BB) Sediment control practices, such as filter strips, diversions, straw bales, filter fences, inlet protection measures, slope minimization, phased construction, maximizing tree coverage, temporary and permanent seeding of vegetation, mulching, and sodding.

All measures involving erosion control practices shall be designed and installed under the guidance of a qualified professional experienced in erosion control and following the specifications and criteria under this subsection. All other nonengineered erosion control measures involving vegetation should be installed according to accepted specifications and criteria under this subsection.

(c) During the period of construction activity at a site, all erosion control measures necessary to meet the requirements of this rule shall be maintained by the operator.

(d) All erosion control measures required to comply with this rule shall meet the design criteria, standards, and specifications for erosion control measures established by the department in guidance documents similar to, or as effective as, those outlined in the Indiana Handbook for Erosion Control in Developing Areas from the division of soil conservation, Indiana department of natural resources and the Field Office Technical Guide from the Soil Conservation Service. The erosion control plan shall include, but is not limited to, the following:

* (1) A map of the site in adequate detail to show the site and adjacent areas, including the following:

(A) Site boundaries and adjacent lands which accurately portray the site location.

- (B) Lakes, streams, channels, ditches, wetlands, and other water courses on and adjacent to the site.
 - (C) One hundred (100) year floodplains, floodway fringes, and floodways.
 - (D) Location of the predominant soil types, which may be determined by the United States Department of Agriculture, SCS County Soil Survey or an equivalent publication, or as determined by a certified professional soil scientist.
 - (E) Location and delineation of vegetative cover such as grass, weeds, brush, and trees.
 - (F) Location and approximate dimensions of storm water drainage systems and natural drainage patterns on, and immediately adjacent to, the site.
 - (G) Locations and approximate dimensions of utilities, structures, roads, highways, and paving.
 - (H) Site topography, both existing and planned, at a contour interval appropriate to indicate drainage patterns.
 - (I) Potential areas where point source discharges of storm water may enter ground water, if any.
- (2) A plan of final site conditions on the same scale as the existing site map showing the site changes.
- (3) A site construction plan shall include, but is not limited to, the following:
- (A) Locations and approximate dimensions of all proposed land disturbing activities.
 - (B) Potential locations of soil stockpiles.
 - (C) Locations and approximate dimensions of all erosion control measures necessary to meet the requirements of this rule.
 - (D) Schedule of the anticipated initiation and completion dates of each land disturbing activity, including the installation of erosion control measures needed to meet the requirements of this rule.
 - (E) Provisions, including a schedule, for maintenance of the erosion control measures during construction.
 - (F) Where feasible, preserve vegetation that exists on the site prior to the initiation of land disturbing activities.
- (Water Pollution Control Board; 327 IAC 15-5-7)

327 IAC 15-5-8 Project termination

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 8. (a) The operator shall plan an orderly and timely termination of the land disturbing activities which shall include the following:

- (1) Allowing the installation of utility lines on the site, whenever practicable, prior to final land grading, seeding, and mulching of the site.
- (2) Implementing erosion control measures which are to remain on the site.

(b) The commissioner may, subsequent to termination of a project, inspect the site to evaluate the adequacy of the remaining erosion control measures.

(c) Maintenance of the remaining erosion control measures shall be the responsibility of the occupier of the property after the operator has terminated land disturbing activities. (Water Pollution Control Board; 327 IAC 15-5-8)

327 IAC 15-5-9 Standard conditions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 9. The standard conditions for NPDES general permit rules under 327 IAC 15-4 shall apply to this rule. (Water Pollution Control Board; 327 IAC 15-5-9)

327 IAC 15-5-10 Inspection and enforcement

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 10. (a) The commissioner and/or designated representative may inspect any site involved in land disturbing activities regulated by this rule at reasonable times. The erosion control plan must be readily accessible for review at the time of the inspection.

(b) Any person violating any of the provisions of this rule shall be subject to enforcement and penalty under IC 13-7-10-5, IC 13-7-11, IC 13-7-12, 327 IAC 15-1-4 or any combination thereof.

(c) If maintenance of remaining erosion control measures are not properly maintained by the person operating the property, the commissioner may pursue enforcement against that person for correction of deficiencies under 327 IAC 15-1-4. (Water Pollution Control Board; 327 IAC 15-5-10)

327 IAC 15-5-11 Notification of completion

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 11. The operator shall notify the commissioner, in writing, upon completion of the construction activity. (Water Pollution Control Board; 327 IAC 15-5-11)

Content Requirements of a Notice-of-Intent Letter

From 327 IAC 15-3-2

Sec. 2. The NOI letter shall include the following:

(1) Name, mailing address, and location of the facility for which notification is submitted.

(2) Standard Industrial Classification (SIC) codes, as defined in 327 IAC 5, up to four (4) digits, that best represent the principal products or activities provided by the facility.

(3) Person's name, address, telephone number, ownership status, and status as to federal, state, private, public, or other entity.

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SPECIAL DRAINAGE BOARD MEETING
AUGUST 30, 1993

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President Pat Tuley

Vice-President Rick Borries

Member Don Hunter

Sam Humphrey, Auditor

Cindy Mayo, Chief Deputy Auditor’s Office

Alan Kissinger, County Attorney

John Stoll, County Engineer

Dan Hartman, County Surveyor’s office

Jim Fuquay, Developer-Hunter’s Ridge

Marco Delucio, Attorney for Hunter’s Ridge

MINUTES
SPECIAL DRAINAGE BOARD MEETING
AUGUST 30, 1993

The Vanderburgh County Drainage Board met in session for a special called meeting on August 30, 1993, at 7:05 p.m., in the Commissioner's Hearing Room 307, with President Pat Tuley presiding.

Attorney Alan Kissinger: "For the record I would like to note that the Hunter's Ridge Subdivision was added onto the agenda. It was added on today. The statute requires that either a five (5) day notice of the special meeting be given or that the members of the Drainage Board and the Surveyor's office specifically waive that notice. We note for the record at this time that the County Commissioners as members of the Drainage Board have waived notice also Mr. Dan Hartman is here present from the Surveyor's office and has indicated that the Surveyor's office also waives that notice. I have nothing further."

RE: HUNTER'S RIDGE (JIM FUQUAY/MARCO DELUCIO)

Marco Delucio: "Good evening I am Marco Delucio and as Mr. Tuley indicated we had made arrangements with Mr. Rice to be here this evening also, I understand that he is not available to be here this evening. In leu of that we have a letter from Mr. Rice¹-who incidently visited the site out there today-he was also out there last Thursday and I think that he would agree. I don't know if he talked to you Mr. Tuley before that, after he had been out there, but the progress which has been made out there he said has been fantastic. We hope to have everything completed Wednesday on all of these things with the possible exception of having some sod and the drainage ditch along Redgate-that will be in on Thursday. Simply, because we couldn't line up the sodder to be out there tomorrow or Wednesday. By way of quick background, as you all know you asked Mr. Fuquay and Mr. Easley to attend a meeting in July of the Drainage Board and at that time there were certain conditions set. Mr. Fuquay indicated that he would have those conditions met by the August 23 meeting."

Commissioner Hunter: "Correction. It was the June meeting. Sixty days."

Marco Delucio: "June meeting, ok, sixty days to get it done. He indicated that he would be back here on August 23. On August 23 he had probably 95% of the project completed. There was roughly 5% of work to be done, to be finished. He anticipated getting done very quickly. He contacted the Commissioner's office and I think, Mr. Brenner, and left with the understanding that after that phone call that he really need not be in attendance and apparently that was a mistaken understanding on his part. He did ask Mr. Easley who is the engineer on the project to be here at the Drainage Board to field any questions that may arise. Apparently Mr. Easley left before the meeting was over, thinking that the meeting was over or that his attendance wasn't required either. In any event, they weren't here to address some of the concerns that members of the Drainage Board had concerning the project. Had Mr. Easley been here he would have told the Drainage Board that 95% of the project at that time had been completed including the culvert which is the major aspect of the project-the twenty-five thousand dollar expense-had been installed. The inlets and the outlets around the culverts had been rip-rapped and cemented. The street curb on both sides of Redgate had been completed. So in essence as of last Monday the water carrying capacity for the drainage system had been completed. What has been completed since that day, is the street paving along Redgate. The sodding of the ditch was to be completed last week but when Mr. Rice met with Mr. Fuquay last Thursday he suggested that the sodding along the ditch be postponed until the drainage plan or the silt control plan could be implemented. We understand that there was problems with the silt control issue. That wasn't even approved. It was submitted in July, I believe, it wasn't approved until at a meeting last

¹Copies of the letter to Mr. Roger Lehman from Darrell Rice dated August 30, 1993, and the Erosion Control Legend included with the 8-30-93 minutes.

week out at the site which is referenced in Mr. Rice's letter to the Building Commissioner today. As to the items on the list which need to be completed. We have five items that are listed on there. We are here tonight to represent that Item 1 is already completed. Items 2 and 3 will be completed tomorrow. Item 5 will also be completed tomorrow. So out of the five items, they will all be completed tomorrow-the latest on Wednesday-depending on what the weather does out there today. And as I said before, the sod along the drainage ditch which we had made arrangements for, to do last week will be completed last on that project. Item 4, just a point of clarification on that the silt control fence was on the property it had to be removed to do Items 2 and 3 so that issue will be taken care of shortly. In short, I think that in our conversation we didn't know that Mr. Rice was going to visit the property today, but he was greatly impressed with the speed in which we had accomplished the things that he went out and saw and asked us to do last week and feels that based upon the progress that we have made so far that there is every reason to believe that Mr. Fuquay would complete the project as promised in the next couple of days. Based on that, we would ask the Drainage Board to remove the restriction that was apparently imposed in our absence at last week's meeting. To remove those restrictions so that when we get the project completed Wednesday at the latest, or Thursday with the sodding that Mr. Fuquay would be permitted to go in and get his building permits for the lots in Section 'B' of Hunter's Ridge. I am here to answer any questions. Mr. Fuquay is also here should you have any particular questions about this."

Commissioner Tuley: "First off, reading from last week's minutes, I think that Mr. Rice's comments agree quite differently with what you told us as to the extent of where you were this time last week. That is water under the bridge at this point. I have talked to Darrell this afternoon and he was of the opinion, as you indicated, that you had come a long way in a week and that he has no reason to believe that barring any unforeseen or extremely bad weather that you won't be done by Wednesday, close of business. At this point in time I don't know that you tried to get any permits. I was to meet with Darrell on Friday if his schedule permitted. His schedule did not permit. We tried to meet today but after he had meet with you we did not need to get together so therefore you have not been restricted from receiving permits. Ok? To this point in time, but I will assure you that the intent of this Board is if this isn't complied with, which I believe at this point in time it is going to be complied with, we would go ahead and carry out the threat. But at this point and time there has not been a refusal or an order or a request asked to deny you your permits."

Marco Delucio: "Is there someone that we can report to when we have completed this or make a representation? Or do you want someone to come out and inspect it for us to call them? I don't know if it is Darrell Rice or whom it may be."

Commissioner Hunter: "I think it would definitely be Darrell Rice. Perhaps Mr. Fuquay was unaware of this but, I'm going to read a little segment here. This is from the, 'How to Comply with 327 Rule 5².' First off, you have to send a fifty dollar check to the Indiana Department of Environmental Management which goes with the territory. Number 2, 'Prepare a soil erosion control plan that contains the required elements in 327.' which is Rule 5. Number 3 is the one that I am referring to here. 'Send the plan to the Soil and Water Conservation District office', and that is Darrell Rice, 'in the county where the construction activity will take place'. In other words I guess what I am saying is, this erosion control plan should have been submitted, if I am reading and understanding this correctly, before any dirt was turned out there. Let me read the rest of it, 'will take place and to any appropriate State, county, and local soil erosion control authority. The Soil Water Conservation District will review the plan and make recommendations when necessary.' I think that part of the problem here is that this Rule

²Copy of Section 1, Rule 5-General permit for construction activity storm water runoff control (How to comply, copy of the rule and NOI letter requirements) included with 8-30-93 minutes.

5, soil erosion control plan, is not submitted before construction started therefore we have had a series of problems since that time. When Darrell Rice appeared before this Board on August 23, I read part of the letter that he had written June 25, where he had met with Mr. Easley and Mr. Fuquay and he was concerned that some of the failed silt fences and various traps-he called them here-were not operable at that time and had not yet been corrected. Now, from what you are saying, and what everybody is saying here, those things have been corrected. So I think that part of problem is that this erosion control plan should have been submitted before any soil was disturbed on Hunter's Ridge-in this case-Hunter's Ridge 'A' or Hunter's Ridge 'B'. That is just for further reference."

Marco Delucio: "I think that certainly in the future if that is the case that will be absolutely done. I think that we can make that representation tonight. I can't explain why it wasn't done the last time, other than it's-ignorance is no excuse-but it is a fairly new..."

Commissioner Hunter: "It may be an error of omission but what I am reading here, this is suppose to happen before the soil is disturbed. It says activity will take place. Not activity has taken place."

Commissioner Tuley: "I guess that the point is, you were here to request that you had complied or will comply by Wednesday with the wishes of the law. Not the direction of this Board per say, but in compliance with State law. It looks like after talking to Darrell that you are almost there and will be there by Wednesday. At this point in time, like I stated earlier there has not been a request to prevent you from getting building permits. I can only speak for myself but it will be complied with in terms of getting a letter to Roger to stop the permits if it is not..."

Marco Delucio: "That is why, part of the reason that we wanted to be here tonight was simply to explain what had happened last week and the misunderstands that were on our part and to try to correct it. We didn't apply for building permits this week simply because number 1, we didn't know if it was issued but we wanted to get these concerns addressed and taken care of before we went in and did this and that is what we will do."

Commissioner Tuley: "Any other questions by any other member? Comments?"

Commissioner Borries: "I would just want to say that beyond the finger pointing in a file that has now accumulated since last year some time-October 26, 1992, November 23, 1992, June 28, 1993, August 23-frankly Mr. Delucio, I don't think that your client has been singled out in any way. What we are trying to do here on some very steep graded property is insure that a plan be carried forward. It is not this Board's fault. Your client has responsibility to do those things and do so in a timely fashion."

Marco Delucio: "That is absolutely right and we do not feel that way. We feel like this is really one of the first tests under the new law. The Rule 5 just went into effect fairly recently and we don't feel like we are being singled out but we will comply with Rule 5."

Commissioner Tuley: "Do you have copies of it?"

Marco Delucio: "Yes we do. I think that Mr. Easley has copies."

Commissioner Hunter: "I would like to make one final comment here. Mr. Fuquay hit me pretty good in the newspaper last week and quite honestly it will serve no purpose to pursue that any further. Just out of observations in my last three years on Area Plan as well as Drainage and Zoning and Mr. Fuquay these comments are not particularly aimed at you but just at construction in general. Also some attorneys when they haven't gotten what they wanted this Board and Area Plan has been accused of impeding progress

in the county. I think that I speak for all three of us. The last thing that we want to do is impede progress in Vanderburgh County. We wouldn't be sitting here. We wouldn't be sitting through hours of meetings. We wouldn't sustain a campaign if we didn't want to try to make Vanderburgh County a little bit better place to work in. Also over the last three years I have come up with a bit of philosophy and that is, that when problems occur they need to be corrected by the developer while the developer is still in the subdivision. Because if that does not occur then it becomes the nightmare so to speak, of the homeowner if it is on private property and it becomes the liability of the taxpayer of Vanderburgh County if it is on our easement. All we are asking is that, and in this case, Rule 5 be complied with. This deals with the state level with IDEM, and I know that if this is not in compliance there can be pretty heavy fines levied on the developer. So perhaps in some respects we are heading off some heavy fines for developers because this can happen from the state level."

Marco Delucio: "We appreciate that very much and it is not our intent, it is our goal to comply with all the directives-be it state, federal or local when we are developing our subdivisions. Mr. Fuquay, we believe does a good a job when he is developing and we hope that he will continue to do so in the future. Thank-you very much for your assistance this evening."

Commissioner Tuley: "I think that it was agreed upon that you would get with Darrell. I am to make contact with Darrell after Wednesday and at that time the Board will take-the only thing that we have to do at that time is either request that the building permits be stopped or basically do nothing because he has complied with everything."

Marco Delucio: "I wasn't here last week. Was there a resolution that the building permits would not be issued?"

Commissioner Tuley: "Let me read from the minutes. Talking about writing the letter and I am just going to paraphrase and then drop down.

'Commissioner Hunter: ...has indicated that Rule 5 has not been complied with.

Darrell Rice: I think that if they would receive one from the County Commissioners as a Drainage Board you would get a quick response also'.

'That' being the Building Commissioner, ok?

What I said was, 'So you will write one and we will write one? Is that what you are saying?

Darrell Rice: Yes. I think that if they would have one on Commissioner's letterhead.

Commissioner Hunter: Mr. Rice is correct. A letter to IDEM on another subdivision certainly listed exactly what we wanted and that was to clean up a problem on the west side. So that is where I am. I guess that I am putting it in a form of a motion.

Commissioner Borries: I will second.

Commissioner Tuley: So ordered. Then I will need to draft a letter.

Commissioner Hunter: Will you have the letter ready for the September meeting? I also have a Commission Meeting. I am also on the Board of Supervisors for the SCS on this...'

So at that point in time I agreed that I would write a letter. I was to meet with Darrell on Friday if his schedule permitted. It did not permit. So what we agreed to was to write a letter requesting the stoppage, but we did not get that done this week. You have since complied with it. I personally don't see a need to write a letter and request anything unless I am notified Wednesday that you have not complied with Rule 5."

Attorney Alan Kissinger: "I think what Mr. Delucio is eluding to is the possibility that someone may on their own read these commission minutes or be advised of these minutes and take it to be an order of the Drainage Board not to issue any building permits. A decision of the Drainage Board even though the follow up letter had not been sent-could still be conceivably complied with without the letter. I think that Mr. Delucio is asking that the order in reference to the non-issuance of future building permits on Hunter's Ridge be rescinded."

Marco Delucio: "When we get the letter from Darrell Rice indicating that those items on his letter have been completed."

Commissioner Tuley: "Yes. We will need a motion to that effect."

Commissioner Hunter: "I will so move."

Seconded by Commissioner Borries. So ordered.

RE: REQUEST FOR DRAINAGE PLAN APPROVAL

A. Virginia Street Extension (County Engineer)

Mr. Hartman: "That is the proposed bridge for Vogel Road Overpass over the Stockfleth ditch. I have checked the runoff on Vogel Road and Virginia Street extensions both at the same time they are in line with each other and I agree with the watershed area and the amount of runoff for the twenty-five year storm. The area of the structural openings are adequate and the corresponding ditch grades are satisfactory. I would recommend that you pass it."

Commissioner Borries: "Mr. President, let the record show that Dan has indicated through several redline comments on the layout sheet some items that will be corrected, or should be listed on the 'as built' plan. Such as, the listing of Virginia Street and other things and so I dually want to note those for the record and indicate that the Engineer's office here will comply with these in our final 'as built' plans. Is that correct John?"

John Stoll: "Valarie will continue working with Dan to address that marked up set of plans. We have got some of the changes made on this set already. We were just wanting to get the sizes and type of structure approved now so we can continue so that if we get the final set of plans done prior to the next Drainage Board that we could go ahead and start the process of letting it out for bids. We will continue to work with Dan to address those comments."

Commissioner Hunter: "So we haven't gotten Virginia out for bid yet?"

John Stoll: "No."

Commissioner Borries: "For the record we indicate now that this will be in the form of a box culvert. Is that correct?"

Mr. Hartman: "Yes, that is correct."

Commissioner Borries: "And that it actually will be designed to contain a hundred year event?"

John Stoll: "Twenty-five year."

Mr. Hartman: "I might add it is put in-it is constructed in the same form as a pipe might be constructed. In units. In one day you could be out of there."

Commissioner Hunter: "So we are talking about a short term type thing here. Construction itself. We don't want to be not having our end done when that street comes through. I don't want to read that the bridge is not in."

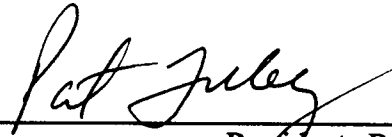
Commissioner Borries: "We are Ok. Dan has indicated that these marks will be put on the final plan here. I will move then that the structure size and design of the structure as a-wha will be known as a 'box culvert' style structure be approved for the Virginia Street extension."

Seconded by Commissioner Hunter. So ordered.

There being no further business, the meeting was adjourned at 7:30 p.m.

PRESENT:

President Pat Tuley
Vice-President Rick Borries
Member Don Hunter
Sam Humphrey, Auditor
Cindy Mayo, Chief Deputy Auditor's office
Alan Kissinger, County Attorney
John Stoll, County Engineer
Dan Hartman, County Surveyor's office
Jim Fuquay, Developer-Hunter's Ridge
Marco Delucio, Attorney for Hunter's Ridge
transcribed sbt



President, Pat Tuley



Vice-President, Rick Borries



Member, Don Hunter



United States
Department of
Agriculture

Soil
Conservation
Service

August 30, 1993

Mr. Roger Lehman
Building Commission
City/County Bldg Rm 310
Evansville, IN 47708

Dear Mr. Lehman,

A meeting was held on August 26, 1993 with Jim Fuquay of Fuquay Construction, Andy Easley of Easley Engineering, and Jack Hahn of Hahn Excavating on the site of Hunters Ridge "B" to discuss the Erosion Control Plan developed on July 1, 1993.

The plan had not been implemented as of August 26, 1993. Revisions were made on the contractors blue prints as well as the Vanderburgh County Soil and Water Conservation Districts copy as per Lynn Miller, Urban Conservation Specialist's written comments from an August 6, 1993 review.

Jim Fuquay agreed to the following practices:

1. Approved silt fence material will be installed, approximately 900 feet at areas specified on blue prints.
2. A temporary sediment basin will be installed approximately 150 feet down stream from the Hunters Ridge Court culvert.
3. The drainage way below the temporary basin will be seeded with a permanent seeding mixture. Erosion control blanket will be used in the drain channel, approximately 12 feet wide. The remainder of the drainage way will be straw mulched after seed is incorporated.
4. The existing silt fence in the drainage way will remain until permanent seeding is established.
5. The exposed area around the cul-de-sac will be temporarily seeded.



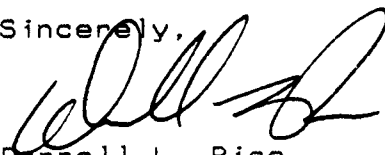
The Soil Conservation Service
is an agency of the
Department of Agriculture

AN EQUAL OPPORTUNITY EMPLOYER

F-1

Jim Fuquay agreed to have all the above items installed by the end of working hours on Wednesday, September 1, 1993.

Sincerely,



Darrell L. Rice
District Conservationist
Soil conservation Service, USDA
12445 Highway 41 North
Evansville, IN 47711

DLR/bb

cc: Jim Fuquay
County Commissioners
Barbara Cunningham, Area Plan
Bob Brenner, County Engineer

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SPECIAL DRAINAGE BOARD MEETING
SEPTEMBER 13, 1993

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PRESENT:

President Pat Tuley

Vice-President Rick Borries

Member Don Hunter

Alan Kissinger, County Attorney

Sam Humphrey, Auditor

Bob Brenner, Surveyor

Darrell Rice, Soil Conservation Service

David Ellison, President Big Creek Drainage Association

MINUTES
SPECIAL DRAINAGE BOARD MEETING
SEPTEMBER 13, 1993

The Vanderburgh County Drainage Board met in session on September 13, 1993, at 6:25 p.m., in the Commissioner's Hearing Room 307, with President Pat Tuley presiding.

RE: VARIOUS ADDITIONAL MAINTENANCE PROJECTS

A. Mt. Ashley Subdivision (Biggerstaff/Fritz)

Bob Brenner: "First item, Mt. Ashley subdivision. Mr. Gartner was in my office, and the swales that they built do not fall within the drainage easements that are on the plans. The lake..."

Commissioner Hunter: "You mean the swales that they built don't fit with what you recommended?"

Bob Brenner: "Well, they don't fit, they may adequately do the job but they are not in the drainage easements. So that means the property owner could come in and fill them in or do whatever he wanted to."

Commissioner Tuley: "Do whatever they want to with it because it is on their property."

Bob Brenner: "That is right. So that is obviously a tilt. I have called the engineer and not had a return call. The lake that we designed with the little concrete pad in the bottom so we could tell when...well it is now a lake that holds water-full time. They dug it deeper so it would hold water, so it's not detention it's retention."

Commissioner Borries: "This is a Biggerstaff project."

(inaudible remarks)

Commissioner Hunter: "Which was not approved by this Board."

Bob Brenner: "I don't have an 'as built' plan or anything. Now we have a lake instead of a detention pond. You have got to start over again."

Commissioner Tuley: "Are they done building?"

Bob Brenner: "Uh-huh."

Commissioner Borries: "They haven't built any houses out there yet-have they? Surely to God."

Bob Brenner: "They have two under construction."

Commissioner Borries: "Have we given final approval to the drainage plan?"

Bob Brenner: "You most certainly did."

Commissioner Borries: "But it is not built as, 'as built'."

Bob Brenner: "See? That is where it never comes back to us without the residents out there looking at it. We have no inspection. That's where we fall apart."

Commissioner Borries: "We got someone's attention a couple of weeks ago by just denying building permits."

Bob Brenner: "Yes, we did."

Commissioner Borries: "Maybe we need to work that same action and just call for at this point, not issuing any other building permits until we receive 'as built' plans or at least the Surveyor does as the technical advisor. And at that point it is going to have to be resubmitted because if it is calling for a lake-it didn't call for a lake, it called for..."

Bob Brenner: "No it didn't. You remember that we asked for the concrete pad in the bottom so we could-it was a slick way of telling whether it was filling or not. Now it is going to be under water."

Commissioner Hunter: "And you are saying that the swales that have been constructed have been constructed on private property and not on the drainage easement."

Bob Brenner: "Yes, yes."

Commissioner Hunter: "Which means that we have no control over the drainage."

Bob Brenner: "Absolutely."

Commissioner Hunter: "So he has two problems out there."

Bob Brenner: "Yes he does, and we do because we are not very good at catching these sort of things."

(inaudible remarks)

Commissioner Tuley: "We know how to correct the situation now."

Bob Brenner: "Well we can fix...we do need a new ordinance and we are working on it. I guarantee it. I am not at liberty to tell you what I am doing but we have the problem fixed. I think."

Commissioner Borries: "We definitely need to strengthen the whole process here, there is no doubt about that."

Bob Brenner: "The inspection process, the compliance process is weak."

Commissioner Borries: "The growth of the county in subdivisions at this point has just really complicated things and there is a whole set of new laws out there environmentally and everything else."

Commissioner Tuley: "Who is the developer?"

Bob Brenner: "The engineer is Biggerstaff."

Commissioner Hunter: "Darrell, who is the developer in Mt. Ashley?"

Darrell Rice: "Fritz."

Commissioner Tuley: "Is that the name of his business?"

Darrell Rice: "No, that is his name. Arthur Fritz."

Commissioner Hunter: "He lives out there on the property doesn't he?"

Commissioner Borries: "Mr. President, I would move that you draft a letter to Mr. Fritz and inform him and also the Building Commission that there can be no building permits issued until he has submitted an 'as built' plan to the County Surveyor's office. Specifically address these two items; first of all, he must correct the drainage swales."

They can not be on private property. Secondly, he must submit the so-called retention pond for review through the Surveyor's office at this point."

Bob Brenner: "We are not going to go out and survey his lake. You know what I am saying, and me tell him that it is adequate. That is not the way it works."

(inaudible remarks)

Commissioner Tuley: "I will go back and get the minutes."

Commissioner Borries: "So my motion would be then that we would inform the Building Commission to stop all issuance of building permits until the drainage plan is-the corrected drainage plan is submitted to the Surveyor. I shouldn't say corrected because that implies that we approve on this and the only correction is going to have to be on the swales but, the lake is another problem."

Commissioner Hunter: "It is not what we approved."

Bob Brenner: "The property owners down there, they say, and rightfully so, they say that the swales are working where they are. They are not unhappy with them. But they want the easement moved over to where they are. They are quite happy, they say they are working. They are doing a good job. But they are concerned that when they do build a the house that the guy won't fill it in."

Commissioner Hunter: "And that is exactly what will happen. And they are within their rights."

Bob Brenner: "That is right. I have not surveyed it but they are outside of it."

Commissioner Hunter: "I will second the motion. Now have we decided what we are going to do with the lake?"

Commissioner Borries: "He is going to have to submit that whole..."

Bob Brenner: "Drainage calculations. Let's see what he has got again. Let's survey the lake, let's see what we've got."

Commissioner Hunter: "It is not what your office recommended and this Board approved."

Commissioner Borries: "There was a spillway or some kind of a concrete base..."

(inaudible remarks)

Bob Brenner: "I am sure that they have not changed that, they have dug it deep enough to hold water and there is no bottom in it any more."

Commissioner Borries: "Is there a concrete spillway at all or anything? Is there a bottom to that lake?"

Bob Brenner: "No, not a bottom but the spillway I believe, is still there. They have no complaints about that."

(inaudible remarks)

Bob Brenner: "Let's get some 'as built' plans and we will bring it back as soon as we can."

RE: REQUEST FOR PAYMENT OF BLUE CLAIMS**A. Annual Maintenance of Legal Drains**

The following Blue Claims¹ were submitted as follows:

BIG CREEK DRAINAGE ASSOC. #0986 BARR'S CREEK #234-009 93-AM-09-LS	LUMP SUM PAYMENT FOR ADDITIONAL MAINTENANCE (MARTIN PROJECT)	AMOUNT \$3,000.00
SHIDELER SPRAY SERVICE #1851 EASTSIDE URBAN N½ #234-015 93-SPR-151-85	14102 LF @ .048=\$676.90 PAY 85%..... 575.37	575.37
TERRY R JOHNSON #1052 EASTSIDE URBAN S½ #234-015 93-SM-15-35	29938 LF @ .03595=\$10,762.71 50% PREVIOUS PAYMENT=\$5,381.36 35% PAYMENT DUE=3,766.95 15% RETAINAGE=1,614.40	3,766.95
TERRY R JOHNSON #1052 KEIL DITCH #234-022 93-SM-22-85	3012 LF @ .279=\$840.35 PAY 85%..... 714.30 RETAINAGE 15%. 126.05	714.30
TERRY R JOHNSON #1052 KOLB DITCH #234-025 93-SM-25-15	5593 LF @ .2895=\$1,619.17 85% PREVIOUS PAYMENT=1,376.30 PAY 15% RETAINAGE=242.87	242.87
TOTAL BLUE CLAIMS SUBMITTED		\$8,299.49

Bob Brenner: "One of the claims is for a three thousand dollar payment to Big Creek. This is our share that we agreed to pay for the 3-1 side slopes on Barr Creek and it comes out of the Barr Creek Ditch Association Fund. We have it. We agreed to pay it. We should pay. The job is basically done. They are seeding it now, it is beautiful. That is what the extension was, for your tires to bring it to bridge under Boonville-New Harmony."

Commissioner Tuley: "Here is a copy of the minutes attached to the claim."

Commissioner Borries: "I move that it be approved."

Seconded by Commissioner Hunter. So ordered.

Motion made by Commissioner Borries to accept the remaining bids as submitted with a second by Commissioner Hunter. So ordered.

RE: OLD BUSINESS**A. Barr's Creek**

Bob Brenner: "Starting back in October 26, 1992, we told you about a Soil Conservation project where there was \$100,000.00 available. All the way through March 1, 1993, we talked about (Barr's Creek) approving it and in anyway we could come up with the match. Soil Conservation has come up with a project on the Ron Maasberg property. It is a bank stabilization costing \$12,000.00 dollars."

Commissioner Borries: "What kind of action do you need then?"

Bob Brenner: "We need to give them permission to do it. I believe it was last Thursday or Friday, evidently the three Commissioners-I couldn't reach any of you. They had

¹Copies of Blue Claims and Surveyor's Report included with the 9-13-93 minutes.

finished the Martin portion which is very close to this and they wanted to leave their equipment in there or else they would pull off the job and they wouldn't be back and we wouldn't be able to do it this year and I authorized them to go ahead. It is not costing us any money. It is ditch improvement so I could see no reason not to do it, so I authorized the job. That is why I called this meeting to start with and things kind of got speeded up."

Commissioner Borries: "I move that the request be allowed."

Seconded by Commissioner Tuley. So ordered.

Darrell Rice: "We have been approved \$200,000.00. One hundred thousand for 1992 and one hundred thousand for 1993. It is through the Indiana Department of Natural Resources-Division of Soil Conservation. The funds come from a lake and river enhancement program which is funded through a boat tax. We are cost sharing at 80-20 cost share. It is 80% that the state is picking up and 20% that the local landowners and ditch association pick up. We have got over a half of a million dollars worth of work in Barr Creek watershed plan for the next three to four years. There is only two or three projects that are actually going to take place on the Barr Creek itself and that one being Ron Maasberg's and we are doing some structures that outlet into Barr Creek which won't really affect the ditch itself so it is specifically for Barr Creek. We are planning a groundbreaking ceremony probably in October that we will invite all the Commissioners to and the local legislation to kind of kick the project off. Ron is the first one, but it is not real easily accessible so we will be starting some construction that will be easily accessible for media later on after the corn is harvested to have a groundbreaking ceremony that we will invite you all to. But we appreciate your willingness to help us out on the project and hopefully we can work together on some other projects. The project that Dave Ellison was talking about on Clarence Hertle, is an experimental project-with the tires and there is one down stream from it on a tributary that helps. It is more economical. What they are doing is taking tires and making a mat out of them and then placing them on the ditch bank to protect the bank from eroding."

Commissioner Borries: "There is no problem with pollution, is there-at all? With these tires?"

Darrell Rice: "As of now EPA hasn't complained about it so we are starting to use them in some projects-in experimental phases. We appreciate your cooperation and interest in helping."

Commissioner Borries: "Good. Thank-you Darrell."

There being no further business, the meeting was adjourned at 6:58 p.m.

PRESENT:

President Pat Tuley

Vice-President Rick Borries

Member Don Hunter

Alan Kissinger, County Attorney

Sam Humphrey, Auditor

Bob Brenner, Surveyor

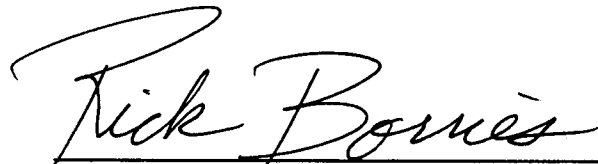
Darrell Rice, Soil Conservation Service

David Ellison, President of Big Creek Drainage Association

transcribed sbt



President, Pat Tuley



Vice-President, Rick Borries



Member, Don Hunter

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME BIG CREEK DRAINAGE ASSN. # 0986

On Account of Appropriation for BARRS CREEK # 234-009

Invoice No.	Itemized Claim	Amount	
93-AM-09-LS.	LUMP SUM PMT. FOR ADDITIONAL MAINTANANCE BARRS CREEK (MARTIN PROJECT)		
	1 LUMP SUM	\$ 3000.	00

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

David R. Ellison
Name
President
Title

Date SEPT 13, 19 93

F-1

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

IN FAVOR OF

Vendor Name BIG CREEK DRAINAGE ASSN

Vendor No. # 0986

\$ 3000.00

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name BARRS Creek

Account No. 234-009

Allowed _____ 19____

In the sum of \$ _____

Robert Zuber
Richard J. Bonner
Richard J. Bonner

Board of Commissioners

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
93-AM-09-L.S.		SEPTEMBER 13 1993	234-009	\$ 3000.00

93-AM-09-L.S.

SEP 13 1993

234-009 ~~3000.00~~

TOTAL \$ 3,000.00

A. Big Creek Drainage Association Demonstration Project, Request For Funding-Barr Creek

Bob Brenner: "We have Mr. David Ellison here, who is President of Big Creek Drainage Association. They have come with a proposal from a Mr. Martin, who owns six hundred (600) feet of Barr Creek-north of Boonville New Harmony Road. Starting at the road they propose to implement what the Soil Conservation has urged us to do on this ditch, and that is to lay the sides of the ditches back at a three-to-one ratio, which takes a lot out of the man's field. But he is willing to do this to demonstrate-we have done one other section up near the county line. A different ditch but he is willing to take this as a demonstration project which would stop all the erosion and what we have. This six hundred (600) feet has been set aside. We can go in right now and do it, plant it, and not damage anything of his. He is willing to do this. He is giving up a substantial portion of ground. Big Creek Drainage Association has said that they will put three thousand dollars (\$3000.00) toward this if we would match it. That is a bargain. We have fifty-nine hundred dollars (\$5900.00) in our account. I would recommend that we do it."

Commissioner Borries: "Is Big Creek going to undertake then? Who will do the actual construction?"

Bob Brenner: "Big Creek will do it."

Commissioner Borries: "I move that the request be granted."

Commissioner Tuley: "Second. So ordered."


There being no further business, the meeting was adjourned at 7:10 p.m.

PRESENT:

President Pat Tuley
Vice-President Rick Borries
Keith Rounder, Attorney
Sam Humphrey, Auditor
Bob Brenner, Surveyor
Dan Hartman
Bill Nichols
Jim Morley
Calvin Detino
David Ellison
Keith Poff
transcribed sbt



President, Pat Tuley



Vice-President, Rick Borries

Member, Don Hunter

F-2

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours; rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME SHIDLER SPRAY SERVICE # 1851

On Account of Appropriation for EASTSIDE URBAN NORTH # 23A-015

Invoice No.	Itemized Claim	Amount	
93-SPR-151-85	14,102 LF x .048 = \$676.90		
	Pay 85% = \$575.37 →	\$575	37

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

x Byron J. Borden
Name

Owner

Title

Date 6/16, 19 93

F-3

Warrant No. _____
Claim No. _____
Date _____

IN FAVOR OF

Vendor Name SHINELEC SPRAY SERVICE
Vendor No. 1851

\$ 575.37

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name _____
Account No. _____

Allowed _____ 19 _____

In the sum of \$ _____
Richard J. Barnes
Robert D. Taylor
[Signature]

Board of Commissioners

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

9-13-93
[Signature]
Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION — TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
<u>93-SPR-15-185</u>	_____	<u>6-16-93</u>	<u>234-015</u>	<u>575.37</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL 575.37

SURVEYOR'S OFFICE
VANDERBURGH COUNTY
CCM IN ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE INDIANA 47708

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: SHIDLER SPRAY SERVICE for ☒ annual -- ☐ additional maintenance to EASTSIDE URBAN NORTH HALF Ditch, a legal drain in Vanderburgh County, Indiana, was completed by the said contractor on JULY 29, 1993, and was inspected by our staff on AUG 24, 1993, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brannan
Robert W. Brannan, Vanderburgh County Surveyor

9-13-93
(date)

Additional comments:

Vendor Name TERRY R. JOHNSON

Vendor No. 1052

\$3,766.95

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name EAST SIDE URBAN SOUTH A

Account No. 234-015

Allowed _____ 19____

In the ~~sym~~ of \$

Kickland, James

Robert Jordan

[Signature]

Board of Commissioners

I hereby certify that the within bill is true and correct, that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

5-5-53

Robert W. F.

Signature of Office Holder

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Auditor

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

INVOICE NO.	PURCHASE ORDER NO.	INVOICE DATE	ACCOUNT NO.	AMOUNT PAID
93-SM-15-35		AUG. 20, 1993	234-015	\$ 3,766.95

93-SM-15-35

Aug. 20, 1993

234-015

3,766.95

TOTAL

3,766.95

L-2

SURVEYOR'S OFFICE
VANDERBURGH COUNTY
ROOM 203 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY JOHNSON for ☒ annual -- ☐ additional maintenance to EAST SIDE HORRAN SOUTH HALF Ditch, a legal drain in Vanderburgh County, Indiana, was completed by the said contractor on SEPT 9, 1993, and was inspected by our staff on SEPT 9, 1993, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Branner
Robert W. Branner, Vanderburgh County Surveyor

9-9-93
(date)

Additional comments:

F-6

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Vendor No. 1052

I have examined the within claim and hereby certify as follows:

That it is in proper form; that it is duly authenticated as required by law; that it is based upon contract / statutory authority; that it is apparently correct / incorrect.

Account No. 234-022

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

Board of Commissioners

AMOUNT PAID

714.30

714.30

SURVEYOR'S OFFICE
VANDERBURGH COUNTY
ROOM 203 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R. JOHNSON for ☒ annual -- ☐ additional maintenance to Kell Ditch, a legal drain in Vanderburgh County, Indiana, was completed by the said contractor on Aug. 25, 1993, and was inspected by our staff on Aug. 30, 1993, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner
Robert W. Brenner, Vanderburgh County Surveyor

9-2-93
(date)

Additional comments:

F-8

I hereby certify that the within bill is true and correct; that the supplies and materials therein itemized and for which charge is made were ordered by me and were necessary to the public business; that each and every item has been delivered to me at prices mentioned, and was in accordance with contract, except

Vendor Name Tetty Johnson

Vendor No. 1052

\$ 242.87

ON ACCOUNT OF APPROPRIATION

Dept. Fund Name Kolh Ditzek

Account No. 234-025

Allowed _____ 19____

In the sum of \$

Richard J. Barnes

Richard J. Barnes

Richard J. Barnes

Board of Commissioners

COST DISTRIBUTION -- TO BE COMPLETED BY DEPARTMENT

[illegible]

TOTAL

CERTIFICATION OF PAYMENT

By this instrument, I, Terry R. Johnson, representing:

Kolb, and presently under contract with
the Vanderburgh County Drainage Board to perform certain maintenance work on:

Kolb Ditch, a regulated drain in Vanderburgh County
Indiana, do certify that I and/or the firm I represent have/has paid fully all
expenses incurred for labor, supplies and subcontracts (if any) except for any
unpaid costs as specified herein, to wit:

None

and that neither I nor the firm I may represent will hold the Vanderburgh County
Drainage Board nor the Vanderburgh County Surveyor responsible for any costs or
any claims which may arise from such expenses except for the fifteen (15) percent
of the total contract price which the Vanderburgh County Drainage Board presently
holds in retainage pending the receipt of this certified statement.

INFORMATION

DITCH NAME: Kolb.

CONTRACT # 23A-025

☒ ANNUAL MAINTENANCE [] ADDITIONAL MAINTENANCE [] EMERGENCY MAINTENANCE

WORK COMPLETED ON: July 9, 1993 INSPECTED ON: July 26, 1993

WORK IS: ☒ APPROVED [] NOT APPROVED

COMMENTS: _____

Robert W. Brenner
Department Head

8-20-93
(date)

F-10

F-10

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SEPTEMBER 27, 1993

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MINUTES
DRAINAGE BOARD MEETING
SEPTEMBER 27, 1993

The Vanderburgh County Drainage Board met in session on September 27, 1993, at 7:15 p.m., in the Commissioner's Hearing Room 307, with President Pat Tuley presiding.

RE: APPROVAL OF MINUTES (8-30-93 & 9-13-93)

Motion made by Commissioner Borries and seconded by Commissioner Hunter to accept the minutes for the meetings of August 30, 1993 and September 13, 1993.

RE: REQUEST FOR DRAINAGE PLAN APPROVAL

A. Rich-Lynn Estates Subdivision (Associated Land Surveyors/Joe Leffel)

Aaron Biggerstaff: "This is a three lot subdivision. The Plan Commission requested that we make the lots continuous from the first section so there is no confusion because there is a Rich-Lynn Estates which is this lot right here. And this is Rich-Lynn Estates Section 'A'. Plan Commission requested that we make the lots-we originally had 'one', 'two', and 'three' in Section 'A' but they requested that because the names are so similar that we just continue the order of the lots. Which I think is common practice in a lot of subdivisions."

Commissioner Borries: "Will you explain this drawing in the middle here?"

Aaron Biggerstaff: "This is about six to eight feet wide and what we are having-I have turned the road plans over to John Stoll, he has had them for about a month-a little cut here at the end of the cul-de-sac. It will be right in here what you are seeing there. It is going to be a concrete (inaudible)."

Bob Brenner: "There is no detention or retention."

(inaudible remarks)

Commissioner Borries: "What is your recommendation on it?"

Bob Brenner: "We would recommend that you accept it. We have gone through his calculations. He has run everything down the cul-de-sac (inaudible)."

Commissioner Borries: "I move that the drainage plan of Rich-Lynn Estates Section 'A' be approved."

Seconded by Commissioner Hunter. So ordered.

B. Mohammed Osmon Elmirghani Subdivision (Morley & Associates)

Jim Morley: "I have marked in red the drainage portion of this plat. What I wanted to tell you about this subdivision is that it is four lots on 7½ acres in which almost all of the land drains down into this lake. Then this lake drains into this lake and what goes off on this side drains into this lake. Because these lakes are so much bigger than what a detention basin would be for anything that size, what I have done here is added this note that requires that this person who is building on this lot, the plat would require that this person would maintain that pond and in the event that he ever decides to get rid of it he would then replace it with a detention basin. The pipe sizes are only for driveways, basically the flow is into the lakes. It is a very small area."

Commissioner Borries: "This is actually in the town of Darmstadt, isn't it?"

Jim Morley: "It is in the town of Darmstadt but they pass their drainage before this

Board for approval."

Commissioner Borries: "Right."

Jim Morley: "Any driveway cuts or the pipe goes before their Town Board. But as far as the drainage plan it comes here."

Commissioner Borries: "Bob, what is your recommendation on Mohammed Osmon Elmirghani Subdivision drainage plan?"

Bob Brenner: "We would recommend that you approve it."

Motion made to approve the drainage plan on Mohammed Osmon Elmirghani Subdivision by Commissioner Borries with a second by Commissioner Hunter. So ordered.

RE: MILLER TRUCK COMPANY (CRAWFORD-BRANDEIS DITCH)

Bob Brenner: "Miller Truck Company. Crawford-Brandeis ditch. They wish to abandon the easement, not abandon it, they want to use the whole thing. They want to put a fence along the ditch-totally, and if we need it, they say they will remove it. I have waltzed this one around a long time cause I do not, I really don't think that we should do it. There is an attachment¹ on mine and I am sure you have it too, from Mr. Rice. We encountered this on Kolb ditch. The easement has been given up. You didn't give that up intentionally but the property owners have moved into the area and we have no place to put the spoils from the ditch and the cost of cleaning Kolb ditch was out of the realm. We didn't have that kind of money. We couldn't do it. We've had a lot of problems with Miller Truck in the past. I am sure that Rick would remember on the same property. They were filling the ditch and they volunteered to cut it."

Commissioner Borries: "I would just say that this Board at this point should not take any action to approve this request and perhaps-or we could deny it. Or direct the Surveyor to also enclose this communication with Mr. Rice because that is pretty well the reason that we..."

Commissioner Tuley: "That is the reason to deny it."

Commissioner Hunter: "Is that in the form of a motion?"

Commissioner Borries: "Yes, I move it."

Commissioner Hunter: "I will second it."

So ordered by President Tuley.

RE: WEDEKING INVESTMENTS L.P. (CRAWFORD-BRANDEIS DITCH)

Bob Brenner: "If you read the letter² and I would like to incorporate the letter in the minutes just to make it easy. They say that the ditch is eroding. Almost all of our ditches erode from water running in off of our fields into the ditch. They are buying this for commercial development and they want assurances from the Drainage Board that we will

¹Copy of letter to Pat Tuley dated 9-1-93 from Mark J Miller-Miller Truck Equipment and a copy of letter to the Vanderburgh County Drainage Board dated 8-31-93 from Darrell Rice, Soil Conservation Service included with 9-27-93.

²Copy of letter to Bob Brenner dated 9-21-93 from Wm. Frank Richardson III, Wedeking Investments L.P. included with the 9-27-93 minutes.

fix all their erosion problems. Judging from what they say, they expect to move in and use it. They want to fill it up with asphalt up to the top of the bank. It is in an area that's off Burkhardt Road. There is a street-Wedeking that runs from Morgan Avenue. It is that area. I can see no way...you can do it but we are committing funds that we don't have. We barely can keep that ditch mowed. I am prepared to send him a letter, we have no plans to approve that ditch in that area."

Commissioner Borries: "But, at this time if we don't have the money you can tell him how much is in the account and we don't have any plans to raise the assessments on it then we will just have to leave it as it is. The motion at this point is that the Surveyor communicate back that at this time the County has no plans to, we can not afford to..."

Bob Brenner: "We do not find that to be an inordinate amount of erosion. It is just the way things are. We dug that ditch in 1978 and actually we are happy with it. It is functioning for us. I would be glad to tell him exactly what our right-of-way and our right-of-entry is. We will hear from them again, I am sure."

Motion made to deny request by Commissioner Borries. Seconded by Commissioner Hunter. So ordered.

RE: REQUEST FOR PAYMENT OF BLUE CLAIMS

The following Blue Claims were submitted as follows:³

Terry Johnson #1052 Kolb Ditch 93-FM-25-85	5,593 LF @ .2895 = \$1,619.17 Pay 85%..... 1,376.30 Retainage 15%.... 242.87	AMOUNT \$1,376.30
Terry Johnson #1052 Aiken Ditch 93-FM-06-85	9911 LF @ .219 = \$2,170.51 Pay 85%.....1,844.93 Retainage 15%.....325.58	1,844.93
Terry Johnson #1052 Harper Ditch 93-FM-17-85	4002 LF @ .2695 = \$1,078.54 Pay 85%.....916.75 Retainage 15%.....161.79	916.75
TOTAL		4,137.98

Motion made by Commissioner Borries to accept the Blue Claims for payment as submitted. Seconded by Commissioner Hunter. So ordered.

RE: OLD BUSINESS

A. Maidlow Ditch Bridge (Norm Hoffherr & Big Creek Drainage Association)

Dave Ellision: "I have got one plan that I would like for you gentlemen to look at. This is on Maidlow Ditch on Norm Hoffherr. I know that Mr. Hunter is familiar with this. He had a problem with his bridge and he is taking his bridge down and he wants to put in a crossing in the creek. That is a legal drain. This is his sketch. Bob Brenner has looked at it and thinks that it is 'Ok' and I told him that he needed your approval before he could do anything in that drain. He doesn't understand that. Because he says that 'It is my creek.' I said that 'No, it isn't your creek.' But it is hard to tell some of these people that they can't do some of these things."

Commissioner Borries: "He is going to take the bridge out?"

Dave Ellision: "Right. He has got a bridge that has been eaten out on both sides and it

³Copies of Blue Claims and Surveyor's Report included with the 9-27-93 minutes.

is not safe to cross anymore. So he is going to take the bridge out and in place put that cross through then."

Commissioner Hunter: "I have been on this property and in fact I have talked to Mr. Hoffherr last Thursday or Friday. I have also talked to Darrell Rice about this and my concern was that there might be some problems with impacting the drainage in there and no one seems to think that there is any problem with that. If there is then Mr. Hoffherr will have to-at his own expense-take it out. But there doesn't seem to be any problem."

Bob Brenner: "This is also going to be at his expense."

Commissioner Hunter: "Yes, and his cost on that will be between two and three thousand dollars."

Bob Brenner: "What we will end up recommending is that he put some kind of pipe in the bottom of the ditch. Something underneath."

Commissioner Hunter: "Does he understand that?"

Bob Brenner: "I certainly hope so. We will talk to him. He has got to build a standard underwater crossing. There are standards for this which we can come up with. We don't want to make it an exorbitant cost. The bridge is impeding the flow of the ditch."

Commissioner Borries: "This won't?"

Bob Brenner: "No. No. He is going to have cut the banks back and we have done this in places and this is really a more efficient way of crossing a creek. Obviously when there is high water and the creek is running he can't use it. It is a low water crossing. So when the creek is at normal flow you use it, otherwise you don't."

Commissioner Hunter: "The two to three thousand dollars that he estimates does that include the pipes that you are talking about or not? Do you know?"

Bob Brenner: "We will work with him. What I would like to recommend is that we allow him the option of putting a low water crossing in. That is a reasonable thing and we will work out the details."

Dave Ellison: "Trying to replace that bridge, this is what he getting at. This man is retired from Mead Johnson and he is going to give his property to his sons, I imagine. A new bridge with what he has got in there would cost him between ten and fifteen thousand dollars and he doesn't want to do that."

Commissioner Hunter: "I will move that Mr. Hoffherr be permitted to work with the Surveyor's office and the Big Creek Association to put in a crossing at his own expense."

Commissioner Borries: "Is this on Big Creek?"

Dave Ellison: "Maidlow."

Motion seconded by Commissioner Borries. So ordered.

**B. Maidlow Ditch-Sloping ditch banks and removal of Walnut Trees
(Mr. Hoffherr & Big Creek Drainage Association)**

Bob Brenner: "The same property. We have discussed this multiple times. The ditch comes around and impacts into a row of Walnut trees and it has eaten-undermined the trees. We have tried to come up with something skillful and we have never come up with

anything that would save his trees. We could spend a lot of money to save his trees but it is not worth the ditch fund's money."

Commissioner Hunter: "Does he want us to buy his trees?"

Bob Brenner: "No. The trees are there to keep the ditch from going out across this field. He could plant more trees behind them but it is impacting those trees there. There is about two hundred foot of trees."

Commissioner Hunter: "What you are going to recommend here may save some of these trees. Might not it?"

Dave Ellison: "I was just talking to Bob and he doesn't think so."

Bob Brenner: "We looked at this alternative before, of hanging the tires in front of it."

Dave Ellison: "You gentlemen wanted to know what this thing looks like. This is what the tire assemble will look like. They are all banded together and they have conduit and they are all tied together and they are put down as one unit and then they are filled with fill sand and or dirt. So they will silt shut and they are staked to the banks."

Commissioner Hunter: "Let me ask you this. When you initially put this in on that bank with that row of trees are you going to attempt to take the trees out or are you going to leave them and see what happens?"

Dave Ellison: "Mr. Brenner and I was talking and he doesn't think that this structure will hold unless you slope that bank and to slope that bank you are going to have to remove those trees."

Commissioner Hunter: "Does Mr. Hoffherr understand that?"

Dave Ellison: "Not yet."

Commissioner Hunter: "My discussion with him last Thursday or Friday, whenever, he thought that the trees were going to get to stay. But what you are saying is you are going to have to cut that whole bank."

Dave Ellison: "We will just have to go with the recommendation of the Drainage Board and the Surveyor. I'm just going to have to tell him that."

Bob Brenner: "I don't know what we are talking about in money. The trees are in the way. They are in the way of everything."

Dave Ellison: "The only thing that we could do is to take this other corner off over here on Mr. Steinkuhl's. But these two gentlemen don't see eye to eye."

Bob Brenner: "That isn't going to work."

Commissioner Hunter: "I have already dealt with that. There is real deep seated ill feelings. That is the nicest way I could put it."

Dave Ellison: "But if we could knock that curve off here and take the pressure off this side of the bank then we could probably stand those tires up and be successful."

Commissioner Tuley: "Of course Mr. Steinkuhl owns all of this too."

Dave Ellison: "Yes."

Bob Brenner: "Do you wish the Drainage Board to participate in the financing of this?"

Dave Ellison: "Yes. That is why I am here. You asked me the last time what this configuration looked like and I thought that I would bring this and show you that we are trying it over on Barr's Creek."

Commissioner Tuley: "Because if we don't do something it is going to continue to eat this bank away and he is going to lose his trees anyway and we are going to have a serious drainage problem."

Dave Ellison: "He wants a guarantee and I told him that we couldn't guarantee him anything."

(inaudible remarks)

Bob Brenner: "You are willing to hang it in front of the trees? Try that, David?"

Dave Ellison: "Yes, I would but I just want to do it the right way. I don't want to have to do it..."

Commissioner Tuley: "What is our share?"

Dave Ellison: "That was already put in at cost. (inaudible remarks) I have no idea really. I just wanting to see, if I could do it, if you would match funds. Twenty-five hundred?"

Bob Brenner: "Do you have a bid on that?"

(inaudible remarks)

Commissioner Hunter: "Do you have a ballpark figure of what this will cost?"

Dave Ellison: "The way Blankenberger talked. Two hundred feet shouldn't be much over three thousand dollars."

Commissioner Hunter: "So you are asking for fifteen hundred? Is that what we are talking about?"

Dave Ellison: "I was looking at more like two thousand."

Commissioner Hunter: "You are doing two thousand and we are doing one thousand?"

Dave Ellison: "No. Two thousand, two thousand."

Bob Brenner: "We do have the money. We have after paying this year's bills. We will have about five thousand dollars left to spend. You all are doing all of that aren't you? (inaudible remarks)

Commissioner Borries: "On these drainage plans if they have money and it is their money..."

(inaudible remarks)

Motion made by Commissioner Borries to give Big Creek Drainage Association two thousand dollars (\$2,000.00) to do the excavation work on Mr. Hoffherr's property and possibly some work on Mr. Steinkuhl's bank. Seconded by Commissioner Hunter. So ordered.

Bob Brenner: "No guarantees on that. The guarantee that we will give you is that you will have tires strung in front of a row of Walnut trees. And we hope it works."

C. Mt. Ashley Subdivision (Aaron Biggerstaff)

Bob Brenner: "The other item I will just touch on it briefly is from Mt. Ashley. Mr. Biggerstaff did not wish to discuss it tonight but he did send us a nice letter⁴. He said that they are wrong and they will indeed fix it. If you will remember the easements, the swales not being in the easements, et cetera. They will change the drawings. I think what is holding them up is they have sold some of the lots with the easements as they exists now and so they have to deal with each property owner that they sold a lot."

Commissioner Hunter: "Did you not mention something about that pond? Detention, retention? That there was no physical changes made."

Bob Brenner: "No. He said that he was not aware of it. But the guy did make the changes."

Commissioner Tuley: "But there has been changes?"

Bob Brenner: "Yes there have been and he will change the drawings. They will resubmit the drawings. Everything that Mr. Gartner told us was true."

Commissioner Tuley: "So after he does that he will come back?"

Bob Brenner: "Yes, he will."

Commissioner Tuley: "We took a pretty harsh stance and that should still stay into effect until such time that he corrects it."

Bob Brenner: "You have taken that stance twice and you have my commendation because it has worked quite well."

D. Update on progress of Drainage Ordinance

Bob Brenner: "Mr. Hartman is retiring. We will actively pursue the new drainage ordinance. That is the first item on our new agenda."

Commissioner Borries: "Based on that Purdue Model?"

Bob Brenner: "Yes. The fact is you will have it forthwith."

E. For the Record-Letter

(Request for stop order on all permits for Mt. Ashley Subdivision)

Commissioner Borries: "Mr. President for the record let it show included with the minutes of this meeting that a letter⁵ dated September 20, 1993, regarding Mt. Ashley Subdivision was sent to the Building Commissioner and is still in effect."

⁴Copy of letter to Bob Brenner dated 9-23-93 from Aaron Biggerstaff included with the 9-27-93 minutes.

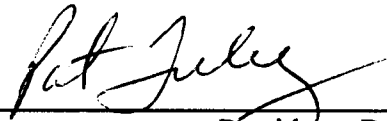
⁵A copy of the letter dated 9-20-93 to Roger Lehman, Building Commissioner requesting stop order on all permits for Mt. Ashley Subdivision from President Pat Tuley included in the 9-27-93 minutes.

Bob Brenner: "Three days later was the date of the letter⁶ that we received from Mr. Biggerstaff saying that they would correct it."

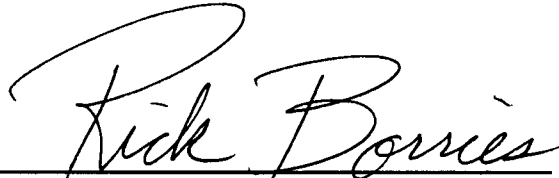
There being no further business, the meeting was adjourned at 7:56 p.m.

PRESENT:

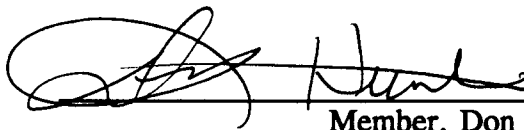
President Pat Tuley
Vice-President Rick Borries
Member Don Hunter
Alan Kissinger, Attorney
Cindy Mayo, Chief Deputy Auditor
Bob Brenner, Surveyor
Aaron Biggerstaff
Jim Morley
Dave Ellison
transcribed sbt



President, Pat Tuley



Vice-President, Rick Borries



Member, Don Hunter

⁶See footnote number 4.

Pat ✓ *Neil* *Don*

Miller Truck Equipment

5900 Old Boonville Hwy.
P.O. Box 5364
Evansville, Indiana 47716-5364
(812) 479-9700



September 01, 1993

Attn: Pat Tuley, President

Vanderburgh County Drainage Board
Room 305 Civic Center Complex
Evansville, IN 47708

Dear Pat:

Miller Truck Equipment requests permission to install a combination privacy and security fence along the top of the West bank of the Crawford-Brandeis Ditch.

Neighbors who live along Colonial Gardens Road have voiced several times their request that we provide a privacy fence to screen the commercial area from the residential area since we repair truck bodies and have various pieces of truck equipment on our premises.

We will agree to maintain the ditch bank on our side of the center line of the ditch by mowing or spraying as needed. In the event that the Drainage Board determines that it is necessary to come on to our property to dredge this portion of the ditch, we will take down necessary portions of the fence at our expense to allow that work.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Mark J. Miller".

Mark J. Miller
President

MJM:fbb

cc: Bob Brenner
Jim Morley

F-1

Pat ✓ Rick Don



United States
Department of
Agriculture

Soil
Conservation
Service

August 31, 1993

To: Vanderburgh County Drainage Board

From: Darrell Rice, District Conservationist
USDA, Soil Conservation Service

You have invited our office to many of your Board Meetings to render our expertise on various drainage and erosion questions.

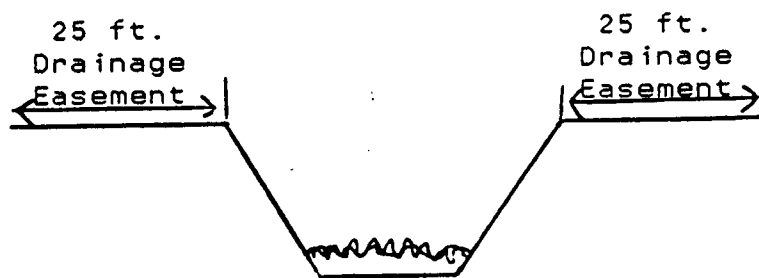
Developers are coming before you quite often to request a reduction on removal of "Drainage Easements" on County Maintained/Assessed ditches.

I feel "Drainage Easements" should not be reduced due to the lack of accessibility to maintain the ditches and increased cost of maintenance.

Maintenance costs for a ditch with a 75 feet "Easement" is approximately \$.50 to \$.60 per cubic yard. The silt taken out of the channel can be "spoiled" and spread on the 75 feet easement area.

Maintenance costs for a ditch with a 25 feet "Easement" is approximately \$2.00 to \$3.00 per cubic yard. The silt taken out of the channel must be hauled off site. This additional cost must be passed on to all individuals in the assessed drainage area to convenience a developer who will be increasing his own profits through sales of the additional land.

I feel "Drainage Easements" are a commodity that should not be given away. I also feel on projects with large unassessed drainage ditches that a 25 feet minimum "Drainage Easement" be required. This easement should begin at the ditch bank edge and run 25 feet (minimum) away from the ditch.



cc: 3 Drainage Board Members
Bob Brenner County Surveyor
John Stoll County Engineer
Herb Butler City Engineer



The Soil Conservation Service
is an agency of the
Department of Agriculture

AN EQUAL OPPORTUNITY EMPLOYER

F-1

Wedeking Investments L.P.

2300 N. Burkhardt Rd. Box 5229
Evansville, Indiana 47716

September 21, 1993

Mr. Bob Brenner, County Surveyor
Vanderburgh County Drainage Board
1 N.W. M. L. King, Jr. Boulevard, Room 325
Evansville, IN 47708

Re: CRAWFORD-BRANDEIS DITCH
LYING NORTH OF MORGAN AVENUE

Dear Bob:

Wedeking Investments, a partnership of which I am the Managing General Partner, intends to acquire within the near future the property of Jake Raibley, shown on the attached survey prepared by Danny Leek.

A recent inspection of this property indicates that approximately 20 to 30 feet of the East side of the Crawford-Brandeis Ditch North of Morgan Avenue has eroded, taking with it a substantial portion of the tract which Wedeking Investments intends to acquire.

We are vitally interested in seeing that the ditch is restored to its original condition. In this particular area, there is located some asphalt/blacktop and occasional concrete which can be used to a limited extent in order to curb the erosion which is now on-going. However, it is the intention of Wedeking Investments to save a substantial portion of this asphalt in order to help contain the top surface erosion once the ditch is restored on its East side to its original condition.

Tel (812) 474-0440

Fax (812) 474-0445

F-2

Mr. Bob Brenner
September 21, 1993
Page 2 of 3

Before we proceed to consummate this real estate transaction, we ask your assurance, first of all, the Wedeking Investments will not be responsible for the restoration of the Crawford-Brandeis Ditch to its original condition due to the soil erosion which has taken place; and, secondly, that the County will perform this restoration within a reasonable period of time in order that Wedeking Investments, as the eventual purchaser, can use this property for its intended purposes.

Wedeking Investments is willing, upon consummation of this real estate transaction, to utilize the asphalt in question not only to contain the present erosion which is on-going, but to place the residue asphalt on top of the area purchased to deter further erosion after the bank is restored by the County Drainage Board.

I am available to show you this property at any reasonable time and look forward to your early reply.

Sincerely,

Frank Richardson

Wm. Frank Richardson, III
Managing General Partner
WEDEKING INVESTMENTS, L.P.

WFR/je
Enclosure

✓ cc: Mr. Dan Hartman

F-2

Mr. Bob Brenner
September 21, 1993
Page 3 of 3

If you are in agreement and approve Wedeking Investments' intentions to correct erosion of the Crawford-Brandeis Ditch, as set forth in the correspondence dated September 21, 1993, namely by using road asphalt/blacktop and concrete; as well as confirm that by acquiring this property Wedeking Investments, L.P. will not be assessed for restoration (other than the normal ditch assessment), please acknowledge your approval by signature below and return same to Wedeking Investments, L.P., P.O. Box 5229, Evansville, IN 47708.

Approved:

Title:

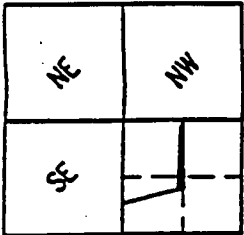
Date:

F-2

Cut from Deed Drawer 1, Card 15078
Raibley Properties Inc. and/or Jake Raibley



SCALE 1" = 200'



Section 13-6-10

NW Corner
SW 1/4, SE 1/4
Sec. 13-6-10

S 00°50'27" W 611.84'

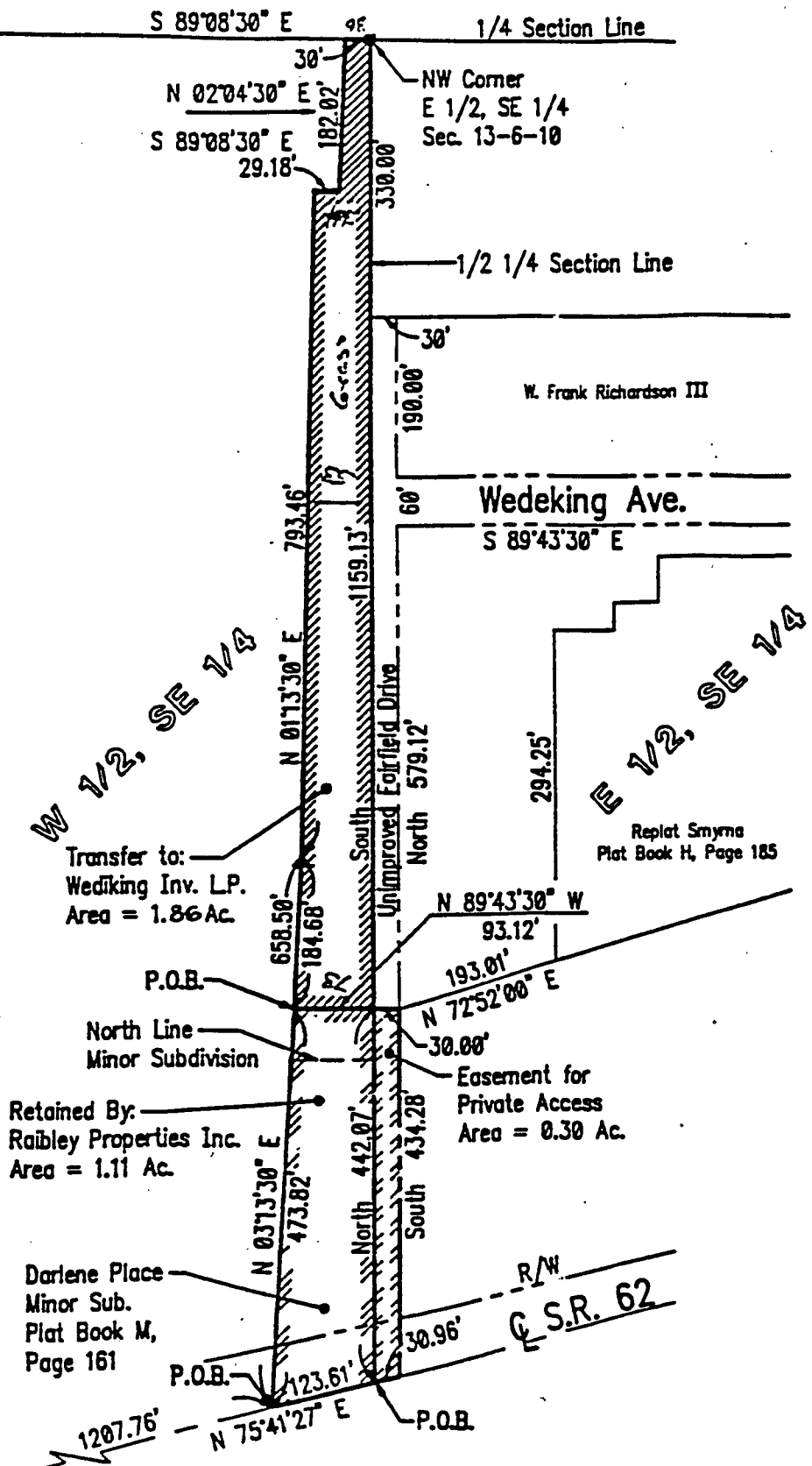


Exhibit
8/9/93
93-286-4
Scale: 1"=200'

REV. 8/18/93

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME

Terry R. Johnson# 1052

On Account of Appropriation for

KOLB DITCH

Invoice No.	Itemized Claim	Amount	
93-F.M.-25-85	5,593 LIN. FT. X $\$0.2895 = \$1,619.17$		
	PAY 85% = $\$1,376.30$ →	1,376	30
	15% RETAINAGE = 242.87		

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Terry R. Johnson Cont.
Name
Owner
Title

Date SEPT 20, 1993

F-3

SURVEYOR'S OFFICE
VANDERBURGH COUNTY
ROOM 225 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

FALL Mow

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R JOHNSON for ☒ annual -- ☐ additional maintenance to KOLB Ditch, a legal drain in Vanderburgh County, Indiana, was completed by the said contractor on Sept 20, 1993, and was inspected by our staff on SEPT 21, 1993, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner
Robert W. Brenner, Vanderburgh County Surveyor

9-27-93
(date)

Additional comments:

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME

Terry R. John

1052

On Account of Appropriation for

Aiken Ditch

234-006

Invoice No.	Itemized Claim	Amount
93-FM-06-85	Bid at 0.219 per L.F. X 9911 L.F. = \$2170.51	
	Pay 8590	
		\$1844.93
15%	Retainage \$325.58	

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Terry R. John Owner
Name
Title

Date SEPT 14, 1993

F-3

SURVEYOR'S OFFICE
VANDERBURGH COUNTY
ROOM 225 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R. JOHNSON for ☒ annual -- ☐ additional maintenance to AIKEN DITCH Ditch, a legal drain in Vanderburgh County, Indiana, was completed by the said contractor on SEPT 14, 1993, and was inspected by our staff on SEPT 21, 1993, and is ☒ approved -- ☐ disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brannan
Robert W. Brannan, Vanderburgh County Surveyor

9-22-93
(date)

Additional comments:

F-3

A claim to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc.

VANDERBURGH COUNTY, INDIANA

VENDOR NAME Terry R. Johnson # 1052

On Account of Appropriation for Harper Ditch 234-017

Invoice No.	Itemized Claim	Amount	
93-FM-17-85	Bid at 0.2695¢ per L.F.X		
	4002 L.F. = 1078.54		
	Day 8570	916	75
	Retainage 1570 161.79		

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Terry R. Johnson Cont.
Name
Owner
Title

Date SEPT 21, 1993

F-3

FALL

SURVEYOR'S OFFICE
VANDERBURGH COUNTY
ROOM 22 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

SURVEYOR'S REPORT

To: The Vanderburgh County Drainage Board

This report shall serve as notification to the Vanderburgh County Drainage Board that the work required by a certain contract between the Board and: TERRY R. JOHNSON for ☒ annual -- [] additional maintenance to HARPER Ditch, a legal drain in Vanderburgh County, Indiana, was completed by the said contractor on SEPT 21, 1993, and was inspected by our staff on SEPT 21, 1992, and is ☒ approved -- [] disapproved for payment per the contracted price indicated on the claim herewith attached.

Respectfully submitted by:

Robert W. Brenner
Robert W. Brenner, Vanderburgh County Surveyor

9-22-93
(date)

Additional comments:

ASSOCIATED LAND SURVEYORS
AND CIVIL ENGINEERS, INC.

1270 MAXWELL AVE. • TEL. (812) 464-3031
EVANSVILLE, INDIANA 47711

September 23, 1993

Bob Brenner
Vanderburgh County Surveyor
Room 325
City-County Administration Bldg

RE: Drainage - Mt.
Ashley Subdivision

Dear Bob;

This letter is in response to the latest drainage "problem" at the above mentioned subdivision. Initially, I want to apologize for my tardiness in submitting the drainage swale revisions, or as-builts; they were completed after our conversation with Scott Gartner. I was remiss in getting them to you due to several obstacles that had arisen and transitions of the business since my fathers' death. Again, the as-builts are done and the developer is aware that they need to be recorded. We need to discuss where and/or how to record as soon as possible.

Secondly, addressing the latest drainage issue: the creation of a retention pond, which was not approved at Drainage Board (the Dentention Pond was). Mr Fritz (the developer) called me yesterday, subsequent to receiving a letter from Pat Tuley ordering that all permits cease temporarily. I would like to request a conference with you to clear the matter. I was not aware the pond was changed.

I spoke with Scott approximately the first of September; He inquired if any changes had been made concerning the pond and I informed him that Mr. Fritz was requesting a change, so I "ran" the idea by Dan Hartman while I was working on a new plan and wanted to get your input. I believe I mentioned to Scott that I mailed some "rough" plans to change the pond to a retention, but nothing has been officially filed or acted upon. Also, I promised Scott that I would check on the problem; but to be quite honest, I have been extremely busy and have not had time to field check with Mr. Fritz.

F-4

Dan, and myself included, do not foresee any problems with the change and initially feel it would be more practical. But no request, at this point, has been made to change the pond and have it approved.

I agree with the Drainage Boards' actions in this matter, however I would like to officially change the drainage plan. I am very cognizant what procedures had to be followed working with various governmental agencies on a daily basis, which is why I want to make it clear that I was not aware the pond was changed, physically.

It will, of course, change the drainage plan to a certain degree, but in the long run it will be a more practical plan. Please give me a call at your convenience.

Sincerely,


Aaron Biggerstaff



**BOARD of
COMMISSIONERS**
of the County of Vanderburgh

RICHARD J. BORRIES

DON L. HUNTER

PATRICK TULEY

September 20, 1993

Mr. Roger Lehman
Building Commission
Evansville/Vanderburgh County
Evansville, Indiana 47708

Dear Roger,

A special meeting of the Vanderburgh County Drainage Board was conducted on September 13, 1993. During said meeting it was brought to the boards attention by the County Surveyor, Robert Brenner, that the drainage plans that were submitted and approved for Mt. Ashley, were in fact not what the developer, Mr. Arthur Fritz, put into place.

Therefore the board voted to issue a stop order on all permits for Mt. Ashley Subdivision. So effective September 13, 1993, no other building permits should be issued to Mr. Fritz for Mt. Ashley until further notice.

Mr. Fritz will have to submit and receive approval of new drainage plans before this order will be recinded.

Sincerely,

Patrick Tuley, President
Vanderburgh County Drainage Board

PT/bj

cc: Mr. Arthur Fritz
Robert Brenner, County Surveyor