

**Vanderburgh County  
Drainage Board  
January 4, 1999**

President Mourdock: We'll call this special meeting of the Vanderburgh County Drainage Board on January 4, 1999 to order. We have a brief agenda this evening with several things that carried over from the last month due to the holiday.

**Approval of minutes**

President Mourdock: First of all the minutes from the past meeting on November 23rd are in the packet. Is there a motion to approve those minutes?

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Reorganization of 1999 Drainage Board**

President Mourdock: We'll turn to the reorganization of the Drainage Board for 1999.

Commissioner Jerrel: I think you've done a very good job. I would like to nominate you to continue as President of the Drainage Board.

Commissioner Tuley: Second.

President Mourdock: Isn't democracy a wonderful thing! Okay, with a motion and second I will say so ordered. Just as the important formality, though, just a heartbeat away I'll nominate for Vice President Betty Lou Jerrel.

Commissioner Tuley: Second.

Commissioner Jerrel: So ordered?

President Mourdock: Okay, motion seconded and so ordered.

**Rasche request**

President Mourdock: Old business, hopefully to bring to conclusion this evening, we have the update on the Rasche matter out on Mill Road, so, Bill, do you have anything to add to that? I know we have a letter from the Rasches stating what they did and how it has been done. Do you have any comments?

Bill Jeffers: I don't have that letter in front of me. Is there an extra copy?

President Mourdock: You have seen it though previously, you just didn't have a copy?

Bill Jeffers: Tony delivered it to our office Wednesday, last Wednesday, and I read it. After reading it I thought about what has happened over the past two years dealing with this issue during which time I had become a little frustrated from time to time when put under pressure to give an abbreviated answer to a complicated

question or make a snap judgement. I've also been put off now and then being misquoted and even maligned by one or another party to this discussion. When I got frustrated I tended to give answers or make statements that sometimes lacked the intelligent attention to detail that this issue deserves. Before I got up to speak tonight I resolved to find some voice of reason somewhere in all the reams of paper devoted to this issue. Thank goodness I came across that voice of reason on page 11 of the Drainage Board minutes, September 26, 1998 where Mike Rasche says:

"We (meaning the respondents) were required by the order to put this section (meaning the drain along the south line of the petitioners' properties) back to a condition that was prior to the landscaping (meaning the obstruction by fill dirt)."

Mike Rasche continues in the minutes:

"Whether Mr. Jeffers thinks it will carry more water or not is really irrelevant. How much water it will carry wasn't known then and isn't known now."

Mike Rasche is exactly right. It's really irrelevant whether Bill Jeffers thinks the drain will carry more or less water than it did before Catherine Rasche had it filled with dirt. Bill Jeffers doesn't know the carrying capacity of that drain before it was filled with dirt nor does Bill Jeffers know its capacity now. Mike Rasche is exactly right about what is required of the respondent, Catherine Rasche, with regard to the Board's order. An order, incidentally, upheld by the Gibson Circuit Court and that is to restore the drain as it existed prior to its filling with dirt. So any statements from the County Surveyor to the Board concerning the drain should be based on evidence and information the Surveyor has at hand with regard to the drain as the drain existed prior to its filling with dirt and information that the Surveyor has with regard to the drain as it exists today. The information we have on hand today includes pictures provided by the petitioners which show the drain as it existed prior to August, 1996 and those pictures show a drain which appears to be deeper than the same drain appears to be now. Two, statements from the petitioners that the drain was deeper prior to its filling with dirt in August, 1996 than the drain is today. Three, picture provided by the petitioners which show Floyd Staub Excavating actually filling the drain with dirt. Four, a verbal statement obtained from Floyd Staub Excavating this morning that their records show they hauled in two...they hauled two tandem loads of various debris from the site during site preparation and then hauled in six tandem loads of topsoil and one tandem load of riprap to complete the ditch filling in August of 1996. Again, that was two tandem loads out. That was like trees, brush, sod, and other undesirable debris to prepare the site and then after they hauled two tandem loads out they hauled six tandem loads of topsoil and one tandem load of riprap in and deposited it in and nearby the drain for the so-called landscaping. Five, Staub hauled out only two tandem loads of solid debris from the site August, 1998 during their effort to restore the ditch. Again, seven loads in, two loads out and an additional two loads out prior to the landscaping. So therefore Staub's records indicate a net increase of three to five tandem loads of material remain at the site either in the drain or within very close proximity to the drain. Based on this information and evidence cited above it is the Surveyor's opinion that the respondent has not accomplished a restoration of the drain along the south line of the petitioners' properties as that same drain existed prior to its filling with dirt. That's how I address the letter from Ms. Catherine Rasche dated December 27, 1998 and received by the Commissioners on December 30, 1998 with regard to item number one, restoration of the waterway as it existed prior to its filling with dirt.

That's the title that Ms. Rasche gives item number one.

President Mourdock: Questions of the Board? Bettye Lou.

Commissioner Jerrel: I was just going to ask you a question. What...Bill, I know Ms. Rasche named that number one, restoration of waterway, but you don't want those two tandem loads of trees and debris returned?

Bill Jeffers: That's not my call.

Commissioner Jerrel: No, but I meant that's not what we're talking about. We're talking about just the dirt. Are you saying to us that you want...when you gave the number in and the number out you want that much more removed?

Bill Jeffers: I'm just citing that as evidence--

Commissioner Jerrel: Oh, okay.

Bill Jeffers: --that contributes to my conclusion that the drain has not been restored. This has nothing to do with my wishes.

Commissioner Jerrel: Okay.

Bill Jeffers: I'm trying to keep it real concise that just like Mike Rasche says, the order was that the respondents restore the drain.

Commissioner Jerrel: Have you seen the drain--

Bill Jeffers: Yes, ma'am.

Commissioner Jerrel: --since we've had some recent rains?

Bill Jeffers: I saw the drain Wednesday afternoon. Well, actually, right around noon.

Commissioner Jerrel: Yeah.

Bill Jeffers: And took pictures of it at that time.

President Mourdock: How is it functioning?

Bill Jeffers: It was dry. That was not a day during which there was any rainfall or any significant rainfall.

President Mourdock: I'm sorry--

Bill Jeffers: There was a line of debris along each side of the drain which indicated how high the water got in the drain during a previous rainfall event within the, say, previous week.

Commissioner Jerrel: Yeah, we had a hard rain shortly before that.

Bill Jeffers: Yes, Ms. Rasche's letter indicates that--

President Mourdock: Let me be sure I understand what you just said. We had a

hard rain prior to the time you inspected the ditch, the drainage way, and there was evidence along the side of the drainage way where the high water mark was from that event?

Bill Jeffers: Well, I'm not going to...I'll tell you what, again, I may be responding too quickly to your question. I don't know if it was a hard rain. There was evidence of the ditch running full on the day that I was at the site last Wednesday, there was evidence that the ditch had run full and left debris, you know, leaves, a nice long line of leaves on the top of each bank. What type of rainfall event it was I do not know because I have not called the National Weather Service to find out.

President Mourdock: Okay, alright. Ms. Rasche, did you have your hand up?

Jan Bolinger: May we address the issue?

President Mourdock: Sure.

Ken Rasche: Should we state our name or do you know it?

President Mourdock: You know the routine, it's all on tape.

Ken Rasche: My name is Ken Rasche. I live at 505 Brook Meadow Circle.

Jan Bolinger: Jan Bolinger, 4319 Kratzville Road. From this we understand that the items that are listed as number two and three do meet compliance since there doesn't seem to be any contention on those so we'll--

Ken Rasche: Before we address anything else, item two and three are in compliance?

Jan Bolinger: Are in compliance?

Ken Rasche: Do we so...can we have an order or a movement or something?

President Mourdock: I certainly hope we can.

Joe Harrison, Jr.: Well, again, if I could just advise the Board on one thing, the Surveyor is making recommendations on compliance. This Board is not going to, you know, rehash this whole issue again. That has been done, but if Mr. Jeffers is not addressing those two issues, unless he has some further comments, one can probably assume he does not have a problem with that, but, again, that question ought to be posed to him, okay?

Jan Bolinger: Okay.

President Mourdock: Right, and let's do that before we go any further.

Jan Bolinger: Right now.

Ken Rasche: Please.

President Mourdock: Two and three, Bill, do you agree? Do you stipulate those are okay?

Bill Jeffers: Item number three first, item number three being Rasche's item number three in this letter--

President Mourdock: Right.

Bill Jeffers: --clearing and cleaning of the part of the subject waterway downstream of the culvert. That's been done sufficiently.

President Mourdock: Okay.

Bill Jeffers: Number two, replacement of the undersized and partially clogged culvert. What they tell you there that the ten inch PVC pipe was removed and the dirt in the bottom of the 17 inch culvert was removed, that's a true statement.

President Mourdock: Alright.

Bill Jeffers: That doesn't mean that the pipe has been replaced. It doesn't mean that what was considered to be an obstruction as the undersized pipe, that doesn't mean that has been replaced. It simply means that what I am saying at this time is their statement, the ten inch PVC pipe was removed and the dirt in the bottom of the 17 inch culvert was removed is a true statement.

President Mourdock: Okay, the question goes back, and correct me if I am wrong, but it is my recollection when we took this to a special Drainage Board hearing at one point it was simply over whether or not the Rasches had complied with the pipe part of the court's order.

Joe Harrison, Jr.: That may have been, but I think what he is saying today is that his statements are that they have not complied with this Board's order or the court's affirmation of this court's order. Whether it is partially complied with or, you know, he is saying it has not been complied with according to his review of the facts and the evidence.

President Mourdock: Is that correct, Bill?

Bill Jeffers: That is correct.

Commissioner Jerrel: Okay, so--

Ken Rasche: Okay, should we start with item one or item two?

Commissioner Jerrel: Let's go with one. Let's start at the beginning.

Jan Bolinger: We'll start at the beginning again. A couple of things, I guess, is that nothing about this is intended to be done personally. We have from the very beginning attempted to meet what is required of us and have simply been trying to keep the facts straight so that there is no miscommunication or misunderstanding and I agree with what Mr. Jeffers says, it does appear to me that many times he did act in frustration over things that he was facing. Perhaps, you know, without that frustration we may have been able to put closure to this a long time ago. There is mention of...I tried to take notes on this, you know, as he was talking. If we had them a little bit ahead of time it would have been a little easier, but basically the pictures that are referred to that are provided by the petitioners at no time were we ever shown or made aware of or given copies of these. As Ken Rasche indicated,

when the construction occurred, which was on short notice because they had attempted to be out there three or four times and had weather delays and other problems, of the four contacts that he made he was never called back by Mr. Jeffers and Mr. Jeffers was never on-site with him and if we had that we certainly probably could have gotten closure to this a little bit sooner. The statement that it was wider and deeper, if you look at the September notes, I believe, I don't have the number, but in there Mr. Jeffers does state that in places it appears deeper and wider and in other places maybe a little bit shallower. It appears to me that he is saying, yes, for intents and purposes it's overall back to the way that it was. Pictures showing Staub filling the ditch back in, we hired the original contractor as was recommended by Mr. Jeffers to put it back as close to the original condition as he possibly could. We took great pains for them to have the same person out there and we have provided to the Board a letter from Tony who states that--

Ken Rasche: Tony Mueller from Staub, Incorporated.

Jan Bolinger: Tony Mueller, that he did put it back as close to original as possible. He was the one that was there. That letter is on file with you. The information about hauling in two tandems in and six out. She has got right at an acre of property. She had problems up at the upper culvert with chickweed growing over most of it and some weeds and things and she had other work done in '94. We have other bills from Staub where he hauled out more stuff and he was bringing in some good topsoil so she has been fighting some...she likes to keep it in a park like appearance and she has been not happy with some of the type of grass that was growing up there so to assume that what he took in and went out all went into the ditch is not factual and that needs to be addressed. Again, we've got a letter on file with you that he wrote that stated he put it back as close as possible.

Ken Rasche: It's dated September 22, 1998.

Jan Bolinger: So in keeping with that when you go through our letter with the restoration of the waterway as it appeared prior to that we quoted to you in the letter right where Mr. Jeffers stated when Mr. Mourdock asked him under direct questioning will it handle as much water as before and he stated yes. Again, we're not going to please the neighbors. Until something is done with the problem upstream you will not please the Heerdinks, but that is not what we're here for. We're here to comply with the three issues that were laid out and we've also taken a videotape of that day when the rain came and I do know how much rain came down and I was out there taking pictures in the rain and my brother videotaped it and from the Evansville paper dated Tuesday they give you the rainfall which is from a precipitation for the past 24 hour period as of 6:00 p.m. it was 1.96 inches of rain, so right at two inches of rain fell in a 24 hour period. And for the month the rainfall is up over half of an inch. Normal month-to-date is 2.61 and we had 3.17 so we're not in a dry period. We're at least as or more rainy than it normally is. We have a videotape that will show you that the ditch is handling the water. As a matter of fact, you can look at it and if you look at the statute you're not supposed to build a berm and in several areas of her property she has put a berm to in particular channel that water onto her property to keep it off the neighbors. That in itself is in violation of the ordinance. She shouldn't have put a berm there because she is altering the natural flow of that water and you can see it in the video.

Ken Rasche: Have you all seen this map? You've got copies? Basically, that 90 degree turn is where some of those extra tandem loads of riprap are keeping the water inside the ditch. That wasn't there prior to '96 and in the letter, I think, Tony

even says that radius where the water was coming over the bank will now handle the water even better because of the berm and the riprap. Back to the tandem loads taken in and out as Mr. Jeffers stated some of the material taken out was brush and some of the material brought in was riprap. That, obviously, is not in the ditch. Again,--

Jan Bolinger: Some of the other things that are mentioned also they talk about an undersized culvert and that really isn't a term that should be used because that denotes that there were measurements taken and we took out the ten inch plastic PVC that was in existence for over 22 years because it was put in by our father and we know it was there so it wasn't even under this ordinance. We took that out to just be in compliance with this and a culvert that was put in across my mother's property, which is downstream, and also one that the city put in on the easement between her and the church are both 15 inch culverts. To denote that her culvert which has been there for 30 years is undersized when the city itself put in two 15 inch downstream there is something wrong with that logic. There is something that is not occurring and I think if we look at just the facts of the case, the fact that she did hire the original contractor, we do have a statement from that person stating that it was put back in the original condition, we did pull out a plastic PVC pipe that was in place for over 22 years, we did clean out the ditch downstream of anything that would impede it and we do have a video tape that will show you the ditch and the water. Now in the minutes it also mentions that in a prior meeting that culvert that is behind the Heerdinks' property was put in by the city in '86 to handle water coming down that none of the culverts upstream would handle. So that right there is your proof that she never did have to handle all the water coming from Stringtown.

President Mourdock: Let me try to focus slightly differently for a second. I've got back to my minutes...or I should not refer to these as minutes. These are not verbatim, these are my notes. This is from the November 3rd meeting of last year. Old business, Rasche matter continuation. The ten inch pipe has been pulled, the ditch reopened, the 15 inch pipe has been cleaned out. I do occasionally quote people:

"They did a nice job of restoring the ditch."

That was Bill Jeffers, but he is hesitant to sign off on what they've done. We granted 60 days to take a look at how the whole system will work. My observation, we want to put an end to this thing. It is my recollection that at that meeting the idea of bringing this forward to this time today was to give it 60 days to see if, in fact, the system worked.

Joe Harrison, Jr.: Right, from November 23rd.

President Mourdock: From November 23rd.

Joe Harrison, Jr.: It hasn't been 60 days, but go ahead.

President Mourdock: Yeah, but it has been roughly 60 days. The question that I think we need to examine tonight is based on what we've seen over the last 60 days with the comments and everything that had been done up to then is the system working?

Jan Bolinger: We can show--

Ken Rasche: We can show the videotape.

Jan Bolinger: --you a videotape.

Ken Rasche: We brought a tv, the tape itself. We can plug it in and play it, pause and see what the ditch actually looks like since--

Commissioner Jerrel: Well, let's see it. Let's look at it.

Ken Rasche: Thank you.

Bill Jeffers: While they're plugging that in would you allow me time to respond to seven or eight of their statements there? Number one, Ms. Bolinger states that Ms. Rasche was never given a copy of the pictures. The pictures that I refer to are a part of the Surveyor's report that was given to each member of the Board and mailed to Ms. Rasche and subsequently taken to the Circuit Court in Gibson County. They are appended to the report and I have a green card signed by Ms. Rasche that she received the Surveyor's report so she did receive copies of those pictures. Number two, Ms. Bolinger stated that they were on short notice for construction and that Ken, who was also here at the podium, made four contacts or attempted contacts with me and never got a response. I talked to Staub every two or three weeks from spring through summer asking him when he would go out there so that each month if you'll look on your agendas for each month it says update of Rasche matter and I gave you an update of what Staub said. Too wet to go out there and work, basically. So I was in contact with Staub Construction every month leading up to August 1998 when they went out there without any notification whatsoever to our office, Staub nor the Rasches called our office to notify us that they were going to initiate the restoration of that ditch. It was...my first notification that there was any work under way was from the petitioner, Tom Heerdink, who called me and said there is some equipment out there in that backyard and when I came home from work today I saw it. I went out the next day and I have a picture in my file over here of how that ditch looked the following day. The following day, which is shown in...the condition of the ditch that is shown in that picture Mr. Ken Rasche called our office twice in the morning and asked that I come out and take a look at the ditch after it had been in his estimation restored, not before. They've made comment every time they got up at this podium that I was to be available for consultation and that I was not available for consultation. They've made that allegation again tonight. It's a false allegation because I was not notified prior to the initiation of the work that the work was to take place. If I had been notified I would have been glad to come out there and personally dig a post hole every ten or 15 feet until I hit sod showing the previous elevation of the bottom of that ditch. Simple procedure. Simplest archeological procedure known to man. Just dig a hole until you hit the previous layer of soil. There it is. I was not asked to do that. Again, they are putting words into my mouth as to...number three, again, they are putting words into my mouth as to what I said during a previous meeting. The record speaks for itself if you read the entire minutes. Number four, Tony's letter. They alleged that Tony's letter states:

"As close to original as possible."

The letter does not in any place in that letter does it say that. There is not anywhere in that letter is Tony Mueller quoted as saying that the ditch was restored:

"As close to the original as possible."

Number five...and by the way the letter is rather misleading. He just says that the ditch drops four feet and so many inches from one pipe to the other. Well, yeah, the pipes are in the same position they were before so the flow lines of the pipe were made the same. So where the pipe exits...where the ditch exits one pipe and enters the other pipe, yeah, it's still four foot 11 inches or whatever. That doesn't mean the intermediate flow line of the ditch is anywhere near what it used to be. It just means the two pipe flow lines are the same. That's all the letter says. Five, as to where the dirt was placed August 1996. Ken would have you believe that there was a whole lot of landscaping going on, but when I was asked to go out and look at it the new dirt with the new grass growing on top of it was all within 25 or 30 feet of the ditch. I didn't see any work that had been done anywhere not adjacent to the ditch. Number six, again, I'm being misquoted as simply saying that it will handle as much water as it did before and I answered yes. Actually, Mr. Mourdock asked me a two or three part question and to one part of the question I answered yes. Number seven, Ken's allegation that the riprap is now...was used to create a berm. The 12½ tons of riprap that was hauled in on August 5th now part of it is being used to create a berm because they had to dig it out of the ditch and didn't want to haul it off. The riprap was placed in the ditch at the exits and entrances to the pipes. When they were ordered to go out and remove the obstruction from the ditch, yes, they took some of the riprap that was obstructing the ditch and put it up on one side and used it as a berm. All that did was prevent having to haul it off and pay a dump fee. Number eight, his statement the riprap is obviously not in the ditch, I've got pictures of the riprap being in the ditch last Wednesday. It's still in the ditch today. That the city put in a 15 inch pipe somehow proves that my statement that the Rasche's pipe is undersized is somehow wrong. Whoever said the city is always right about sizing pipes? Is there any record of the project that the city did in her backyard? Is there any easement in her backyard? Is there any record of any calculations that were made to size the pipe in her backyard? If there are they are not available to me. So I guess--

President Mourdock: As someone once said, let's go to the videotape.

Ken Rasche: We can address those items after the videotape?

Commissioner Jerrel: Let's look--

Jan Bolinger: We just need to deal with--

President Mourdock: Do the tape.

Commissioner Jerrel: Bill, come on so you can too.

Jan Bolinger: We didn't bring popcorn. I mean, what you see is what you get.

President Mourdock: That's fine. You will need to leave a copy of the tape if you want to submit that in for the record though.

Ken Rasche: We can. We'll be reimbursed for the tape? This is December 21st when the two inch rain hit. This is the creek running along between Baptist and 20 West Mill Road.

(Tape being shown.)

President Mourdock: Can you stop if for a second? Show me on this map, is it right

here?

Ken Rasche: No, it is right here. This shows--

President Mourdock: Oh, okay, sure.

Ken Rasche: This leads to a point...this 15 inch culvert was put in by the city in the early '90's.

Commissioner Jerrel: Back that...can you back that up and let's start so we know where we--

Jan Bolinger: He is starting downstream and working his way up. That will help you a little bit. He is starting downstream.

Ken Rasche: Yes, starting down.

Jan Bolinger: Right here.

(Tape being shown.)

Ken Rasche: That's the culvert under the Rasche property. This is this bend.

Bill Jeffers: That's the area of the ditch that was cleaned and cleared of loose debris and firewood. That's why I say, you look at it and it looks nice. It was cleared and cleaned of the loose debris and firewood that somebody threw in the ditch.

Ken Rasche: Nobody threw it in the ditch. It was left there. I should be let to comment also.

President Mourdock: Pardon?

Ken Rasche: I would like to comment also if--

Jan Bolinger: I don't think we need to get into personal allegations really.

President Mourdock: Right, just roll the tape.

Jan Bolinger: I think we ought to just stick with--

(Tape being shown.)

Ken Rasche: That's the ten inch PVC.

Jan Bolinger: It's taken out, so it is already out of there, that section.

Bill Jeffers: Here at the upstream end, here is the leaf line I was referring to and the riprap that is still in the ditch. When the water runs full, runs the ditch full, it will leave a line of leaves at the level at which it was running that day and there you can clearly see a line of leaves.

Jan Bolinger: Well, actually that is the berm on both sides with that mat that they put in for whatever they call that to keep it from eroding, an erosion map is what you see. It's stayed in the ditch the whole time.

Bill Jeffers: I have a picture of that leaf line being all the way to the top of the bank and actually cresting the top of the bank.

Ken Rasche: This video shows when the heaviest rain was happening all the water is contained.

President Mourdock: Is that the property line right there?

Ken Rasche: That's is between--

Jan Bolinger: Heerdinks and Rose.

Ken Rasche: --14 and 18 West Mill Road and that is water coming down behind the houses that has never been in the ditch.

Jan Bolinger: That's down here. There is water that flows down this direction. You can see some of it flowing.

Commissioner Tuley: Whose fence is that?

Jan Bolinger: That's her fence. This is that culvert on Heerdinks. There is the drop basin to catch this water that comes down here and the overflow from there.

Bill Jeffers: That's the drop basin that the city allegedly put in. There is no record that I have that it is in an easement, so I am not sure who put it in. There is the berm of riprap that was removed from the ditch. The riprap is material that was removed from the ditch and placed on that bank.

Jan Bolinger: You can see that is the erosion mat there. You can tell with the straw or whatever, that's the tan and you can see the fences for the fence line and you can get a feel for how much higher her property is. There is a definite slope that comes from her property down this direction, so she is actually channeling it across the slope of the land.

Bill Jeffers: You can also clearly see the line of brown leaves that I was referring to deposited on top of the erosion control mat that indicates the level at which the water floated those leaves. That's commonly used for evidence of high water.

Ken Rasche: That's this culvert.

Bill Jeffers: That's a 21 inch culvert, right?

Jan Bolinger: I don't know.

Bill Jeffers: Why is that berm right there so high? Why did you all build that berm right there above that pipe so high?

Ken Rasche: That was done in '95 by Staub.

Bill Jeffers: Is there a reason why it is so high?

Jan Bolinger: I think it was '94, wasn't it?

Ken Rasche: Oh, '94 or '95, I don't know.

Bill Jeffers: You don't have any reason why that berm was built that high? I mean, that was an expense that you all went to, was there a reason for it?

Ken Rasche: I believe it was excess riprap that we didn't want to put in the ditch so we placed it on the outside.

Bill Jeffers: It had nothing to do with the amount of water that comes down that hill?

Jan Bolinger: If you stop it right there you can see at the turn, if you can back it up, you can tell where it comes down across here she has built up a berm and the neighbor has actually put concrete blocks there that he has had there to keep it on her property.

Ken Rasche: This is off of the map. It's upstream.

Jan Bolinger: It's coming from Stringtown Road is what he is showing you.

Bill Jeffers: Those are drain tiles from a house that is immediately...the next property immediately up to the south from the Rasches.

President Mourdock: So this is all well off the map?

Ken Rasche: Yes.

Jan Bolinger: That's upstream.

President Mourdock: Yeah, okay.

Bill Jeffers: This is the same drain as it comes down from Stringtown Road. It comes through a wooded area.

Jan Bolinger: If you...again, if you want to see the back section of it.

Ken Rasche: I can fast forward. I go downstream again.

President Mourdock: Do that please.

Ken Rasche: That? Okay.

Bill Jeffers: You see how deep that ditch is naturally as it comes through that property. Before it ever arrives at the Rasches it is already in excess of what...eight or ten inches deep would you say?

President Mourdock: Is this culvert--

Bill Jeffers: That's a 21 inch culvert. Now look how deep the ditch is entering their property. This is where it first enters the Rasche's property.

President Mourdock: This is right here?

Bill Jeffers: Right.

Ken Rasche: Yes, sir, right there. That is the culvert you're referring to.

Bill Jeffers: To give you an idea how deep that ditch is right there. All Mr. Mueller said is that he matched this flow line...or it remains the same and the other pipe remains the same.

President Mourdock: And who is Mueller?

Commissioner Jerrel: He's the guy--

Bill Jeffers: Tony Mueller is--

Commissioner Tuley: Staub.

Bill Jeffers: --Staub's foreman or superintendent.

Jan Bolinger: You can see how deep...stop it right there. You can see the lay of the land there.

President Mourdock: Right here?

Jan Bolinger: She is very clearly elevated from the property down below and she has had to dig a berm and dig a ditch to channel the water and keep it on her property.

President Mourdock: This point right here?

Ken Rasche: Yes, that's it right there.

Jan Bolinger: The point was to return it to--

(Inaudible comments made from audience.)

Larry Rasche: My name is Larry Rasche, I'm from Newburgh. In 1994 we received a notice from the Department of Health that we had to remove debris from the ditch that is coming across her property. And he refers to the berm, we removed six dump truck loads of debris from that and the natural flow of water, if anybody goes out there and looks at it, the natural flow of water is straight across mother's property and straight into Mr. Rose's backyard. It has been doing that for years. When we took all the debris, because the Heerdinks petitioned and filed with the Department of Health to remove it, that baffling is gone and the next time you get a big rain here it comes. Now, what the ordinance says is you can't impede the natural flow of water, but that is exactly what mom has had to do. If you go look at the land her ground is four foot 11 inches higher than the backyard of the petitioners and she is having to turn the water and go 90 degrees across the side of a hill. She's done it.

Bill Jeffers: As you get down here that ditch is about the same as it was before. Now you get down here you can see how it has flattened out.

Ken Rasche: You can also see it is wider.

Bill Jeffers: Right there, right there at that point, exactly at that point, it is four inches deep.

Ken Rasche: But wasn't it wider than what it ever was?

Bill Jeffers: It's four inches deep.

Ken Rasche: (Inaudible.)

Bill Jeffers: And I ask you if that ditch was never there as Larry Rasche alleged just now why did his father put a 15 inch pipe in it to cross it if it was never there?

Larry Rasche: I want to address that. First of all, we took the riprap out or the debris out. We put the 21 inch pipe in there so she could ride across it with her riding mower.

Bill Jeffers: I'm talking about the 15 inch pipe.

Larry Rasche: The 15 inch pipe was done for the same thing.

Bill Jeffers: In 1972.

Larry Rasche: Well, probably about that. That land was a horse--

Bill Jeffers: When did the Health Department ask you to remove the brush?

Larry Rasche: In 1994.

Bill Jeffers: And between 1972 and 1994 there was no ditch there?

Larry Rasche: There was a ditch there, but that ditch was not a waterway carrying water from off of Stringtown and if anybody would go out and look at that property it is clearly indicated that's where it went. They have dug on her property. They have put concrete blocks up to divert the water because it does not naturally take a 90 degree turn across the hill. Now, the other thing about the size of the culverts there that was an open ditch. That back part of her ground was a horse paddock and the people dug that ditch so that the manure on the higher ground would flow into that ditch and off instead of going into the neighbor's backyard. That's a matter of record. That was a manmade dug ditch.

President Mourdock: The backyard that is now the Heerdinks and Roses, you're saying?

Larry Rasche: No, the back strip of mother's property which is 60 feet wide and 400 feet long, that was a manmade ditch. It was dug, okay, and the natural flow of water is not to make a 90 degree turn and flow across the side of the hill. If you look at that property it is obvious where that water was going. With that debris in that channel it stopped the flow of the water, but it still came through and it still flowed into the Roses' and the Heerdinks' backyard and that is why the city, you know, Copperfield didn't wave his wand and they put that 15 inch pipe and culvert. Now, if you go buy a piece of property and you see a 15 inch drain in the middle of your backyard that ought to give you a clue that there is water coming from some place. If you go look and you want to do your archeological studies you can go see that water flows straight downhill. It doesn't take a 90 degree turn and flow across the side of a hill. That's what we've been required to do.

Bill Jeffers: That's what you just describe as having been done by whoever had the horse paddock.

Larry Rasche: They dug the ditch initially, but the point that I am making is that had there not been an order from the Health Department to remove all that riprap and all

that debris and that stuff was there when we bought the property in 1970. That ditch had been filled in for years by people with concrete blocks, with stumps and it was to impede the flow of water into the Roses' backyard and then into the Heerdinks' backyard and then across our backyard. That's a simple statement of fact and anybody that goes out and looks at that will see where the natural flow of the water is. It's unfortunate that this has turned into some kind of personal harassment.

President Mourdock: Okay, before you resume the tape, do you need to see more of the tape?

Commissioner Jerrel: No, but that was helpful.

President Mourdock: Yeah, it was helpful.

Ken Rasche: Okay, there is later footage from when the rain was harder at 4:00 p.m. and it carries it then also, but we don't get to see that. There is also footage--

Commissioner Jerrel: Well, can you fast forward?

President Mourdock: Yeah, fast forward to where that rain is.

Bill Jeffers: Yeah, can we see it because the picture that I have shows evidence that the water got outside the ditch so I would like to see if it did on your pictures.

Jan Bolinger: Again, the ordinance has never stated that she has to control all the runoff from the north. I believe she has to restore it to the condition that it was prior and she has exceeded that and it is handling the water.

Ken Rasche: As far as the size of the culverts, the last culvert you see on the map is a 15 inch. They say a 17 inch is undersized to feed a 15 inch along with another 15 inch.

Bill Jeffers: Well, I would beg to differ on that. In many cases, because first of all they don't make 17 inch culverts. The reason it is a 17 inch culvert is it is so old and worn out that it is actually scoured out to 16 or 17 inches in diameter. It was originally a 15 inch culvert.

Ken Rasche: This is 4:19 p.m. I got there before it got dark.

(Tape being shown.)

Jan Bolinger: There was over two inches of rain in a 24 hour period right at this time, so that is a pretty good rain.

Ken Rasche: The ground was saturated.

Jan Bolinger: You can see that, again, she has met every requirement. If you look at it, it is handling the water which is what they wanted it back to the original condition and it is actually better than before.

Bill Jeffers: Okay, see how there is a break in that leaf line there. You want to back up there? Just forward just a little bit. Okay, that brown line on each side of the ditch is a line of leaves that you saw in the previous film, too. Go forward just a little bit where the ditch gets four inches deep, where it gets so shallow...right there.

There are no leaves, they have been washed out to those folks' yards. There is a break in the leaf line right there where it says 1998.

Jan Bolinger: Actually, those are just the erosion mats that you see on there.

Bill Jeffers: What is that dark line on each side laying on top of the erosion mat?

Ken Rasche: We also have no way of knowing what removed the leaves. It could have been anything. It could have been an individual.

Jan Bolinger: I will say when we were out there taping, when I walked out back, there was a gentleman on the property up here with a rake and he was out...you walked up to me and say, whoa, what happened, there is a lot of water coming. He had been up there raking in the ditch. So, you know, to make assumptions on what did or didn't happen we have right here where the ditch is...right there it is. There are the leaves, so the visual proof is right there that it is handling the water.

President Mourdock: Okay, that's plenty of tape unless Pat--

Bill Jeffers: What I am trying to say is when you have high water the high water leaves lines of leaves.

President Mourdock: I understand.

Bill Jeffers: Those are pictures from 1996. You can see the water when it got down here to this, whether it is a 15 or 17 inch pipe I really don't care, although they don't manufacture 17 inch pipes, the pipe couldn't handle it and you can see the leaves top the pipe and the water broke out of the ditch and ran down in the Heerdinks' yard and that is what they object to.

Jan Bolinger: Now this is from '96?

Bill Jeffers: That is from '96.

Jan Bolinger: Okay, but, again, I don't know how you can make assumptions as to how the leaves got here.

Bill Jeffers: As to that the water did that? How the leaves got here?

Jan Bolinger: You can't make assumptions that a person--

Bill Jeffers: Of course I can. That's the only thing I can operate on is physical evidence.

Jan Bolinger: I think you should operate on the facts.

Bill Jeffers: Well, that is what I am trying to do here. Here is a picture from Wednesday and here is your line of leaves and at the same point it appears as if the water has broken over the bank and washed this line of leaves, which she keeps saying is an erosion control mat, but in fact it's a line of leaves and here is a person standing in the ditch at the point at which I say is only four inches deep and there is a break in the line of leaves and I think they washed out into the yard.

President Mourdock: Okay, time to turn it back to the Board.

Bill Jeffers: This is what the petitioner objects to.

President Mourdock: Bettye Lou, Pat, any other questions or, Joe, any comments? Where are we going with this?

Commissioner Tuley: I've only got one real question. We keep talking about the status prior the excavation and change in '96. Bill, this thing was heard by this Board and then it went to court and the court upheld the action of this Board. These pictures that we keep making reference to, was that part of the court record as evidence of change?

Bill Jeffers: These pictures--

President Mourdock: The 1996 pictures.

Bill Jeffers: The 1996 pictures were numbered. Here is one through six, for example. They were attached to the back of the report and they were made a part of the report and they went to the Rasches and they went to the court record. There is the ditch as it was (inaudible).

Ken Rasche: They were black and white and we couldn't see what it was. Honestly.

Commissioner Tuley: When...okay, I am trying to establish where did we establish what that ditch was? Are these the pictures that do that?

Bill Jeffers: That's the only thing that I have to establish, that's what I am saying.

Commissioner Tuley: That's what I am getting at.

Bill Jeffers: That's the only thing I have. Here is the ditch at the turn where they said there was no ditch. Here is the man actually filling in the ditch at the turn where there is a berm of riprap now there is his machine filling the ditch. Here is what the ditch looks like after it has been filled. The fact that it is wider now is simply a function of this eight inch lift of dirt here when they scraped it back they had to scrape back farther into the lift. That's the only reason it is wider.

Ken Rasche: At prior meetings we were told that what would decide whether the ditch was back to the original condition was Staub, Incorporated. That's what we were told and that's what we were going by. That's why we hired Staub. There are cheaper contractors. He was suggested or recommended, whatever you want to say. I think there was a lot verbiage around the suggestion or recommendation on November 25, 1996, but it was to use Staub because he will be able to put the ditch back to its original condition. He is the one that knows best what its original condition was. That's from the very first Drainage Board meeting. Yes, the landscaping blocked the ditch. Yes, we appealed and yes, we have come back and we have removed the dirt by the original contractor and put it back and according to the original contractor it handles water as good or better than it did before the work in 1996.

President Mourdock: Joe.

Joe Harrison, Jr.: Well, this Board determines whether or not the order has been complied with pursuant to the affirmation of the Circuit Court based upon recommendation provided to it or other evidence and I'm sure other evidence or

statements is what they have seen today and what they've heard over the last several months and taken into consideration Mr. Mueller's letters and other factors. So this Board has to determine whether or not the order has been complied with. If for some reason they feel that it hasn't been complied with then they can go back to court if that is what they want to do. But there is no new trial or nothing along those lines. It's just if this Board determines the order has been complied with then that is it. If it determines that it hasn't, then the Circuit Court judge up in Gibson County will have a chance to hear this whole scenario because there would be some sort of opinion on the part of this Board that it hadn't been complied with, but I don't know what this Board wants to do, but it has either got to be one way or another.

Commissioner Jerrel: Well, I'm going to make a suggestion.

Joe Harrison, Jr.: It either has been complied with or it hasn't.

Commissioner Jerrel: I'm going to make a suggestion. I'm going to make a motion and if it gets another vote then that says one thing and if it doesn't get...if it gets two no...is that okay?

President Mourdock: I think so, keep going. I don't know where you're going.

Commissioner Jerrel: Well, I'm just going...and I am going to tell you the truth, as an old school teacher, words do not mean nearly as much to me as what I see and I'm going to vote that you are now in compliance.

President Mourdock: So you need to put that in the form of a motion.

Commissioner Jerrel: And that's in the form of a motion. If it doesn't get a second then we know that there will be another direction.

President Mourdock: Okay, so just to clarify your motion is that this Board--

Commissioner Jerrel: Based on what I've seen I think they're now in compliance.

President Mourdock: Okay, is there a second?

Commissioner Tuley: I'm going to second for the purpose of asking for a roll call vote, so we can get this on the table one way or the other.

President Mourdock: Okay, there is a motion and a second so I will say we'll go for the roll call vote. Commissioner Tuley?

Commissioner Tuley: There is a phrase hell will freeze over before these two bodies will ever agree. The reason I asked the question, what was established by pictures, by evidence of what that ditch looked like prior to the filling in and therefore I don't think it complies. The Surveyor says it does not comply and based on evidence presented to court that the court backed that up. I vote no.

Commissioner Jerrel: I vote yes.

President Mourdock: I love these.

Commissioner Jerrel: I'm not laughing at you.

President Mourdock: I understand. Well, I won't make that comment. That's not relevant. I'm going to vote yes that I think the order has been complied with. I realize that there can be people in good faith in both sides of an issue and they sincerely believe what they believe. I think the history of that area comes back to that troublesome word that we have in the Drainage Ordinance which is a natural drainage way and watercourse and what does that mean? The fact is anytime we get into a residential area that is more than 25 or 30 years old it means something different than it used to mean. I think Larry Rasche's comments that it once did one thing and now does something else are probably true. I think you can probably chase the drainage down several different ways through history there. I don't know that what has been done is...well, we have no way of knowing how it meets up with what the prior standard was or what the prior condition was, but I think from the evidence we just saw the system is working and that is what this is all about. Is it working or isn't it? Quite honestly, I think we would all agree even if it didn't meet some prior status if it works that's what is important. So the next question will be when we get a heavy, heavy rainfall event and it doesn't work, assuming it doesn't for the moment, what will the petitioners do at that point, but at this point the evidence that I've seen seems to say that it works. Seeing the condition of it looks like there was certainly a good faith effort to comply with the order. So roll call vote 2-1 being what it was, two yes says the order has been complied with. Joe, do you have a comment?

Joe Harrison, Jr.: No.

<b>R. D. Patel Subdivision - Final drainage approval</b>
--

President Mourdock: No. Alright, next issue on the agenda, new business, final drainage plan for approval of the Patel Subdivision. Again, that tape--

Bill Jeffers: I think it is really unfortunate that you all never gave the petitioner an opportunity to dominate the meeting or even have equal time to show any of the pictures that he had and videotape. Or even be asked whether they had any evidence.

Unidentified: I agree with Mr. Jeffers.

Bill Jeffers: And that last comment was from the petitioner.

Ken Rasche: Can I make a comment?

President Mourdock: No.

Commissioner Tuley: We're done.

President Mourdock: We've moved onto the next issue.

Bill Jeffers: You're looking at a drainage plan, a final drainage plan for R.D. Patel Subdivision, a commercial three lot subdivision in northern Vanderburgh County south of McDonald's and Arby's up by US 41 and I-64 intersection. The Surveyor's Office recommends approval of the final drainage plan for R.D. Patel Subdivision.

President Mourdock: Comments, questions?

Commissioner Jerrel: I'd like to move approval for the final plan for the Patel Subdivision.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Annual Inspections of subdivision drainage facilities**

Bill Jeffers: The next item I have is a letter that I sent to the Drainage Board through your office last month. What this boils down to is that the Area Plan Commission is involved in an interview with a consultant for the Department of Environmental Management and FEMA, Federal somebody or other.

President Mourdock: Emergency Management.

Bill Jeffers: This ISO, Insurance Services Office Incorporated, the consultant, is rating various aspects of our community's floodplain management activities. Our office had the pleasure of working with Area Plan Commission on this and gaining, I don't know, 30 or 40 points towards the two hundred and something necessary points to gain a five percent or ten percent reduction in flood insurance rates here in this county. We can get about 30 additional points if your body will today provide an interpretation of Section 15.05.02 of storm water drainage ordinance. Interpreting periodic inspections as annual inspections and asking our office to help assist the...actually assist the County Engineer's Office in making these annual inspections of all the drainage facilities that have been constructed under your 1994 ordinance. We are set up to do that now. Our office has pulled all the plans that have been approved since 1994 and run copies of each of the minutes of the meetings during which those plans were given final approval and what we intend to do is inspect the facilities in the month in which they were constructed or accepted by the county or approved by the county. One way or the other, we're just going to set up a monthly schedule to go out and take a look at these. If we do this on an annual basis you will gain an additional, I believe, 30 points towards reducing the--

President Mourdock: So you need as part of that process just a formal approval from this Board?

Bill Jeffers: Just you formally asking us...you formally interpreting periodic as annual and asking us to participate with John Stoll's office in conducting annual investigations of the conditions of all the storm water facilities that have been constructed under our supervision since 1994.

Commissioner Jerrel: Let me just make a comment. I did meet with this gentleman for about an hour and a half and reviewed this with him. He was very impressed with the offices that he visited and the response, so I think this is something that we ought to do. It improves our rating.

President Mourdock: Right.

Bill Jeffers: He asked us to do it this way and mail it to him as soon as possible.

President Mourdock: Is there a motion then that we direct the Deputy County Surveyor to work with the Engineer's Office on this issue?

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: You might further want to say that henceforth this Board is requiring that this be done each year on an annual basis.

Commissioner Jerrel: I would like to amend my motion to include that comment.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **Blue claims**

President Mourdock: Are you working on the claims, Bill? That is the next thing we have.

Bill Jeffers: Oh, here are the claims you all can take a look at. These are claims for annual maintenance to regulated drains in Vanderburgh County per contract and they all have been signed by the...

Commissioner Tuley: Surveyor?

Bill Jeffers: Surveyor and have the necessary paperwork.

President Mourdock: Okay, is there a motion to approve the claims?

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **Sign location agreement - 5900 Vogel Road, Woodward LLC**

Bill Jeffers: Here is the original copy of an agreement that Mr. Bob Woodward representing the applicant who is Woodward LLC. This is the original. Here is copies. The last page has the signature place for your attorney to approve the form. Mr. Woodward owns a piece of property at 5900 Vogel Road which you approved a reconstruction plan for Stockfleth Ditch and he would like to locate a billboard sign on the bank of that ditch. I took the same form that Mr. Harrison and I worked with Riecken, Carl Riecken, on and just simply altered it to fit the location at 5900 Vogel Road. Mr. Woodward has signed that original copy. There is signature spots for the three Commissioners. I'm sorry that some how or another when I did something on the printer Mr. Tuley's name appears at the top of page three rather than at the bottom of page two.

Commissioner Tuley: As long as it appears on there somewhere because you'll never be able to read the signature!

President Mourdock: Is one of these the original?

Commissioner Jerrel: This is.

Bill Jeffers: The one with the blue ink on the date, 4th of January.

President Mourdock: Any discussion regarding that sign agreement? Motion to approve?

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered. Anything else, Bill?

Bill Jeffers: I have nothing else to bring before you today.

President Mourdock: Motion for adjournment?

Commissioner Tuley: Move to adjourn.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

The meeting was adjourned at 8:00 p.m.

***Those in attendance:***

Richard E. Mourdock  
Patrick Tuley  
Charlene Timmons  
Jan Bolinger  
Larry Rasche  
Others unidentified

Betty Lou Jerrel  
Joe Harrison, Jr.  
Bill Jeffers  
Ken Rasche  
Tom Heerdink  
Members of the media

**Vanderburgh County  
Drainage Board**

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Richard E. Mourdock, President

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Betty Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Drainage Board Meeting  
January 25, 1999**

The Vanderburgh County Drainage Board meeting was opened at 7:20 p.m.

President Mourdock: Okay, we'll call to order the Vanderburgh County Drainage Board for the January 25, 1999 meeting.

**Approval of minutes**

President Mourdock: The first item on the agenda is the minutes from the January 4th meeting.

Commissioner Tuley: Right.

Commissioner Jerrel: I'd like to move approval of those.

Commissioner Tuley: I will second.

President Mourdock: So ordered.

**Funds for removal of obstructions**

President Mourdock: Old business, the first item is identified by the Surveyor's Office, funds for removal of obstructions. Bill.

Bill Jeffers: I spoke with Chief Deputy Auditor Bill Fluty this morning and he informed me that he and a representative from the State Board of Accounts decided it would be best to take advances on surplus ditch accounts like Sonntag Stevens or Eagle Slough through line item 234-002, Ditch General Fund, and then repay the source accounts when money is collected from property owners who are assigned the financial responsibility for the cost of removing obstructions, so we will not have to go to County Council and ask for appropriations that way. So now our office will pursue the three estimates you have instructed us to seek to remove the obstruction which is the subject of the Koch petition and bring you those estimates when they are available. We would like to kind of caution the Board to be careful when examining the wording of the state statute especially with regard to who the statute assigns financial responsibility when the obstruction is determined to be unintentional and located in a drain as opposed to being located in a natural surface watercourse.

Commissioner Jerrel: I appreciate your pointing out to me those accounts, Bill. I hope some of that can be worked out.

Bill Jeffers: Okay. I just didn't want to go get those estimates before I knew where to draw the money from with the approval of the State Board of Accounts.

Commissioner Jerrel: It's all been...I think it will work find.

Bill Jeffers: Yeah, Bill Fluty worked it out for us.

President Mourdock: Okay, I don't know that we need to take any action on that, but that was just--

Bill Jeffers: Just a report.

President Mourdock: Okay.

**Elpers Commercial Subdivision - Final drainage plan**

President Mourdock: The second item then is final drainage plan approval for Elpers...the Elpers Commercial Subdivision at US 41 near I64.

Bill Jeffers: The consulting engineer for Elpers Commercial Subdivision is Andy Easley. Mr. Easley expressed some urgency with regard to approval of the final drainage plan presented for review. The urgency is due to pending or possible actual sale of some property within this project. Our review determined certain required details are not included on the plans shown on your desk marked in red. Our office is willing to recommend approval of this final drainage plan for Elpers Commercial Sub based on what Mr. Easley has presented to you tonight with the following stipulations. Number one, subsequent site plans, and this is something I included or Mr. Greubel included in your packet late today. The first stipulation is subsequent site plans presented to Area Plan Commission Site Review Committee must include site grading and drainage plans showing all the details conforming to the requirements of the 1994 Storm Water Drainage Ordinance and the amendment regarding 10/100 detention for that area. Details not necessarily shown on the plan in front of you. Number two, the plat for Elpers Commercial Sub must include a notice addressing this condition and announcing the various responsibilities that the lot owners assume with regard to maintenance of drainage facilities. Number three, we'll need an as built set of plans submitted to our office following the completion of each site development shown on those site plans. I also asked Mr. Easley to carry this information to all the parties he is working with to develop Elpers Sub along with the knowledge that those parties submitting subsequent site plans for these two lots might incur additional engineering costs depending upon whatever private agreements they have between themselves such as what might be reflected on a purchase agreement.

President Mourdock: Let me raise--

Bill Jeffers: Knowing that our office and our Board...and your Board are not privy to those agreements.

President Mourdock: Yeah, let me raise a question for a second, Bill, and it may be a legal question as much as anything, but you're saying that Andy needs to carry those comments to the potential buyers and I'm asking, Joe, I mean, how is that being warranted, if you will, as far as our approval? Said differently, if we went ahead and approved on final and Andy didn't communicate that the people who are then owners of the property what recourse do we have against them? It would be hard for us to revoke the drainage plan because they've not done anything wrong. Somebody want to clear it up? Andy.

Joe Harrison, Jr.: Yeah, how are they going to know that this Board, in fact, approved this request subject to these conditions?

Andy Easley: Elpers Sub, the engineer for that is actually Donan out of Jasper. I've got two clients that are developing a site on the north lot and one on the south lot, they're two different clients, and we're doing the site development plans. The one

on the north lot is about 25 percent of the property for a motel. I have no idea what they're going to do with the rest of it. Each development that they do has to come to site review and Bill has a chance to see that the elevations and the grading will conform to this final drainage plan. This is an overall feasibility. The water will run basically north to Rusher Creek and we're going to send some of it east and some of it west. I think you'll have good control and I will convey your conditions and you can be rest assured that they will. We're working with an architect in New Albany for the southerly lot and they're developing probably two-thirds of that. They don't know what they'll do with the other third, but this is a little bit of an unusual subdivision in that it is not being cut into lots like a residential subdivision where you know it's going to have a series of 2,000 square foot houses on...footprints on lots. We cannot record the final plat until we get drainage approval, so this is the best I can bring you. As each site plan comes in you'll have a chance to review it and if you don't like it you can turn it down, they won't get a building permit.

President Mourdock: Okay. That last sentence was the answer I needed right there.

Commissioner Jerrel: Right.

Bill Jeffers: I just wanted it all on record so if someone comes in our office and says, but the final drainage plan was approved, I'll say read the minutes.

President Mourdock: Right.

Bill Jeffers: Also, the notice will be on the plat to that effect, something to that effect.

President Mourdock: Okay.

Bill Jeffers: Okay, so we made several notes on the plans and Mr. Easley and his employees are welcome to view those notes as they develop their site plans.

Commissioner Jerrel: With that I'll move approval of the Elpers' drainage plan, final plans.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Andy Easley: Thank you.

<b>Broadlawn Subdivision - Amended final drainage plan</b>
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President Mourdock: Next is amended final drainage plan approval for the Broadlawn Subdivision.

Bill Jeffers: Okay, the amended final drainage plan for Broadlawn in front of you at this time was necessitated by a series of events on the part...carried out by the developer. Basically, the original plan for this project was approved by your Board prior to 1994 drainage ordinance. The original plan did conform to the 1986 ordinance and thereby received approval of the Board. Subsequently the developer allowed his Area Plan Commission approval to lapse and he resubmitted his original plan, I think, twice since 1994. Mr. Morley can tell you more about that if there is any questions on that. A couple of months ago Mr. Morley was before your Board to

request that Broadlawn's original drainage plan be reaffirmed as a preliminary plan so that Broadlawn could go forward to Area Plan Commission which our office recommended and your Board approved. Subsequent to that time we asked that an as built plan be submitted to our office showing what this developer actually had installed in the field over a period of time between the early 1990s and now and he represents that as being his completed attempt or nearly completed attempt at the originally approved plan. So now what is on your desk is the developer's so-called as built plan which still lacks some detail, minor details. Some of those details may be found on the street plans that you, as Commissioners, have already approved for the same project when Mr. Stoll brought them to you and our office therefore is willing to recommend approval of this final drainage plan with the condition that the developer agree number one, that all construction of and notices pertaining to the maintenance of drainage facilities conform to the 1994 ordinance, it's requirements and standards. Number two, that the developer submit a final as built drainage plan after he completes the project and do so as a part of his request for a final inspection prior to the release of his letter of credit. The reason for that is there are at least one channel I marked in red there that both John Stoll and myself feel needs to be dressed up and brought into closer confirmation with what was indicated to be built there. Our recommendation of this plan at this time no way indicates our approval of the existing condition of the drainage facilities at the site at this time because we still feel there is some minor modifications that need to be made to bring them into total confirmation. However, the plan in front of you is an accurate portrayal of what has been constructed at the site lacking some minor details.

President Mourdock: Any questions of Bill? Any comments from the audience? Is there a motion to accept an amended final drainage plan for Broadlawn Subdivision?

Commissioner Jerrel: I'd like to make that motion that we accept the amended final drainage plan of Broadlawn Subdivision.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Windemere Farms, Section III - Preliminary drainage plan**

Bill Jeffers: The next item is a preliminary drainage plan for Windemere Farms, Section III, an extension of Section I and Section II which also works in conjunction with Camden Farms. Keith Poff from Sitecon represents the developer of Windemere Farms and at this time he will present his preliminary plan to you and then our office will make a recommendation following that presentation.

Keith Poff: As Bill mentioned this is the third primary plat in this area. Windemere, Section III is a 20 acre site that is the direct angle and (inaudible) against the two earlier subdivisions. We are called Section III because we recorded this one in two pieces. This map represents the undeveloped conditions and we have the water from the Moffitt Lane hilltop drainage coming through what would have be (inaudible) Farms, Section I. You see the large retention basin that was constructed for it. Other portions of the property drain easterly through the Camden Farms and smaller areas from the south into the Seiler property. This 20 acres was acquired from the Seiler family. The proposal that we have is somewhat unique in that the developers had provided a rather large retention basin on the east end of the property. If you take a look at how the watershed is laid out, if you look at Furlick Creek as being our

eventual collection, which all of this goes to that and not go to this tributary, this is the location that they really prefer to retain our water in. It's a large basin. It's at the bottom of a hill and it doesn't require individual basins on these different outlet points. The proposal is this, they would like to take the water that is coming from upstream that enters into the property and simply bypass that through our site in a concrete pipe system and exit into an existing pipe that we have. The net result there is we have a pipe that is capable of carrying 35 cfs and we're going to send about 20. At a location here we have another pipe that is accepting the flow from this area with a pipe capacity of almost 12 cfs there and we're only going to send about two. We're going to collect--

President Mourdock: You're going to send two under what conditions, Keith?

Bill Jeffers: A 25 year storm.

Keith Poff: A 25 year. We're going to take the backyard (inaudible). These pipes were sized to take 25 year above us even though we really only have to provide ten years, but we did have excess in those constructions. This land was not controlled by this interest when this was done. This was done, this control was brought in about the time that this was going to a final plan. This plan was changed to allow 25 year flows from developed conditions coming all the way through. We have excess pipe here just because that's the way it was done. What we are proposing is to not have five basins on our subdivision. We're going to have this area come through our site with 100 year emergency channel overflows to allow that water to come through. The areas in the back--

President Mourdock: Let me interrupt you for just a second. This is all in planning right now, you don't have any housing out here at all do you?

Keith Poff: No, this is done.

President Mourdock: It is done? Okay.

Keith Poff: There are only a few lots that are even available. Most of them are on Kansas Road.

President Mourdock: Okay, so the piping that you have to have through these lots is already there?

Keith Poff: Yes, these are existing structures. We have existing pipes at four locations.

Commissioner Jerrel: Wasn't this the area where there was someone up here that was concerned about the water coming down through this area to this holding retention area? Is that working?

Keith Poff: I can't recall your inquiry.

Commissioner Jerrel: Well, yeah, I remember. Somebody, when you first prepared this...is this working right now? Is this in?

Keith Poff: Yes.

Commissioner Jerrel: And it is working with the existing homes?

Keith Poff: Yes it is. It's providing substantial detention in here. It's oversized by about a factor two. This is the developed conditions of what we're bringing through the subdivision is this area in orange here. We're allowing this backyard to continue and go through this existing pipe, this backyard to go through that existing pipe and we're going to allow this backyard to go (inaudible). Everything else is going to collect and take these two pipes in Camden Farms. This is the developed plan here and it shows the routes that we have. We have a 25 year conveyance system, concrete pipes. The majority of it is in the street right-of-way. We also have the capability for 100 year overflow channels in the two halves below us to convey the water (inaudible). That basin is over built from a previous plan. We have 212,000 cubic feet and we need 75,000.

Commissioner Tuley: Three times.

Bill Jeffers: They've actually constructed way outside the original easement and when they plat this which hasn't been recorded yet they are going to expand the easement for the part of the lake that was enlarged to accommodate all that. Our main concern was that collecting all this water from this area without any detention and conveying it through Camden that they had sufficient 100 year overflow channels built on top of the pipe which he shows down here they can do that.

Keith Poff: We have two systems in place, a 25 year (inaudible).

President Mourdock: With the several that go out...where were they? Going out this way I guess I'm surprised given the week that we just had and given that these issues are always such big issues to the neighbors I'm amazed we don't have a whole bunch of people here tonight in this area given that you do have that water going through those pipes. I mean--

Keith Poff: We are substantially...or proposing to substantially reduce the flow in some of those areas than what currently goes through there now. This one in particular.

President Mourdock: Let me go back to your first one.

Keith Poff: Okay.

President Mourdock: Okay, you've got water going through here now and here now and how are you routing it then so it won't be going through there? What are you saying?

Keith Poff: This area will still come through there, okay. There is going to be a bypass that's going to connect this point to this point. In addition, we'll have a little bit of flow from this backyard. That's the only areas that will go to that pipe. The rest of this area will be collected and sent here.

President Mourdock: Okay, you're going to put a ditch in where, right along the property line this way?

Keith Poff: Yes. There will be collection just on our side of the property and we're bringing to the point--

President Mourdock: Okay, well, keep chasing it then because I missed the point here, I guess. You're bring it to here and how is it going from here to this basin?

Keith Poff: Two channels--

President Mourdock: Okay, that is where you were saying you were over the pipe if that pipe, in fact, reaches capacity?

Keith Poff: Yes, we could have a continued blocked pipe and still have a 100 year ditch above it.

President Mourdock: Okay.

Bill Jeffers: What they had before when they designed it was all this area they didn't own or control had to be passed through their system.

Commissioner Jerrel: That's what I remembered when I was asking.

Bill Jeffers: Right, and that's why they had such big pipes there. Now they are taking it down the street and conveying it through this regional detention facilities which as you know we've always been proponents of a regional system as opposed to a lot of little duck ponds in people's backyards. This one here is one large pond that can be maintained by the folks that control that commercial property in there.

President Mourdock: Do you have any other conditions or anything, Bill, then beyond what we've just heard here? It sounds like you're in agreement.

Bill Jeffers: No, we have no conditions on this one. It's a well thought out plan and before it comes back to you as a final plan we can work out any details that crop up as we scrutinize it even closer.

Commissioner Jerrel: Okay, with that I'll move approval of the preliminary Windemere Farms, Section III plan.

Commissioner Tuley: Second.

President Mourdock: So ordered.

<b>Blue claims</b>
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Bill Jeffers: The only other item that the County Surveyor has to bring before you tonight is the recommendation to pay numerous ditch maintenance claims that have been submitted by your contractors and all of them should have the appropriate paperwork and signatures affixed to them from our office.

President Mourdock: Okay, do you have that file? The only file I had had minutes in it.

Commissioner Jerrel: Had minutes in it.

Commissioner Tuley: There is the claim file.

President Mourdock: Ah, okay, there it is. Is there a motion to approve the claims?

Commissioner Jerrel: I'll move approval of the ditch maintenance claims.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Bill Jeffers: That pretty much cleared the room unless you guys have anything.

Commissioner Tuley: Bye.

President Mourdock: Nope, I need to go to work.

Commissioner Jerrel: I move that we adjourn.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The meeting was adjourned at 7:42 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Charlene Timmons  
Bill Jeffers  
Andy Easley  
Keith Poff  
Others unidentified

**Vanderburgh County  
Drainage Board**

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Drainage Board  
February 22, 1999**

President Mourdock: We'll call the February 22nd meeting of the Vanderburgh County Drainage Board to order. We have a lengthy agenda which we will try to move through fairly hastily tonight, but this is a little different for us since Bill Jeffers isn't here. But since Linda is here, we will make it through, I am sure.

Linda Freeman: (Inaudible comments made away from microphone.)

President Mourdock: We like your plan already.

<b>Approval of minutes</b>
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President Mourdock: The first item on the agenda is to approve the minutes from the prior meeting of January 25th.

Commissioner Tuley: I will so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

President Mourdock: Is there any old business to come before the Board this evening? When the agenda was filed we had none so I presume no old business.

<b>St. Joseph Industrial Park, Section A - Replat of Lot 4/part of Lot 5</b>
--

President Mourdock: Alright then, the first issue under new business is the drainage plan update for St. Joe Industrial Park Section A, replat of Lot 4 and part of Lot 5.

Linda Freeman: I'm Linda Freeman, from the County Surveyor's Office, here in Bill's behalf and he called me today and he told me he was having a good time in Florida.

Commissioner Tuley: Thank you very much.

Linda Freeman: Basically, he had prepared these packets for all of you and he was hoping that that was going to be sufficient, just that he would like to enter this entire packet into the minutes. I've got some extras.

President Mourdock: Okay, probably the way we need to do that just as we go through each of these items, we'll enter that page in if that's alright.

Commissioner Jerrel: I would...on Part A under new business, this St. Joe Industrial Park, replat of Lot 4 and 5, and you have in your packet a comment from Mrs. Cunningham and you have Bill's comments, and he recommends that the previous drainage plan approval of St. Joseph Industrial Park replat of Lot 4 and part of Lot 5 remain effective allowing 1-S-99 St. Joseph Industrial, Section A to advance to Area Plan Commission on 3/3/99, and I'll so move.

Commissioner Tuley: Second.

President Mourdock: Any discussion? Alright. So ordered.

**Cross Pointe, Section 5 - Preliminary drainage plan**

Linda Freeman: Basically, Bill is just...since these were all preliminaries, he's mainly wanting to get them moved on to the March 3rd Area Plan Commission meeting. Cross Pointe, Section 5 he recommends approval.

Commissioner Jerrel: I'll make the motion to approve based upon the recommendation of the Chief Deputy.

Commissioner Tuley: Second.

President Mourdock: Is there anyone here to speak to the Board regarding Cross Pointe, Section 5, the intersection at Virginia Street and Cross Pointe Boulevard?

Commissioner Tuley: I think there is.

President Mourdock: Please state your name and address for the record.

Michael Sears: My name is Michael Sears. I'm employed by Morley and Associates. I prepared the drainage plan on behalf of Regency. The only thing we wanted to add, we talked to Bill, and I'm not sure...did Bill talk to you about C-21?

Linda Freeman: Right, that's the next thing. Yeah, that's the next thing on here.

President Mourdock: Okay, well before we go to that, then, again the County Surveyor recommended approval of the preliminary plan for Cross Pointe, Section 5. There was a motion, there was a second and I'll say so ordered.

President Mourdock: Okay, next then on his agenda is item 3B, which is your request for approval of a temporary final plan which...is Jeffersonesque.

Linda Freeman: Yes, I was going to say, typical Jeffersense.

President Mourdock: He requests approval for temporary final plan Lot C-21, Cross Pointe Subdivision, Section 5, and this is Regency Development.

Commissioner Jerrel: And I'll move approval.

Commissioner Tuley: Second.

President Mourdock: Linda, do you have anything to tell us? I mean, I am puzzled by the temporary final plan. I've read this three times and I guess I'm still a little bit puzzled.

Commissioner Tuley: I think they've got the lot sold and they need to get building on it.

Linda Freeman: Yeah, that's...they're kind of under the gun and that's basically what it boils down to. Bill, with some of the other things with the Cross Pointe, there is a...the basins are going to be larger than they are needed because they are needing to borrow for the roads. So, I mean...

President Mourdock: Okay, and Mr. Sears, is this the one you wanted to comment

about? Okay.

Michael Sears: I've got a couple of blueprints here. I'd like you to take a look at those. It might clear up anything you're unsure about.

President Mourdock: Okay.

Michael Sears: This is the proposed Cross Pointe, Section 5. Lot C-21 is at this corner here. This is Cross Pointe Boulevard as it currently comes up and ends down at the end of the street and takes off to the east. What they would like to do is receive a temporary final approval for this lot so they may get started on part of the building permit. The temporary part of the plan is that they would allow this runoff to be collected by...be diverted to an existing paved side ditch. I believe it was part of Section 3 which feeds to a 24-inch pipe which runs under Cross Pointe Boulevard in Section 4. It links into Section 4, a retention basin. I just wanted to point out that right now this is the only portion of Section 4 which is developed, this portion is undeveloped and there was excess capacity in the Section 4 basin to start with. This is would only be temporary. Once Section 5 is completed and this runoff would be collected from Section 5.

President Mourdock: Okay, now I do understand it.

Commissioner Jerrel: Yeah, it's easier.

President Mourdock: Temporary final does sort of make--

Commissioner Jerrel: Make sense.

President Mourdock: Intermediate sense.

Linda Freeman: But they've got it covered.

President Mourdock: Okay, was there a motion then on this one?

Commissioner Jerrel: Yes.

(Inaudible comments made away from microphone.)

President Mourdock: Can we enter that for the record then? Okay.

Commissioner Jerrel: Okay, I will repeat the motion for the approval of the temporary final drainage plan for Lot C-21 Cross Pointe Section 5 with the understanding the site grading plan will be integrated with a permanent final drainage plan for the remainder of the Section 5.

Commissioner Tuley: Second.

President Mourdock: And so ordered and we'll also add to the record the document that Mr. Sears gave us from Morley explaining that plan.

**Winstead Place, Section II - Reaffirm preliminary drainage plans**

President Mourdock: Okay, then we go to item 3C on Bill's agenda which is the

Winstead Place Subdivision...I'm sorry, Winstead Place, Section II which is to reaffirm preliminary drainage plans with additional recommendations. Is there someone here to speak on that particular one? Why don't you come on forward.

Jon Kipling: My name is Jon Kipling. I also work for Morley and Associates. I'm here on Winstead.

Commissioner Jerrel: This is just a reaffirmation. I'd like to move that we reaffirm the preliminary drainage plan with additional recommendations and those are shown in Bill Jeffers' recommendations related to the Winstead Place, Section II.

Commissioner Tuley: And I'll second.

President Mourdock: Okay, so ordered. And for the record, there were three conditions as noted on Bill's document dated 2/18/99, so those can be in the record as well. That was painless.

### **Bob's Gym - Waive detention requirement**

Linda Freeman: Three D, Bob's Gym site plan.

President Mourdock: Bob's Gym site plan on 120 North Rosenberger Road, and this is requesting a detention waiver and as I understand it, Linda, and explain it, this is the most complex here. There's actually two different things we're doing.

Linda Freeman: He's got several pages. Basically, the Surveyor's Office is going to defer to IDNR. If IDNR sees that this is a feasible thing to do, that's our position.

President Mourdock: And what do we think the likelihood is that IDNR will approve?

Linda Freeman: A representative from Easley's Office was in contact with an IDNR person today, so he can explain that.

President Mourdock: Okay, please come forward and state your name and address.

Justin Shofstall: Justin Shofstall, I'm an engineer with Easley Engineering located at 1133 West Mill Road here in Evansville. I know several of the concerns as far as what has been addressed on this site itself. Bill has put out the memo as far as his concerns and his statements of what IDNR is going to be looking for as the site itself. What they are going to be looking for as far as the conditions of waiving of the detention and placement of fill on the property as far as concerns of being constructed in a floodway of the 100 year floodplain. Also, he had several questions that he was directing toward John Stoll, Vanderburgh County Engineer. I submitted that information to John Stoll and he has drafted a memo which I believe was submitted to the Commissioners today and I have a copy of that supporting the fact that the information that I had submitted to him did suggest the fact that with the development of the property address the questions that Bill Jeffers had placed on the site itself being developed, that as far as if these practices that are recommended for the site, that there would be no undo flooding of Rosenberger from a 50-year storm event and with waiving of the detention. Meeting with the DNR to comment, environmental concerns, I met with a representative, Gary Jordan, of the Department of Natural Resources Fish & Wildlife, he had placed a few stipulations as far as the DNR permitting, which is the Flood Control Act permit that we had filed.

There's going to be additional plantings, there's approximately 225 additional trees planted on-site, additional greening of the area. There has been several developments as far as cleaning out several ditch tributaries in the system itself, which I've spoken with John Stoll, which he believed and agreed with me on the fact that a lot of the garbage and trash that was compounding in one of the tributary streams to Carpenter Creek, which was causing a source of some of the flooding in that area was a complete and detriment to the entire area itself causing the flooding of the watershed. So with that, with the recommendations that we did go through there and clean out debris that was in the tributary itself, the improvement of the ditches and that is addressed in his memo to the Commissioners as well as far as the final regrading and shaping of the ditch systems around Hogue and Rosenberger Road at the site.

Commissioner Tuley: Yeah, I live out there and have, they've really dug those out and widened them up quite a bit.

Justin Shofstall: There's going to be additional widening on that. One of the problems is the fact that along Rosenberger and Hogue Road there's not enough shoulder from the pavement itself to the ditch and as it states in the memo that I gave...the information that I gave to John is supporting of it. With the additional three foot soft shoulder, the gentler side slopes from the shoulder to the actual flow line of the ditch itself, giving ourselves a little bit wider ditch bottom and another soft gentle slope on the other side. So essentially we're going to be taking the ditch which is existing about five foot wide from bank to bank and widening it to 13 ½ feet from bank to bank.

President Mourdock: Is this property just...it's on the west side of Rosenberger --

Justin Shofstall: Yes, it's right there at the intersection of Hogue and Rosenberger.

Commissioner Tuley: Right, by Jerry David.

Justin Shofstall: On the...are you familiar where Jerry David Enterprises is located?

President Mourdock: Yeah, I know right where this is, okay.

Commissioner Jerrel: I'd like to...I'll make the motion to approve Bill Jeffers' recommendations on this, but I'd like to include John Stoll's memo also in the file.

Justin Shofstall: Yes, that should be included because that addresses the question in Bill Jeffers' letter and statement of recommendation.

President Mourdock: Okay, so step one in this motion is to grant the detention waiver--

Commissioner Jerrel: Right.

President Mourdock: --pursuant to the actions of the IDNR.

Commissioner Jerrel: And I made that motion.

Commissioner Tuley: Second.

President Mourdock: Okay, a motion and a second. So ordered. Now then, Linda,

walk us through step two.

Linda Freeman: Step two on this? Basically, Bill wanted to bring in construction drawings showing Indiana's guidelines on erosion control methods for protecting the swale's concrete ribbon lining where it discharges over the bank and into the tributary along the project's south line, and then addressing the items that he has through that Section B and C. He's still recommending the inclusion of the Indiana Handbook on Erosion Control Methods and other code required practices for protection of earth filled and natural embankments up along the project's south line. You're dealing with some steep grades there because they are talking about seven foot of fill and you're getting close to the ditch there on that south side and he's just wanting to make sure that they look at what the potentials are there for erosion.

President Mourdock: Okay, so is there then a motion in his report or with his report for his Section B?

Linda Freeman: Yeah, basically, erosion is what his main--

Commissioner Tuley: His main concern.

Linda Freeman --concern is along that south line there and, you know, using the Indiana Handbook on Erosion Control Practices to...

President Mourdock: Is there a motion along with his Section B recommendation?

Commissioner Jerrel: Yes, I do make the motion that we accept his recommendations on Section B.

Commissioner Tuley: Second.

President Mourdock: Okay. Section C.

Commissioner Tuley: Same thing.

President Mourdock: There he's recommending plan approval conditioned on inclusion of the Indiana Handbook on Erosion Control Methods and other code required practices for the protection of earth filled and natural embankments along the project's south line.

Linda Freeman: Right, he is wanting...he is hitting that pretty hard.

President Mourdock: Yeah.

Commissioner Jerrel: And I'd like to accept the recommendations of the Deputy Surveyor.

Commissioner Tuley: Second.

President Mourdock: So ordered. His Section D is recommending plan approval conditioned upon the details added to an erosion control or site grading plan showing site prep, landscaping, seeding, mulching, silt fencing, etc., sufficient to establish a gently sloped grassed area over which sheet flow from the parking lot is filtered before entering the roadside ditches or tributary along the project's south line.

Linda Freeman: Right, because during development there's going to...you know, there is going to be a lot of silt.

President Mourdock: Mr. Shofstall, you want to...

Justin Shofstall: That was also in the other issue that was stated in the meeting today with the DNR representative, the fact that grassy area will no longer be a grassy area due to the fact that their requirements because that is where the additional tree planting is going to be at. It will have additional grass mix planted around the tree area itself as per DNR requirements.

President Mourdock: Okay, so you don't have any problem with what was just said there?

Justin Shofstall: No, just the fact that I wanted to go ahead and amend to the Commissioners itself that it will not be just solely a grass area and the fact that DNR is going to be requesting the additional tree plantings.

Commissioner Jerrel: I'd recommend that we approve the recommendation submitted by the Deputy Surveyor.

Commissioner Tuley: Second.

President Mourdock: Okay and I will so order given that Bill's terminology...and I just want to make this clear...talked about a grading plan showing site prep, landscaping, seeding, mulching, etc., sufficient to establish a gently sloped grassed area. That's a little bit ambiguous to me, given I just heard Mr. Shofstall say that it might be trees or something out there as opposed to a grassed area.

Linda Freeman: Right, basically, we're still deferring to what IDNR recommends and approves.

President Mourdock: Okay.

Linda Freeman: So these are just the concerns that Bill had and wanted to address in this meeting.

President Mourdock: With there being a motion and a second then on that issue, I'll say so ordered. And I believe that takes care of the other issues.

**Kelly Ditch - Relax right-of-entry, Burkhardt Crossing Subdivision**

Linda Freeman: Under 3E, we've had several requests from developers to relax the right-of-entry along Kelly Ditch. If you've read this, it's pretty self-explanatory. I've got a map if you guys would like to look at that to kind of...

Commissioner Jerrel: I can make the motion if the Surveyor's recommendation --

Linda Freeman: Our main thing is we were making sure that we have the access from Burkhardt Road and different things, but with their signs moved back we should be fine and they are high enough that we could go under them. So you're just looking at the base that's in the way of maintenance.

President Mourdock: And just for the record, Bill is recommending that the Board relax the right-of-entry along the south bank of Kelly Ditch and within Burkhardt Crossing Subdivision as follows: number one, along the north ends of Lot 1 and 15, Burkhardt Crossing to 40 feet; number two, all across the north end of Lots 16, 17, 18, 19, 20, 21, 22, and 23, Burkhardt Crossing Subdivision to align 35 feet and across the north end of Lot 24 and the northwesterly triangular portion of Lot 25 to align 50 feet distant from and parallel to the north line of said Lot 24 and extended west to the centerline of Burkhardt Road.

Linda Freeman: Right, we're coming off the property lines rather than staying on top of the banks because that tends to --

President Mourdock: To move?

Linda Freeman: --move. But we were looking mainly at being able to access from Burkhardt or here at these curbs and we could jump these curbs. That...

President Mourdock: Okay, is there a motion?

Commissioner Jerrel: I made the motion.

Commissioner Tuley: Second.

President Mourdock: So ordered.

<p><b>Kelly Ditch - Burkhardt Crossing Subdivision</b> <b>Approve sign locations within right-of-entry</b></p>
--

President Mourdock: Three F is approve new billboard locations within the right-of-entry for Kelly Ditch.

Linda Freeman: Right. Basically, just the same thing we just reiterated... just kind of reiteration there. They're moving their signs and they have agreed to...verbally they have agreed to completely remove and the embankment of the ditch repaired and reseeded to blend with existing bank conditions on either side of the removed components. That's in the memo --

Commissioner Jerrel: Is a verbal agreement as good as a written one?

Commissioner Tuley: Good question?

President Tuley: Depends who signs it.

Linda Freeman: But Bill did mention that they did agree verbally, so we do not have something in writing, I guess.

Commissioner Jerrel: Did you say that in here? I'm trying to see if you said it.

Linda Freeman: It's in the memo.

Commissioner Jerrel: No, I don't--

Linda Freeman: It's from the Surveyor to Area Plan concerning the billboards. It's

the next page.

Commissioner Jerrel: Okay, okay, yeah.

Linda Freeman: And it's in the last paragraph along the bottom that he didn't mention...I don't know if he's mentioned it in here.

Commissioner Jerrel: No, he didn't.

Linda Freeman: But we're recommending approval and part of that approval is that they do completely remove and repair the bank.

Commissioner Jerrel: Based upon that recommendation--

Joe Harrison, Jr.: Yeah, that has got to be a condition.

Commissioner Jerrel: --and included in the minutes, let me restate that motion that I do approve this particular new billboard location within the right-of-way for Kelly Ditch.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Oaklynn Park, Section B - Pipe installation, Lot 9**

President Mourdock: Three G is the design for piping the open ditch along the west line of Lot 9, Oaklynn Park Subdivision.

Linda Freeman: This one, we're hesitant to recommend a Board approval at present for the following reasons as noted there, one through four. Number one in the memo to APC, a developer of Oaklynn indicates he's inclination to let the letter of credit expire. I was informed by John Stoll, that indeed has been renewed for a year. The letter of credit has been renewed. Number two, there are still items that have not been completely finished in that along Sonntag-Stevens Ditch and then talking to John Stoll before he left, on item number three he stated that there is possibly one pipe run that is not paid for on that two dollars per foot under the Plan B for subdivisions. And then one of the questions that we had, item number four, whether or not that needs to be included in Oaklynn as a two dollar per foot pipe in the repair fund and that was kind of a question for Mr. Harrison.

Commissioner Jerrel: Okay, so what is Bill's recommendation? I mean, he's saying --

Linda Freeman: He's hesitant to recommend the approval based on those things, but the letter of credit has been renewed for a year, so that eliminates the first one. Number two is, you know, there has been a long standing...there are still a few items that have not been completed, but, you know, that's the developer. That's not the individual that's requesting this. That's the overall subdivision developer. Number three, we...Mr. Stoll stated that or told me before he left that there's possibly one pipe in the sub that's not had the two dollars per foot paid for. And talking to John Stoll, item number four, he felt that yes, we should get the two dollars per foot on this pipe. It's out of the right-of-way, but it is going into the right-of-way and also

attaching to a drop basin, so therefore, he was feeling...that was kind of Bill's thing, too, that we probably should pick up that two dollars.

Commissioner Jerrel: Okay, what I'm trying to get to is what we... we can act upon the modifications --

Joe Harrison, Jr: I don't think, since it's been renewed, I mean, it might be that this moot right now. I don't know if, I mean, there was an urgency obviously to act initially, but I'm not so sure we need to act tonight on this, do you?

Commissioner Tuley: Are these the petitioners?

Joe Harrison, Jr: No.

President Mourdock: Those are just innocent victims.

Linda Freeman: I personally don't know. Apparently...I think we probably have her name here somewhere. No, Lot 9.

Joe Harrison, Jr: No, I believe this is one--

Commissioner Tuley: I don't think it hurts to wait a month on this one till he comes back so we can get some clarification.

President Mourdock: Okay.

Commissioner Jerrel: Okay, I move that we defer action on this particular item.

Commissioner Tuley: Second.

President Mourdock: So ordered.

<p style="text-align: center;"><b>Surveyor's Annual Report and 1999 Maintenance Specifications Publication of Notice to Bidders</b></p>
---

Linda Freeman: Okay, 3H, we've got our annual ditch report which was included in your packet and then I have the Notice to Bidders page here for your signatures.

President Mourdock: Okay, and with 3H, the Surveyor is recommending the Board receive and approve the Surveyor's Annual Ditch Report, 1999 General Specs and Special Provisions. Is there a motion to do that?

Commissioner Jerrel: I'd like to move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Linda Freeman: Then we just need to make sure it gets advertised.

President Mourdock: Right, is there a motion to advertise?

Commissioner Jerrel: I'd like to move approval for advertising.

Commissioner Tuley: Second.

President Mourdock: So ordered.

<b>Blue claims</b>
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President Mourdock: Okay, and what did we forget? Okay, was that everything you had, Linda?

Linda Freeman: I've got some claims.

President Mourdock: Is there a motion to receive and pay claims for the 1998 ditch maintenance?

Commissioner Jerrel: I'd like to move approval of paying the claims for the ditch maintenance.

Commissioner Tuley: Second.

Linda Freeman: Okay, we just have two.

President Mourdock: Okay, and just to do it in total here, could I get a motion to accept the February 22, 1999 Vanderburgh County Drainage Board Report as filed by the County Surveyor's Office into the record?

Commissioner Jerrel: I'd like to move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered. Any other business to come before us? Motion for adjournment?

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The meeting was adjourned at 7:37 p.m.

***Those in attendance:***

Richard E. Mourdock  
Patrick Tuley  
Charlene Timmons  
Michael Sears  
Jon Kipling  
Members of the media

Bettye Lou Jerrel  
Joe Harrison, Jr.  
Linda Freeman  
Justin Shofstall  
Others unidentified

**Vanderburgh County  
Drainage Board**

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Drainage Board  
March 22, 1999**

The Vanderburgh County Drainage Board was called to order at 6:40 p.m.

**Approval of minutes**

Commissioner Jerrel: I'd like to call the Drainage Board to order. Is there a motion to approve the minutes of the last meeting?

Commissioner Tuley: I'll move approval of the Drainage Board minutes from February 22nd.

President Mourdock: I'll second.

Commissioner Jerrel: So ordered.

**Old business**

Commissioner Jerrel: Under old business, no old business?

**New business**

Commissioner Jerrel: Under new business, the first item is the opening of bids for the 1999 maintenance of regulated drains.

Bill Jeffers: This is the point in the meeting annually where your lawyer, Mr. Harrison, opens the bids and begins filling out his spreadsheet and then later in the meeting we'll come back and hear what he has to say after he has examined those bids.

Commissioner Jerrel: Okay, so now we need a motion to give permission for the bids to be opened.

President Mourdock: So moved.

Commissioner Tuley: Second.

Commissioner Jerrel: So ordered.

**St. Charles Cove - Preliminary drainage plan**

Commissioner Jerrel: The first item on the agenda, Mr. Jeffers.

Bill Jeffers: Before we get to the first item and for the benefit of those people who are here present that may not have been to a Drainage Board meeting before or to some of the developers and their engineers who may occasionally have some questions about our review process I want to say that there was a county ordinance passed in 1994 by this Board that set out certain guidelines that were agreed to by a very broad based committee that included citizens as well as technical advisors from various departments in government. That ordinance has worked well for us in many respects, much better than what we had before. Also the Homebuilders Association and engineers for developers had input into that final version of the ordinance. We also found out over a period of time that there were certain things that maybe need

a little refinement and we may be getting around to refining that ordinance over a period of time to address unexpected conditions or unexpected events that have happened. But since 1994 especially leading up to June 9th of 1996 and especially in the area of the county that is rapidly developing north along both sides of 41 towards the Gibson County line area of our county experienced a very, very heavy rainfall that exceeded a 100 year...what they call a 100 year rainfall event and we witnessed a lot of things we had never expected or people my age had never seen in their lifetime and that included the ability of a rainfall like that to sweep clean large areas of forested land and bring all that forest litter including uprooted trees and downed branches that had accumulated over years and years of time along with all the leaf litter that had accumulated and also bring down stacks of firewood that people had stacked in their backyards along ditches and along with yard barns and dog houses and just anything you can imagine and stuffed all these culverts full of this debris. For example, including a 11 foot diameter culvert on Strawberry Hill in Old State Subdivision and put water over the top of that road two, two and a half foot deep and flooded several homes. This is just something we never would have expected because we had never seen it and since that time we have included in our review the potential for another rainfall like that in our lifetime and we examine every drainage plan that is brought up for final approval and we examine it as if the culverts under the roads are stopped full of trash or debris and the water has to go up over the road and find its natural course down through that subdivision and on down to the Ohio River and when doing that we now ask subdivision developers to pay their engineers to show an emergency overflow route through these subdivisions that will carry that 100 year rainfall and it may wash cars away. It may damage property such as cars, yard barns, fences and so forth, but what we look at is protecting the dwellings during that 100 year event and making sure that they are not inundated and a person's basically their entire life represented by that dwelling is not swept away or damaged severely. Sometimes a developer asks his engineer why am I having to pay for that because it is not in the ordinance? Well, it kind of is, but it's a result of that '96 rainfall. Also, in '96 the state passed a statute addressing the obstruction or partial obstruction of natural watercourses so we have to take that into consideration. That was passed after our ordinance. Basically, any time you put something on the ground as large as a residential development you will be obstructing or at least partially obstructing some sort of natural watercourse by the definition of that statute because...especially when you're developing in flood plains as many developments are. The path of the water down to the major stream that serves that floodplain has to be filled to some extent to get the houses up above the 100 year flood elevation so, yes, you are partially obstructing that pathway. Again, we go back and say when you do this you must give an alternate route through your development for that 100 year flow, so that's a result of that statute and now for the second year in a row there has been proposed to the State Legislature by the very same man who introduced the '96 statute he is now introducing for the second year in a row a statute very similarly worded and I expect it will pass if not this year it will pass some year that addresses diversions and disruptions of natural flow of water. That even goes...I've read it and it even goes down to the point of prohibiting the discharge of downspouts to or across the property line. This is a problem that we have addressed many times and there is very little the county can do about it because it is not in our statute...I mean, not in our ordinance, but it is going to be in the statute. It also address people building walls where water may be coming down and damaging their property. They build a wall and they not necessary obstruct the watercourse, but they divert that water over and it damages someone else. So now we're asking the developers once again to pay for something extra in anticipation of this to pay for some extra review and extra design work and you're going to hear tonight to return the flow of water out of these new developments, to return it to the

same characteristics it had prior to the development. In other words, if there is a broad watercourse out here in a subdivision area or what is now a vacant field it is going to be developed into a subdivision called St. Charles Cove and that is what many folks are here tonight to speak to and that is why I am taking up this extra time to explain it. That water comes across their property, comes off of the property proposed to be developed in with a certain characteristic. Kind of a broad flow rather than a piped flow and we're asking the developer's engineer to design some type of structure that will at least attempt and closely approximate the same characteristic before it crosses his property line onto adjacent property owners.

President Mourdock: Are we then asking, Bill, for this developer to do something beyond the scope of our current ordinance?

Bill Jeffers: Yes.

President Mourdock: But it is within the plan of what the state is currently reviewing, is that right?

Bill Jeffers: Yes.

President Mourdock: Okay. The state has not yet fully acted on that or approved it?

Bill Jeffers: No, they haven't.

President Mourdock: And that would be coming out of the state as a regulation or statute or...?

Bill Jeffers: It will be the same as the obstruction statute if it passes this term.

President Mourdock: It will be by statute?

Bill Jeffers: It will be exactly the same. It will be added right on behind the one that was added on for obstructions. Now, we are not doing anything...we are trying to gear all these additional requests to the developer towards what FEMA requires with regard to the 100 year storms, which is the Federal Emergency Management Administration, towards what is required by the state for flood insurance, towards what Indiana Department of Natural Resources requires. We are not trying to do anything above and beyond them, but we are a jurisdiction that is below the State Department of Natural Resources and so forth. We can't supersede them and we're not attempting to, but we're trying to anticipate what they really want to protect homes both within the subdivision and bordering the subdivision from any damage up to and including the 100 year storm.

President Mourdock: Has the developer agreed to what you've proposed?

Bill Jeffers: Well, we hope by the time we get to a final plan that we come to an agreement. So having said all that and reminding everyone here tonight that this first one, St. Charles Cove, is a preliminary plan and is still subject to additional review and requirements by our office prior to receiving a positive recommendation for the final plan and I would also like to say that the developer's engineer, Mr. Keith Poff of Sitecon, has submitted all the data that was required by the ordinance for a preliminary plan and has responded to all of our inquiries and all of our additional requirements and questions that we've posed to him over the past two weeks. He has responded in a positive manner and shown us details up to and including what

we're asking for and we know that we will hear tonight from residents possibly of conditions off-site that we're not aware of and that Mr. Poff is not aware of. If those are legitimate concerns expressed by the people who are affected by this development we will certainly incorporate them into our review of the final plan, but since Mr. Poff has addressed everything within the ordinance and additionally has supplied the data we requested of him additional to the ordinance we are at this time recommending approval of the preliminary plan for St. Charles Place. As I said, there are several people here in the audience who do wish to voice concerns.

President Mourdock: Do you have a map of it for us?

Bill Jeffers: Yes, sir.

Commissioner Jerrel: Is there anyone here that would like to speak to the St. Charles Place preliminary plan?

Bill Jeffers: It is located just south and west of the Hornet's Nest at the intersection of Boonville-New Harmony Road and Petersburg Place. This is an overall area map that shows what the engineer feels is the drainage area that collects and passes down through the valley and through St. Charles Place which is outlined in green. Out at this point for this part of the watershed and goes out right here at this corner to that point for the western part of the watershed. Here is a more detailed map of a proposed subdivision itself.

President Mourdock: So there is an existing pond at the outflow?

Bill Jeffers: No.

President Mourdock: That isn't a pond there?

Bill Jeffers: No, that's just kind of a--

President Mourdock: It's drawn as a pond.

Bill Jeffers: I think it's just a compressed area. It's kind of a low spot. They do plan on putting a pond in.

Unidentified: I would object to the pond there. If the water keeps on going flowing the way it is now--

Commissioner Jerrel: Come on up to the mike and give me your name so we can get you on the record.

Unidentified: Well, they have--

Commissioner Jerrel: Would you want to give us--

Unidentified: Pardon?

Commissioner Jerrel: Would you give us your name?

Evelyn Ayers: I'm Evelyn Ayers. Our property is just north of this plot. The water flows real well now, but if they put a holding pond there that's going to cause a whole lot of problems. Nothing but trouble. Another thing, they have put plots over the top

of the ditch.

President Mourdock: I'm sorry, what have they put across the ditches?

Bill Jeffers: Lots.

President Mourdock: Oh, lots.

Evelyn Ayers: Lots.

Bill Jeffers: Building lots.

Commissioner Jerrel: Let her use that mike and show us on this map.

Evelyn Ayers: Right here. This is where the water flows from our place on down through here and on down. Now see they have put plots...lots over the top of this ditch. Now how are they going to do that? The water runs over the top of the ground real well and they have field tiles down in the bottom part and this pretty well...the water runs off in about two or three hours and then the puddles, they seep down into the drain tiles and then that runs off. Now, up here they put in plastic tiles and that doesn't take the puddles, so that ground has been wet all along in here, very wet. They have dug ditches across here and dug about a three foot ditch down through here and the water runs into this. Here they dug across the plastic tile and the water runs down into this here field tile like...it's made out of stuff like bricks. It runs into that and that part is dry down in there, but if they put a holding pond down here that's going to cause everybody problems and it is just going to...well, it's just going to be trouble. If they let it go just like it is now it will run off in about two hours. The water will be all gone.

President Mourdock: Let me ask the engineer a question here. In looking at this...this is Keith Poff who is the engineer. Keith, the way this is drawn this is showing (inaudible) which would tell me that's a pond.

Keith Poff: It's not a wet pond. It is an area of depression.

President Mourdock: Okay, it is just built up on this end and--

Keith Poff: The driveway was extended to a newer house on the back.

President Mourdock: Okay, how does this drain curve?

Keith Poff: The matter of the drain, there is an 18 inch corrugated metal pipe underneath the driveway. It's about flat.

President Mourdock: It's about filled?

Keith Poff: It's about flat.

President Mourdock: Okay, and in your plan is your plan somehow, and obviously that is off your property here, I mean, how are you going to be draining out of this structure?

Keith Poff: The release structure for this Basin A is going to be a 27 inch equivalent reinforced pipe. We will be terminating away from our property line. The developers

have consulted with the neighbor here and they are prepared to replace that driveway culvert with a larger pipe.

President Mourdock: So from where we sit today with this if you increase the drainage pipe coming out of there and the neighbor puts the...or agrees...presuming the neighbor would agree to put the larger drainage structure in there would that cause this to drain more slowly or less slowly than the present? Did you understand the question? I didn't word it very well.

Keith Poff: Well, the provisions for the basin is a requirement of the subdivision drainage...drainage ordinance for the subdivision. You can tell we have sufficient fall. This lake will be at an elevation approximately 35½ feet in full condition. The grade here is some 38, so there is plenty of fall across that site that we will not be blocking any water off. We are making a collection opportunity here to bring to that new lot line location, possibly even a pipe situation before we're done in order to have these lots filled and to make a diversion for that flow. In all cases we would have a 25 year pipe system as well as having an overflow ditch above that.

Evelyn Ayers: Now you're showing...you want to make a pipe down through here, right?

Keith Poff: We would have to start here and bring it to there and then come down.

Evelyn Ayers: Now this is much higher ground here than over here.

Keith Poff: That's why it's a pipe system. This area is going to be filled (inaudible) and there will be a path going over it all the way through that route.

Commissioner Jerrel: Mrs. Ayers, where is your...I mean, where do you live here?

Keith Poff: They have a subdivision--

President Mourdock: North of this.

Commissioner Jerrel: Okay north.

Evelyn Ayers: Right there.

Keith Poff: A three lot subdivision here.

President Mourdock: For the two gentlemen that just walked up let me explain as you were coming up the natural drainage area now is down through these lots and apparently there is a little bit of a swale through there and what Keith just said was the plan is that they would plan to intercept water across this property line and put it in pipe underground and bring it down this way. That pipe would have the capacity, did I hear you say, a 25 year storm?

Keith Poff: A 25 year storm. There will be an overflow system above that, a swale will be above that and capable of probably a 100 year.

Commissioner Jerrel: Why don't you...could you show them from this perspective?

Unidentified: Are you going to have the subdivision over this way? All the water over here going to deliver--

Keith Poff: No, we have--

President Mourdock: Excuse me for a second, Keith. We have Mrs. Ayers' name, but just for our record would you please state your name.

Kent Burress: Kent Burress.

President Mourdock: Okay, Mr. Burress and...?

Les Lantaff: Les Lantaff.

President Mourdock: Sorry--

Les Lantaff: Les Lantaff.

Kent Burress: We're all neighbors.

President Mourdock: Okay, alright.

Keith Poff: I believe Mr. Burress owns the property that is west of the property, that subdivision.

Kent Burress: Right.

Keith Poff: There is a ridge that divides the land in essentially two-thirds to the east and one-third to the west. You can see there is about 20 acres that comes to this outlet point of the property. There is approximately some nine acres that would go through that outlet point of the property. We do have two basins. One that goes out in your direction, a defined swale. We're going to put a dry basin at the rear of these two lots in order to hold the water that essentially is in this area allowing this water to come through at a 25 year rate. So we're taking care of this water in that small basin. We'll take care of all this water through that basin.

Kent Burress: Right now, like I said, we're west of your subdivision--

Keith Poff: Yes.

Kent Burress: --and there is a little ditch running through there now. We farm through that right now, but I'm afraid if we do have a big rain, which we do, the last few years we've had a lot of rain. If that comes through there and overflows your little retention pond it is going to dump on us and cut a groove right through there and then we've got to fill that up and fix it. I've already spent thousands of dollars already in my waterways. I don't know if you looked back there, but there is two...the Soil Conservation designed it for us. We've got two drop boxes and stuff like that already handling that water that's coming through the drain.

Keith Poff: We are required to create a detention system that restricts our developed flow from the 25 year storm to the rate of the same area in a 10 year storm as it was developed...as it was prior to the development, so we will be detaining the flow at this point under 25 year storm conditions.

Kent Burress: Does the water trickle or what?

Keith Poff: It's a ten year release rate, okay, so if there is a 50 year storm that comes

it is going to bypass our system, go through the overflow and continue--

Kent Burress: Go over the top.

Keith Poff: --down the way it's...that's correct.

President Mourdock: Yeah, it's going to go the way it is going now.

Keith Poff: The way that it has gone before. That's the same thing. We do that here. We're required to have a basin to detain this. We have to do the same thing here and because of the size of the watershed it's a larger basin. When it's that large we are going to make it wet, so it will be a lake.

Les Lantaff: So where is the overflow going to be for that 28 inch release on that basin there?

President Mourdock: It comes out--

Keith Poff: The emergency overflow?

Les Lantaff: Yeah, uh-huh.

Keith Poff: This controlled outlet, which is the pipe itself, is going to be an earthen berm and that has to carry the 100 year flow. We're required to send that water around and it needs to go back to the same point that the water drains the site now. That is what Mr. Jeffers was eluding to. At that location we are to disperse the water the same. If it was in the ditch it will go in the ditch. If it was spread it needs to be spread. You can see with one culvert in the driveway you can see that it is pretty well a concentrated flow at that point. That is off our property.

Les Lantaff: Well, when I built there in 1971 the ditch was to where you didn't even have any tile in it you just...I had me a little bridge across it and I went across it. I finally had to put a 12 inch tile in. The 12 inch tile since they built houses up there won't even hold it now, so now I had to put a 24 inch tile in there, but if you're going to dump 28 inch into my 24 inch tile it's not going to take it.

Keith Poff: Well, I believe what I would like to tell you is your 24 inch is probably insufficient for even a 10 year storm. We are releasing at this point at 24 cubic feet per second on a ten year storm. Unless we want to back up water which is what probably happens at this driveway we're not going to be able force that through an 18 inch corrugated pipe because it's got the ridges and it's going to resist that flow even more. The 18 inch is probably on 25 percent of the ten year storm.

Les Lantaff: Well, mine is not the 18 inch.

Keith Poff: Okay.

Les Lantaff: Mine is the next property over.

Keith Poff: There are different conditions because the culvert design has got to do with the funneling of the flow into the barrel itself. If we can get all the flow into the barrel the pipe size is dictated by that. The culvert situation it is the funneling in order to get it there. Many times the pipe sizes are not adequate for the short runs and to get the ditch to change to the pipe shape because it's round and how many

ditches are round? Open channel is a better way to drain larger quantities of water.

Kent Burress: My neighbor here he has already noticed a increase of erosion in his ditch behind his house because of the Hornet's Nest, the new parking lot and the store.

Keith Poff: See, there is part of this in here--

President Mourdock: Time out for a second. We take all of our notes here verbatim. Charlene has the unenviable job of--

Commissioner Jerrel: Writing down everything you say!

President Mourdock: --getting all this word for word, so whenever you are going to speak please state who it is that is speaking so she can identify you. We do want everybody's comment, but we just want to have a good record of what your comments are.

Keith Poff: Relative to the improvements made at the Hornet's Nest, you can see the Hornet's Nest is on the east side of the roadway. There is a slight ridge that divides this collection opportunity from the Hornet's Nest parking lot, the roadside ditches that are there, so that flow is essentially bypassing our detention system. It's going down that road right-of-way.

Kent Burress: Going down the east side of the road or the west side?

Unidentified: East side.

President Mourdock: State your name please before you make a comment.

Keith Poff: I believe there are ditches on both sides of that roadway. We have the responsibility to improve a culvert as we bring our entrance through that west right-of-way and we have sized that to allow for the flow from these areas through there. The Hornet's Nest is not part of my watershed.

President Mourdock: Okay, and those comments were from Keith Poff. Someone else had a comment?

Les Lantaff: Now part of this up here is not on the water flow. Since they built that new store up there, the C store, the water from the C store flows over to our side instead of going north where it normally did to the tile. They've closed that tile off, yes. They've closed this tile off where all of this water used to go north. All that water now comes over here.

President Mourdock: Bill Jeffers, would you come up here for a second, please. Was that pipe underneath Petersburg Road? Just restate what you just said.

Les Lantaff: Okay. The C store here, the pipe ran down the road ditch here. There wasn't a road ditch, they buried that tile deep enough that it took all this water from here and went north.

President Mourdock: Previously.

Les Lantaff: Previously. When they built the store that was all done away with and

all that water now comes over here.

Evelyn Ayers: Comes down our way.

President Mourdock: That was Mrs. Ayers.

Les Lantaff: Comes this way.

President Mourdock: Do you know or do you have any comment about that, Bill, or is that something you need to take a look at?

Bill Jeffers: Well, that would be something that I would ask Mr. Poff to investigate in the field and show whether or not these boundaries of the watershed are accurate for today's conditions because he is operating off of 1990 aerial photographs that doesn't include what happened here in the last year or two.

Commissioner Jerrel: Am I correct what we're really asking you do to is to examine two or three areas? The area that is going to be releasing here and the retention.

Keith Poff: I believe that we have analyzed that area. I think what they're suggesting is that this area here is going to get additional watershed--

Commissioner Jerrel: Yes.

Keith Poff: --passing through it.

Commissioner Jerrel: Uh-huh. That's not in your--

Keith Poff: Well, I would speculate that's going to be through this watershed not through that watershed even if it does come across. The only way is if it gets all the way back to the area in here.

Bill Jeffers: But even if it does pass through the front then Mr. Poff will have to address the entrance road pipe and the county side ditch may have to be improved either by the developer or by the County Highway Department to handle it if there is additional flow there.

President Mourdock: And that is why we have these hearings is to get those kinds of comments so that we make sure those are included in whatever the final drainage plan would be. Okay, Mr. Burress.

Kent Burress: Kent Burress, and I just have a...I notice...see I live on a farm down south of this area and the ditch in front of my house when it even rains an inch or two is very full. Like we already stated before, the runoff from the store, the Hornet's Nest, and it is coming down through there and it is always dirty so it means it has got soil in it, right? Soil is moving down through my ditch going down towards that new golf course which is even farther south and then heads down towards...eventually down towards Pigeon Creek, so actually we're moving ground we're not even sure where it's coming from. It's coming from up north, okay, and then they're going to put a subdivision, a lot of pavement and a lot of driveways and parking space, and the ground doesn't absorb it and then water runs off it is not going to go down in the ground like it does now. I mean, you've got these little retention ponds to help slow it down, but you get a big rain and the last three or four springs we've had a lot of rain in the spring and the ground is saturated at times and it can't take any more so

it goes over the top and flows down across the fields and down into the ditches and fills up everything else. I mean, that's the concern that I have about the drainage. I'm south of it so their watershed is coming down my way.

President Mourdock: Right, and I guess--

Kent Burrell: I'm west of it, too.

President Mourdock: --my response to that comment, and that's a very good comment, and it's one we hear a great deal and one reason we hear it a great deal is because there are so many subdivisions going in. A bit of trivia for you, but in the last nine years there have been 360 new subdivisions in Vanderburgh County, so that is 40 a year. Having said that, because of that kind of growth is why the ordinance that Mr. Jeffers was referring to earlier was passed in 1994 so that when all these areas start to get paved we do have better drainage controls and also now during the construction phase of these things we have an ordinance that prohibits or that...yeah, is intended to keep runoff from happening. There has to be construction practices and all to prevent that.

Kent Burrell: You can't allow any sediment to run on the neighbor's property.

President Mourdock: Exactly.

Commissioner Jerrel: Right.

Kent Burrell: I know that is a law there, too.

Michael Bridges: If I may be allowed to speak.

Commissioner Jerrel: Sure.

Michael Bridges: My name is Michael Bridges and I live just north of Mr. Burrell. Once again, my name is Michael Bridges, I live just north of Mr. Burrell.

Commissioner Jerrel: Up in this area.

Michael Bridges: And I have noticed in the past couple three years the increased water flow in behind my property and it is actually washing out a great deal of the field next to me that belongs to a Mr. Michael Bredhold and I have been able to up until the construction started for the store and the repaving of the Hornet's Nest parking lot keep this erosion down somewhat by when I clean out my barn I have been filling in the washout areas. Now I cannot keep up with it and he is getting a lot of washout. I'm getting some at the north, but the people who are planning this should come out and take a look at this area and see what is happening already and there isn't even a subdivision there yet. The increased water flow could quite possibly just make this bad situation a whole lot worse.

President Mourdock: Okay, I hear two things in that comment. Let me just restate it to make sure I understand it. One of your comments is regarding this area again which we talked about a minute ago since you were talking about the repaving of the Hornet's Nest parking lot, so that might...the review of what the ditch structure is through here might take care of part of that question.

Michael Bridges: It is possible, and then the field here where they are putting in the

St. Charles Subdivision consequently you're covering up dirt with pavement and buildings and so forth. We're going to get an increased water flow. I can't see how we cannot even with this retention pond or I'm not sure what the correct terminology is there. We're having a lot of erosion now.

President Mourdock: And understand that the purpose of this drier pond over here is when you did get a big precipitation event that will actually slow down the amount of water that is coming out on this side because you'll be holding water back here so it's a detention pond.

Michael Bridges: It would be nice if something like that worked. In theory it appears to, however in real life these...well, these past two springs, as you know, we've had an increased amount of rainfall.

President Mourdock: But there is no pond here now.

Les Lantaff: No, this would be the one here for him.

President Mourdock: Yeah, I know.

Kent Burress: He is correct, there is no pond right here.

President Mourdock: Yeah, there is no structure there now, so that one that should work isn't there yet so we're both talking theory.

Evelyn Ayers: That's not going to help him. He's on the--

President Mourdock: I understand that. The other structure over there where we have this low spot now would be a permanent wet pond but it...a lake, but it is not there now.

Evelyn Ayers: I would rather keep it not being there because the water will disappear within two or three hours and it's gone, but if you put that lake there there is going to be problems then.

Michael Bridges: If I may speak again?

President Mourdock: Sure.

Michael Bridges: Michael Bridges.

President Mourdock: The other comments were Mrs. Ayers. Okay, go ahead.

Michael Bridges: The water that seeps down into this waterway now goes into an existing field tile that is there. It's an older field tile and this past year I had already had three areas to where I guess it is increased water pressure or whatever that has actually pushed up and eroded the ground above the field tile up into my field and I have to dig down there and try to get that covered up and then fill the dirt back in, you know, so my horses don't break a leg or whatever. I have noticed that increasing also.

President Mourdock: Where is your place here? Is it on the map?

Michael Bridges: Right here, sir. The way the water flows now if we get a pretty

decent sized rainfall it is like a river through there. I can always count on having to go in and repair a field tile and it has got to the point now I've got a couple of areas I cannot repair because it is so constantly wet that I can't dig down in there and get to it.

President Mourdock: I think you just saw, Mr. Jeffers wrote your name on the house so I presume, Bill, you'll go out there and check that out?

Bill Jeffers: With Mr. Bridges' permission.

Michael Bridges: Yes, sir. I can show on the Bredhold property also.

Bill Jeffers: If I could bring Mr. Poff with me it would be helpful.

Michael Bridges: Of course, sure.

President Mourdock: And Bredhold is north or south of you?

Michael Bridges: He is up on the hill here, sir. The field he has is tilled here and it is put into crop and the washing and erosion is increasing more and more at my property line where it leaves my field and goes onto his. My field is packed down. I have it as pasture for the horses. However, his is now washing more and more. Like I said, I have been like when I would clean out the barn fill in this washout to try to help contain it and that has gotten even beyond my ability to do that.

Bill Jeffers: Well, while we are there we may also counsel Mr. Bridges and his neighbor if he is interested that the Soil Conservation Service may have some services that would be of benefit to you in controlling your erosion problems and possibly some guidance in that regard.

Michael Bridges: Concerning the field tile, I'm wondering the water that is going to come down here and settle in the ground how much more of a problem that is going to concern the old field tile? I don't know how long it has been in there, but when I dig down to replace it's an old clay field tile. It's very brittle.

Bill Jeffers: If it is vitrified clay tile it has been in there probably in excess of 25 years, 30 years. Well, I had one in my backyard that is only 30 years old, but what I am saying basically is I anticipate because it is not in an easement even though it drains a county street I am going to have to replace that. I'm sure you could dig up vitrified clay tiles that were put down in Roman times that are still there, but most of them aren't expected to last more than 25 or 30 years. You have more modern products today, lightweight modern plastics that might serve you better.

Kent Burress: Kent Burress. My property or my family's property is just south of Mr. Bridges and then Bredhold, we mentioned Bredhold, and then after the water goes through Bredhold's property it hits our property. Where is the--

Unidentified: It's off the map.

Kent Burress: I'm off the map. Here is the Bredhold property. Any way, we're down here, so the water is going underneath his driveway and I don't know how big this pipe is, but it is going underneath his driveway through a galvanized...corrugated pipe and then it goes into our property and it takes a turn and heads to where Old Petersburg Road runs down that way. It's a straight shot all the way down past my

house because I live down here. Like I said, right now, I mean, what did we have, snow, what Sunday? Ice and everything. That ditch is already knee deep from that, just from Sunday because I was out there digging all my pine limbs out and stuff like that because it was a big mess. This increased flow is going to cause more, you know, more water in my ditch. I just worry about that.

President Mourdock: And that is the key question, increased flow. Will this subdivision result in increased flow? Inevitably that becomes a question on all these drainage plans we look at. Okay, this obviously, again, is a preliminary hearing and the purpose is to get the kind of comments we're getting so that Mr. Jeffers and the developer, in this case the engineer, can try to make sure those things get incorporated. Are there any other comments that we need to add in at this point?

Commissioner Jerrel: Did you explain, I wasn't listening carefully, that typically the preliminary is an input time and we just...it's a perfunctory process before the final drainage plan incorporates all of your comments. So you will...Mr. Jeffers will be speaking to you, but you'll be notified before any final plans come before us.

Bill Jeffers: How will they be notified?

Commissioner Jerrel: Well, they will be when we decide when the plans are going to be ready.

President Mourdock: We normally don't send out notices on final drainage.

Commissioner Tuley: No, they won't get notice.

Commissioner Jerrel: Well, but we need a contact person so you know...you can get the word out to one another, can't you do that?

Kent Burrese: Sure, I notice on April 7th there is an Area Plan Commission meeting.

Commissioner Tuley: Right, that's on the subdivision itself.

Bill Jeffers: That will be for comments on everything but drainage.

President Mourdock: Right.

Commissioner Jerrel: Yeah, it won't talk about drainage. So the final drainage plan...the earliest it could come to us would be a month from now.

Bill Jeffers: The fourth Monday of April would be the earliest date.

Joe Harrison, Jr.: And it may be the fourth Monday of May. It could be.

Bill Jeffers: It could be, right. If Mr. Poff has it ready, the fourth Monday of April it will come before this Board at about the same time in the evening. Again, most of what has been presented to the Board here tonight by the residents of the area is accurate with regard to rainfall and ditches and so forth, but we have...because there has been an increase in rainfall since detailed records have been kept at the end of the 1800s to 1941. Since 1941 to present that rainfall has increased a greater than 15 percent average and it may continue to increase. We may be going into a wetter cycle as the centuries go by. It is true that water can't soak in where a house or a street is, but the increase in that water that is no longer able to go into the ground

is supposed to be captured by that basin and the rate of flow is supposed to be lowered. You know, not the overall quantity over a long period of time, but the rate at which it is discharged from this site in gallons per second or cubic feet per second is to be lowered. Again, we have no control over ditches on your private properties. We do have control over the ditches in the county right-of-way. We can improve them. We can cause the developer to improve his plan to the, you know, degree to which the ordinance allows, but we can't come onto your property and improve your ditches. If they are not capable of handling what nature causes to fall on this land we can guide you to agencies that may be able to help you improve those ditches and protect them against erosion, but we have very little control over nature.

Evelyn Ayers: So far--

President Mourdock: This is Mrs. Ayers.

Evelyn Ayers: Oh, I'm Evelyn Ayers. So far we have a ditch that is coming down and meets this ditch here and it has been taking the water real well. It's doing real good. Now if you go moving this ditch up here over this way what is going to happen to the end of our ditch?

Bill Jeffers: The ditch that they create to go through their subdivision will be--

Evelyn Ayers: See our ditch connects right here.

Bill Jeffers: Right. And it will be constructed to probably better standards than the ditch that exists out there now. It will have to be--

Evelyn Ayers: Yeah, but if they move it over here then the water that comes down past our place, where is it going to go?

Bill Jeffers: It's going to go west and then down this ditch, the new ditch. They will construct a new ditch to receive the water coming off your property. It should be constructed in an improved manner to what is there now. It certainly won't have any trees growing in it.

Keith Poff: Keith Poff. There will be two systems in place at that point. We will have a collection system, an area inlet, a pipe system as well as an overflow ditch above that so we're going to have better capability than what is currently there in the path on our property where we wish to take it. On your property there will be no change.

President Mourdock: Okay.

Commissioner Jerrel: Let's just, so that we know, do you have any anticipated...do you think you would likely be back in the next Drainage Board meeting or perhaps two Drainage Board--

Keith Poff: The next meeting.

Commissioner Jerrel: So that would be April what?

Commissioner Tuley: 26th, there you go.

Joe Harrison, Jr.: That's the fourth Monday in April.

Commissioner Jerrel: It would likely be the 26th. If somebody wants to just write down the number.

Commissioner Tuley: Call Bill.

Bill Jeffers: 435-5117 rings on my desk. My name is Bill.

Evelyn Ayers: 435...?

Bill Jeffers: 5117.

Evelyn Ayers: 5117.

Commissioner Jerrel: That way if somebody could just call, Mr. Jeffers would know if it is going to be heard that night or the following month.

Evelyn Ayers: Okay.

Commissioner Jerrel: So you would be aware and could certainly be here and by that time there should be some interaction between the engineer and the subdivision area.

President Mourdock: Yeah, and Bill Jeffers is always very good about getting out there and working with whoever will let him on their property to inspect the problems. I'll certainly be out that way as well and I'll go out and take a look, too.

Kent Burress: I thought of one more comment.

President Mourdock: Sure, Mr. Burress.

Kent Burress: Mr. Mourdock, Kent Burress. I notice...I'm a jogger and I always run that way and when it is really raining actually the water goes over the top of the road at the Hornet's Nest and comes over to the west side of the road instead of staying on the east because of that new parking lot is throwing water actually across the road on top of it.

Commissioner Jerrel: Uh-huh.

Kent Burress: So, I mean, there is a problem there where it is actually putting more on our side when it should be on their side.

Commissioner Tuley: Staying on the east.

President Mourdock: That's coming back to the problem that someone mentioned before about the fact maybe the county ditch along the road--

Commissioner Jerrel: Needs to be improved.

President Mourdock: --should be looked at, so we'll take a look at that.

Kent Burress: That's the county there.

President Mourdock: Yeah, but that's us. I mean--

Commissioner Jerrel: That's something we can do. Yeah, we can do that.

President Mourdock: The County Commissioners, the three of us, that's our problem, so if it is not doing its job.

Commissioner Jerrel: Alright, so you understand that...yes, sir.

Unidentified: I just want to ask one last question.

Commissioner Jerrel: Would you want to give us your name please?

John Ayers: My name is John Ayers. I am north of the subdivision. There is only one question I have, is at that ditch point where it exits our land, what is the raise of ground level?

Commissioner Jerrel: The elevation and the Ayers' property--

President Mourdock: Let me be sure I understand the question. Are you asking where it crosses from your property onto this property are you asking how much will the ground--

John Ayers: At that point right there.

President Mourdock: --level be raised?

Keith Poff: Zero.

John Ayers: Zero?

Keith Poff: We will still have to leave intact the elevation at the property line therefore whatever elevation that the water crosses the property line now we will accept it lower than that either into the top of the inlet, through an end section or something such as that.

John Ayers: The question I had pertained to when that stops up. Like you say, when the culvert stops up, the emergency overflow, would I have to back up before I over...continued over?

Keith Poff: No, there is going to be continuous positive grade from that point downhill just like there is today.

John Ayers: Okay, so we'll have no problem.

President Mourdock: You said something about three feet.

John Ayers: He said three feet, and if there are three...that means that water is going to back up until it can actually break over that three foot concrete median.

President Mourdock: No, what he was saying when he mentioned three feet was from the south part of the property to the north part of the property is, I think he said, three and a half feet.

John Ayers: Okay, see that is what I misunderstood. That's fine.

Keith Poff: There is quite a bit of fall across this subdivision.

John Ayers: That's my question.

Keith Poff: It will still be always downhill.

President Mourdock: Correct.

Keith Poff: There will not be any wall or anything in front of that drainage. It is continuous drainage.

John Ayers: When they talked about putting a pipe in I didn't know if we was going to have--

Keith Poff: That water will be dropping in the top of that pipe. Going in the pipe and then be--

John Ayers: I don't have that information, that's why I had to ask.

President Mourdock: Okay, that's fine. That's a fair question.

Bill Jeffers: I think they're picturing a head wall.

Commissioner Jerrel: Yeah.

Bill Jeffers: For a head to build up and break over.

John Ayers: Right.

Evelyn Ayers: I have another question. I'm Evelyn Ayers. They were saying they were going to put a sewer down the edge of our property down the line there. How will that sewer work out with the drainage ditch?

Keith Poff: You're referring to a sanitary sewer?

Evelyn Ayers: I guess.

President Mourdock: Is there a sewer going along the north line of the property?

Keith Poff: No.

Evelyn Ayers: No, no, no. We don't have any sewers.

Keith Poff: That's true, you do not.

President Mourdock: No, my question was to Keith, will there be a sewer along the north property line?

Keith Poff: No. No, sir. We're going to have a sewer extension. You are probably well familiar with the extension that was brought up along Petersburg Road and we're going to have an extension brought...a new manhole tapped here, brought to there, brought to the street. From that street it will be brought up this road, down this and it will be brought up each of those streets. So there will not be any sewer running along that line.

Evelyn Ayers: Oh, okay. I was told they was going to put a sewer down through there.

President Mourdock: That's why we have these meetings.

Commissioner Jerrel: That's right.

Keith Poff: I would like to point out this is a major subdivision in Vanderburgh County and it was permitted at a time when there was not even a detention pond and that is Mrs. Ayers' property here, so under today's rules you would be building a basin at that location and another basin at that location there, so you can see that there is much more effort being done on current developments than there was in the past.

Evelyn Ayers: Okay, thank you.

Commissioner Jerrel: Okay, and then we'll...I would entertain a motion for the preliminary approval in lieu of the final at some date either April or May.

President Mourdock: I'll move for preliminary approval of the St. Charles Cove drainage plan as submitted.

Commissioner Tuley: On preliminary request I second.

Commissioner Jerrel: I'll say so ordered. Okay, and then somebody call Mr. Jeffers and he'll let you know if the final will be next month or the month after.

Commissioner Tuley: Those of you...as someone just pointed out though, as you know, if you've got other concerns other than drainage, April 7th is the Area Plan meeting at 6:00.

President Mourdock: So you'll get to see Pat again.

Commissioner Tuley: I'm on that committee as well.

Bill Jeffers: Lucky you!

Commissioner Tuley: Somebody gets the short straw every year!

President Mourdock: Okay, thank you for all your questions, folks, appreciate it.

Commissioner Jerrel: Yeah, thank you.

<b>Grimm Subdivision - Final drainage plan</b>
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Bill Jeffers: Grimm Subdivision is a very simple three lot division of seven and a half acres into three lots, 2 ½ acres each. It's on Petersburg Road up at the intersection of Petersburg and Green River, right across the street from Blue Grass Methodist Church. It doesn't require a formal drainage plan. We're simply asking that the existing drainage patterns be preserved. We may ask that Billy Nicholson place a slightly wider easement for that creek that passes through the northeast corner of the subdivision only if we feel that the floodway might imperil a structure there. We're asking for approval of a final drainage plan for this and let us give it one more series of suggestions when that plat comes in with regard to language of the

easement.

President Mourdock: Okay. Is anyone here to talk about this one other than Bill? Charlene and I have been chuckling over here the whole hour!

Commissioner Jerrel: Why didn't you say something?

President Mourdock: No point.

Commissioner Tuley: If you want it you can have it, right?

President Mourdock: Right. Is there a motion for approval of the final drainage plan then for Grimm Subdivision?

Commissioner Jerrel: I would like to move approval.

Commissioner Tuley: Second.

President Mourdock: Okay, so ordered. Do we need a roll call vote? I've forgotten.

Commissioner Jerrel: On the final.

Joe Harrison, Jr.: Is that final?

Commissioner Tuley: Oh, that is final.

President Mourdock: Commissioner Tuley?

Commissioner Tuley: Yes.

Bill Jeffers: Final, and Winstead Place, Section 2--

Commissioner Jerrel: Wait, wait, wait.

President Mourdock: Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: And I vote yes, so that is approved on final.

<b>Winstead Place Subdivision, Section 2 - Final drainage plan</b>
--

President Mourdock: Okay, Winstead Place.

Bill Jeffers: Section 2 also is a final drainage plan that came before you February 22nd at which time we had some conditions attached to it regarding easement widths and access to the lake and so forth that were concerns of the County Engineer for future maintenance. Those have been added. All of our questions have been answered and we recommend approval of the final drainage plan for Winstead Place, Section 2 and the developer's engineer has brought this signature sheet here for you to sign.

President Mourdock: Okay.

Bill Jeffers: If you do pass.

President Mourdock: Again, is there anyone here to address Winstead Place Subdivision, Section 2? Is there a motion?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: Motion and a second. Simply all in favor say aye.

Response: Aye. (3 of 3)

<b>Stonecrest Subdivision, Section 1 - Final drainage plan</b>
--

President Mourdock: Okay, the next one on the list is Stonecrest Subdivision, Section 1 for a final.

Bill Jeffers: Stonecrest Place, Section 1 is a final drainage plan presented tonight. The representative of the developer is Morley and Associates again. I have outlined the area that will be known as Section 1 in yellow along with a bypass ditch carrying that water to the north line of the entire development into a natural creek. I have also outlined a temporary bypass channel that will take water from this portion of the development through the basin and made notes on there referencing the discussions that our office had with Mr. Morley's office. They've addressed all the questions and concerns we've posed to them sufficiently. The notes are there on the plat with regard to protecting one specific neighbor to the north from flooding during a 100 year event, etc. This is what I thought everyone was here for and I can still go out in the hallway there and ask them if they have comments on this, but I believe the water from this one flows away from them and to the north.

President Mourdock: Is there anyone here wishing to address Stonecrest Subdivision, Section 1? Seeing none, is there a motion?

Commissioner Jerrel: I would like to move approval for a final plan.

Joe Harrison, Jr.: Those aren't the people in the hall talking to him are they?

President Mourdock: All those are the people who were in here a moment ago talking about St. Charles.

Joe Harrison, Jr.: No, there were some other ones that went out there.

Bill Jeffers: Oh, those people were not notified that another subdivision on Oak Hill and Voight had been removed from Area Plan--

President Mourdock: Oh, that was the one Kevin and what's his name...?

Bill Jeffers: It's a Dan Buck subdivision and all the people that had trouble down Voight Road during that heavy flood were here.

President Mourdock: Yeah.

Bill Jeffers: Okay, they'll be back next month.

President Mourdock: Okay.

Commissioner Tuley: Someone made a motion.

President Mourdock: I asked--

Commissioner Jerrel: I did.

Commissioner Tuley: Bettye did. I'll second.

President Mourdock: Okay, all in favor, aye.

Response: Aye. (3 of 3)

President Mourdock: Okay, that is approved then for Stonecrest Sub on final.

**Clear Creek Village, Section 3 - Final drainage plan**

Commissioner Tuley: So Mr. Heerdink will be back next month.

Bill Jeffers: Okay, Clear Creek...

President Mourdock: Okay, Clear Creek Village, Section 3, final drainage plan.

Bill Jeffers: Right, and again I have outlined the area that is under review, Section 3. I made some notes on there pertaining to issues that were addressed to the developer's engineer, Morley and Associates. What we're most concerned about in this subdivision is simply making sure that there are certified site grading plans presented to the Building Commissioner which elevate the finished floor elevations above the anticipated high flow during a 100 year event over the backs of the curbs and out into the basin and then into Little Pigeon Creek. The fellows back here from Morley and Associates have addressed those thus far and we anticipate that their detailed grading plans that are presented to Roger Lehman's office will finish that process off. Having said that, we recommend approval of the final drainage plan for Clear Creek Village, Section 3.

Commissioner Jerrel: I'll move approval of Clear Creek Village, Section 3.

Commissioner Tuley: Second.

President Mourdock: All in favor say aye.

Response: Aye. (3 of 3).

**3015 Elmridge Drive, Oaklynn Park, Section 2  
Additional drainage plan**

President Mourdock: Item G, additional drainage plan for storm sewer for 3015 Elmridge Drive, Lot 9, Oak Ridge Park, Section 2.

Bill Jeffers: I might have mistyped that. It's Oaklynn. I'm sorry.

President Mourdock: Oaklynn?

Bill Jeffers: I'm sorry, that should read Oaklynn, all one word. Oaklynn Park. Lot 9, Oaklynn Park, Section 2. That's a mistake on my part. This is a private home owned by an individual who has a ditch along her west side yard that after the lot was filled and the home was built and the final grades achieved on the street and the various lots that ditch looks like a huge canyon in the ground to her and I drove by there and it looks like a big canyon to me, too. It really is just an intercepting ditch to keep water from this subdivision from crossing over onto property owned by Smith Butterfield which will probably be developed commercial or industrial. The ditch doesn't have to be that deep at all. The request is accompanied by calculations and drawings and so forth from Keith Poff of Sitecon showing that this ditch can be replaced by a 12 inch pipe and the 12 inch pipe for that matter is oversized, but that's the minimum that we will accept. The plan right now is for a concrete pipe. The lady is asking Mr. Poff to investigate the possibility of using plastic pipe to save money and our only comment in that regard is that if it is a plastic pipe in the end that it have sufficient cover to meet the requirements and recommendations from the manufacturer and the only other condition on our recommendation is that the County Engineer's Office have the final say so on the portion of the pipe that will be located within the right-of-way from Elmridge and connects to a county accepted structure. So with those few comments, the Surveyor's Office recommends approval of the homeowner at 3015 Elmridge Drive, Lot 9, Oaklynn Park, Section 2 to replace an open ditch with a pipe.

Commissioner Jerrel: I would like to move approval of that additional drainage for the storm sewer on Oaklynn Park, Section 2.

Commissioner Tuley: Second.

President Mourdock: And I will say so moved. How about saying so ordered?

Commissioner Jerrel: I've just decided Tony should not give these to me. He should give them to you.

President Mourdock: He should have, that's true.

Bill Jeffers: There is a copy for every one of you.

President Mourdock: No, no.

Commissioner Jerrel: No, we're not talking about that.

Bill Jeffers: I'm sorry.

Commissioner Tuley: We forget who is President of the Board.

Commissioner Jerrel: We forget on this.

President Mourdock: The pressure of being a heartbeat from the presidency of the Drainage Board got to Bettye Lou tonight and she started assuming my duties!

**Lowe's Store - Modification of drainage plan**

Bill Jeffers: I notice that Mr. Harrison may require a little additional time, so I am going to go to other business.

President Mourdock: Okay.

Bill Jeffers: Morley and Associates represents Lowe's in their desire to locate a Lowe's on the west side right off the Expressway behind Denny's and Fazoli's. You're familiar with that at Red Bank Road. Basically, there is a drainage plan that was approved by your Board several years ago that is pretty much in place except for this one large lot that Lowe's will locate on. There is a large pipe that serves the collection...serves for the collection of all the water off the street and other lots and runs right through the middle of the area that Lowe's would like to locate their building. They bought a large piece of land that at one time was considered for several lots. So that easement runs right through the proposed footprint of the building. What they want to present tonight, and they were here earlier to present it but we agreed it doesn't take their representation since it was already approved previously, they would like to reroute the pipe around the east side of the building. The alignment of the rerouting is outlined in pink. The alignment of the present routing is highlighted in green. We are just asking at this time that you approve the concept for the altered plan. It will be the same sized pipe. The rest of the drainage plan has been reviewed by our office for the collection of the water from the building and the parking lot area. It goes to an existing basin. It will be improved and finished under the letter of credit for this development. When Lowe's completes their landscaping the basin will be completely finished. We recommend the plan and then after it is done they will come back and ask you to vacate the easement under the building.

Commissioner Jerrel: So it doesn't relate to the four easements that we have already vacated? I was getting my easement pictures out here.

Bill Jeffers: The way that Mr. Morley explained this to me is that they're going to route that around the building and plat a new easement and then after the system is complete they're going to come back and ask you to vacate the easement from there to there. They talked to their lawyer and they thought that was the proper way to take and I told them that they would have to talk to Mr. Harrison with your permission and set up notification and so forth. I think it takes around 45 days to do it and by that time they should be finished with the new line.

President Mourdock: Okay, any other comments? Is there a motion to approve the modified plan?

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Blue claims**

President Mourdock: The one thing we can do while we're waiting on them is for the

special meeting, is that what you are doing? Okay.

Bill Jeffers: We have some, just a few, I think three or four, blue claims for work that was completed in 1998 and has been inspected and asking you to release that money to the contractors.

Commissioner Jerrel: I'd like to move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

<b>Set special Drainage Board meeting date</b>
--

Bill Jeffers: As Mr. Mourdock indicated, the normal procedure here after Mr. Harrison reads the bids or enters the bids into the record is to refer those to the Surveyor for his recommendations which usually takes a week or two and then we're asking for you to set a special meeting on Monday, April 5th.

Commissioner Tuley: I wondered why you wanted Tuesday, April 6th on this note.

Commissioner Jerrel: Yeah, I did too. Is there a reason why?

Bill Jeffers: Well, I have this generic calendar and when I looked at it it said Easter Monday observation day or something like that on it and I had...it just totally skipped my mind that the county traditionally has Good Friday rather than Easter Monday.

Commissioner Jerrel: So we want to do it on the 5th?

Bill Jeffers: Right, which you will be here on Monday, April 5th and that's the day that I should of had typed on this agenda.

Commissioner Jerrel: I'll make a motion that we set a special meeting for the Drainage Board on April 5th.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: Don't forget to advertise that pretty soon.

Commissioner Jerrel: I make a motion to approve the advertising for that meeting.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Bill Jeffers: The Surveyor has no other business other than to wait for whatever procedure that your counselor recommends on the entering of the bids into the record.

President Mourdock: Yeah, why don't we take a quick recess here while we're waiting.

<b>Bid recap - 1999 Maintenance of regulated drains</b>
---

President Mourdock: We need to read into the record the bids for ditch maintenance.

Joe Harrison, Jr.: Okay, what I am going to do is read in all the bidders and that project and the amount and the County Surveyor can figure it all out from there and we're going to have a special meeting on April 5th, is that the date?

President Mourdock: Yes.

Joe Harrison, Jr.: At 6:30?

President Mourdock: Immediately following.

Joe Harrison, Jr.: Or immediately following the Commissioners' meeting regarding the award of whatever bids come out of this.

Company name	Project	Amount
Jim Axton Evansville, IN	Aiken Ditch Fall waterway mowing	\$2,512.50
Jim Axton Evansville, IN	Kolb Ditch Waterway mowing	\$1,901.62
Ray Stradtner Excavating Boonville, IN	Maidlow Ditch Silt dipping/bank reshaping	\$5,985.00
Ray Stradtner Excavating Boonville, IN	Pond Flat Main at Owensville Rd. Silt dipping/bank reshaping	\$4,275.00
Ray Stradtner Excavating Boonville, IN	Kelly Ditch along Boonville Highway Silt dipping/bank reshaping	\$2,437.50
Ray Stradtner Excavating Boonville, IN	Pond Flat Main at Kercher Woods Silt dipping/bank reshaping	\$2,475.00
Ray Stradtner Excavating Boonville, IN	Maidlow Ditch at Boonville-New Harmony Silt dipping/bank reshaping	\$1,625.00
Georges & Georges Ft. Branch, IN	Pond Flat Main at Owensville Rd. Silt dipping/bank reshaping	\$8,805.00
Georges & Georges Ft. Branch, IN	Maidlow Ditch at Bender Rd. Silt dipping/bank reshaping	\$13,314.00
Blankenberger Bros. Inc. Cynthiana, IN	Kelly Ditch at Boonville Hwy. Silt dipping/bank reshaping	\$4,842.50
Bigge Excavating Evansville, IN	Rexing Creek Brush and tree removal	\$1,750.00
Bigge Excavating Evansville, IN	Eagle Slough Heavy mowing	\$22,500.00
Martin Farm Drainage, Inc. Poseyville, IN	Maidlow Ditch at Bender Rd.	\$13,000.00

Company name	Project	Amount
Martin Farm Drainage, Inc. Poseyville, IN	Pond Flat Main at Kercher Woods	\$4,000.00
Martin Farm Drainage, Inc. Poseyville, IN	Pond Flat Main at Owensville Rd.	\$8,000.00
Martin Farm Drainage, Inc. Poseyville, IN	Maidlow Ditch at Boonville-New Harmony	\$1,000.00
John Maurer Evansville, IN	Baehl Ditch	\$861.25
John Maurer Evansville, IN	Hoefling Ditch	\$557.10
RR Rexing Farm, Inc. Evansville, IN	Pond Flat Lateral D	\$641.06
RR Rexing Farm, Inc. Evansville, IN	Pond Flat Lateral A	\$743.54
RR Rexing Farm, Inc. Evansville, IN	Pond Flat Lateral B	\$391.58
Daniel J. Paul Ft. Branch, IN	Wallenmeyer Ditch	\$1,286.67
Townsend Tree Service	No Bid submitted	\$0.00
Union Township Ditch Assn. Evansville, IN	Cypress Dale/Maddox Ditch	\$716.61
Union Township Ditch Assn. Evansville, IN	Kamp Ditch	\$334.80
Union Township Ditch Assn. Evansville, IN	Happe/Helfrich Ditch	\$380.94
Union Township Ditch Assn. Evansville, IN	Barnett Ditch	\$250.74
Union Township Ditch Assn. Evansville, IN	Edmond Ditch	\$461.85
Rexing Enterprises, Inc. Haubstadt, IN	Singer Ditch	\$343.00
Eldon Maasberg Evansville, IN	Baehl Ditch	\$1,033.50
Eldon Maasberg Evansville, IN	Wallenmeyer Ditch	\$1,253.25
Eldon Maasberg Evansville, IN	Maasberg Ditch	\$154.42
Eldon Maasberg Evansville, IN	Kneer Ditch	\$303.60

Company name	Project	Amount
Downin's Green Grow, Inc. Columbus, IN	East Side Urban South Half	\$1,499.00
Downin's Green Grow, Inc. Columbus, IN	Sonntag Stevens Ditch	\$953.00
Downin's Green Grow, Inc. Columbus, IN	Sonntag Stevens Ditch	\$221.00
Downin's Green Grow, Inc. Columbus, IN	Kolb Ditch	\$498.00
Downin's Green Grow, Inc. Columbus, IN	Keil Ditch	\$268.00
Downin's Green Grow, Inc. Columbus, IN	Harper Ditch	\$263.00
Downin's Green Grow, Inc. Columbus, IN	East Side Urban South Half	\$1,454.00
Downin's Green Grow, Inc. Columbus, IN	Eagle Slough	\$3,876.00
Terry R. Johnson Chandler, IN	Aiken Ditch	\$2,873.80
Terry R. Johnson Chandler, IN	Harper Ditch	\$1,628.11
Terry R. Johnson Chandler, IN	Keil Ditch	\$1,662.32
Terry R. Johnson Chandler, IN	Kolb Ditch	\$2,236.65
Terry R. Johnson Chandler, IN	Sonntag Stevens Ditch	\$6,122.19
Terry R. Johnson Chandler, IN	East Side Urban South Half	\$16,304.13
Terry R. Johnson Chandler, IN	East Side Urban North Half	\$12,293.80
Terry R. Johnson Chandler, IN	Henry Ditch	\$1,818.07
Big Creek Drainage Assn. Evansville, IN	Maidlow Ditch at Boonville-New Harmony	\$975.00
Big Creek Drainage Assn. Evansville, IN	Maidlow Ditch at Bender Rd.	\$4,935.00
Big Creek Drainage Assn. Evansville, IN	Rexing Creek	\$1,505.00
Big Creek Drainage Assn. Evansville, IN	Pond Flat Main Ditch	\$7,500.00

Company name	Project	Amount
Big Creek Drainage Assn. Evansville, IN	Barr Creek	\$4,133.60
Big Creek Drainage Assn. Evansville, IN	Pond Flat Ditch at Kercher Woods	\$2,000.00
Big Creek Drainage Assn. Evansville, IN	Buente Upper Big Creek	\$3,837.05
Big Creek Drainage Assn. Evansville, IN	Maidlow Ditch	\$2,613.94
Big Creek Drainage Assn. Evansville, IN	Rexing Ditch	\$2,051.52
Big Creek Drainage Assn. Evansville, IN	Pond Flat Main	\$5,527.80
Shideler Spray Service Eaton, IN	Sonntag Stevens Ditch	\$931.33
Shideler Spray Service Eaton, IN	East Side Urban South Half	\$1,497.85
Shideler Spray Service Eaton, IN	East Side Urban South Half	\$1,464.82
Shideler Spray Service Eaton, IN	Eagle Slough	\$3,845.12
Shideler Spray Service Eaton, IN	Sonntag Stevens Broadleaf project	\$227.80
Shideler Spray Service Eaton, IN	Harper Ditch	\$256.65
Shideler Spray Service Eaton, IN	Keil Ditch	\$262.04
Shideler Spray Service Eaton, IN	Kolb Ditch	\$486.59
DeAngelo Bros. Camargo, IL	Sonntag Stevens Ditch Broadleaf herbicide application	\$476.00
DeAngelo Bros. Camargo, IL	Sonntag Stevens Ditch Sterilizing ditch bottom	\$1,070.50
DeAngelo Bros. Camargo, IL	Kolb Ditch Sterilizing ditch bottom	\$559.30
DeAngelo Bros. Camargo, IL	Keil Ditch Sterilizing ditch bottom	\$301.20
DeAngelo Bros. Camargo, IL	Harper Ditch Sterilizing ditch bottom	\$295.00
DeAngelo Bros. Camargo, IL	East Side Urban South Half Broadleaf herbicide application	\$3,129.84

Company name	Project	Amount
DeAngelo Bros. Camargo, IL	East Side Urban South Half Sterilizing ditch bottom	\$1,683.70
DeAngelo Bros. Camargo, IL	Eagle Slough Apply broadleaf herbicide	\$4,205.60

That's it. I would ask that the Drainage Board take these under advisement.

President Mourdock: For the correction of the record it is Slough!

Joe Harrison, Jr.: I'm not a farmer!

Commissioner Jerrel: I told him you were not a country boy.

Commissioner Tuley: Pretty good job on those German names otherwise.

Commissioner Jerrel: Yeah, he did. I move approval...I mean, to take under advisement.

Commissioner Tuley: I'll second.

President Mourdock: So ordered. Any other business to come before us this evening?

Bill Jeffers: Only if there is a project that didn't receive any bid whatsoever I would ask that we be given permission to readvertise and set a new meeting date at some time in the future that would coincide with the requirements for such a readvertising of that meeting date.

President Mourdock: Okay, is there a motion to that?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Motion for adjournment?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: We are adjourned.

The meeting was adjourned at 8:20 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Charlene Timmons  
Bill Jeffers  
Evelyn Ayers  
Keith Poff  
Kent Burress  
Les Lantaff  
Michael Bridges  
John Ayers  
Others unidentified  
Members of the media

**Vanderburgh County  
Drainage Board**

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Special Drainage Board Meeting  
April 5, 1999**

The meeting was called to order at 6:25 p.m.

<b>Award bids - 1999 regulated drain maintenance</b>
--

Commissioner Jerrel: I'd like to call the Vanderburgh County Special Drainage Board meeting to order. The purpose of this meeting is to award contract for maintenance of our regulated drains to the lowest responsive and responsible bidder on each particular ditch. Mr. Jeffers.

Bill Jeffers: Okay. Everyone has one of these handouts.

Commissioner Jerrel: Yes.

Bill Jeffers: There were a few irregularities in the bidding mostly due to our offices' copy machine having a faulty collator on it at the time we printed these specifications that were mailed to the bidders. Certain pages were left out of a few of the packets causing the irregularities. On the first one I need to make another correction tonight. Mr. Axton did not bid on the fall mowing...or did not bid on the spring mowing due to an apparently missing bid schedule. He called tonight and said he was not able to get a cashier's check for five percent as a bid bond into the meeting on time and says he has no hard feelings about that and he said he could perform the work if you were to let the contract to him, but he has no hard feelings if it is let to the next highest bidder. Since we wish to avoid any conflict or contention by the second highest bidder, our office now recommends that you let the spring mowing to Terry Johnson Construction for his bid of \$1,401.16 and let the fall mowing to Jim Axton for the amount of \$2,512.50. Okay, on the second irregularity--

Commissioner Jerrel: May I have--

Bill Jeffers: Do you want to do that now?

Commissioner Jerrel: Well, we can or we can do it all at one time. What do you think, Pat?

Joe Harrison, Jr.: Why don't you do some of these questionable ones separately.

Commissioner Jerrel: Okay.

Bill Jeffers: Okay.

Commissioner Jerrel: Would you give Mr. Johnson's first name again?

Commissioner Tuley: Terry.

Bill Jeffers: Terry.

Commissioner Jerrel: Terry.

Bill Jeffers: Terry. T-e-r-r-y Johnson Construction.

Commissioner Jerrel: Okay.

Bill Jeffers: And his bid was \$1,401.16 for spring mowing on Aiken Ditch.

Commissioner Jerrel: Okay, is there a motion regarding this?

Commissioner Tuley: Yes, as recommended I would recommend that the spring mowing be awarded to Terry Johnson at a figure of \$1,401.16 and that the fall mowing be given to Jim Axton at \$2,512.50.

Commissioner Jerrel: I'll second and say so ordered.

Bill Jeffers: The second problem arose when another page was left out of the packet sent to...no, excuse me. The second irregularity is on Bigge Excavating, the mowing of Eagle Slough. He apparently had his calculator set without a floating decimal so when he divided out his total bid it came to .75¢ per foot, then he multiplied it...I don't know how he did it, but one way or another...maybe it was a transcription error but he wrote down his total bid of \$22,500. If he had multiplied .75¢ times the footage he would have got \$22,530 however we recommend that you let the bid for the mowing of Eagle Slough for the total amount, \$22,500 to Bigge Excavating.

Commissioner Tuley: Okay, I'll move at this then the mowing of Eagle Slough be awarded to Bigge Excavating at a total price of \$22,500.

Commissioner Jerrel: I'll second and say so ordered.

Bill Jeffers: The next two irregularities were caused when we failed to mail a packet containing the directions that included the requirement for a five percent bid bond to accompany the bid to Ray Stradtner Excavating. When I contacted him he thought it was really unusual that you wouldn't have to submit a bid bond because he has done a lot of government work and always submitted bid bonds and he sent a check for \$335.63 which is five percent of the two bids on which he was the lowest and therefore the County Surveyor recommends that you waive that irregularity and award the Kelly Ditch cleaning to Ray Stradtner Excavating for an amount of \$2,437.50 and award the bid for Pond Flat Main ditch cleaning at Owensville Road, and I have to look up that total amount, to Ray Stradtner Excavating for an amount of \$2,800...excuse me, \$4,275.

Commissioner Jerrel: What was the second? The first--

Bill Jeffers: Okay, the second lowest bidder was Big Creek Drainage Association--

Commissioner Jerrel: No, no, I meant East Side Urban South Half Kelly Ditch is \$2,437.50. Now what is the next--

Bill Jeffers: He was the only bidder on that one.

Commissioner Jerrel: Okay, but--

Bill Jeffers: And then on Pond Flat Main at Owensville Road, that's on page two of the spreadsheet--

Commissioner Jerrel: Okay, uh-huh.

Bill Jeffers: --about half way down.

Commissioner Jerrel: Right.

Bill Jeffers: It's a silt dipping project, 1,500 feet. Ray Stradtner bid \$4,275.

Commissioner Jerrel: Okay, that's the same irregularity in that case?

Bill Jeffers: Yes, ma'am and Big Creek, the next highest bidder...or next lowest bidder said...was \$7,500 and they said they didn't mind they would just as soon see the county save that extra money.

Commissioner Tuley: Okay.

Commissioner Jerrel: Okay.

Commissioner Tuley: I'll move approval as per the Surveyor's Office recommendation.

Commissioner Jerrel: I'll second and say so ordered.

Bill Jeffers: Okay, we apologize for the printing errors and the problems that resulted from them. All the other bids were found to be in good order and every recommendation for an award of a contract other than what you've already acted on is based on the lowest bid from a responsive and responsible bidder with the proper bid bond received.

Commissioner Jerrel: So all of the rest of these can be approved as they appear in this document.

Bill Jeffers: Right. Yes, ma'am, as they appear on the sheets here. In every case the recommended bidder has previously performed satisfactory work on the regulated drains in Vanderburgh County.

Commissioner Tuley: I would be...I will move the approval of the letter of the contracts to the lowest and most responsive bidders as reported in this report by the County Surveyor's Office.

Commissioner Jerrel: I'll second and say so ordered.

Bill Jeffers: Okay, we'll proceed with having the folks sign their contracts and try to bring all those to you at your next meeting in two weeks.

Commissioner Tuley: Thank you.

Commissioner Jerrel: Is there a motion?

Commissioner Tuley: Motion to adjourn.

Commissioner Jerrel: I'll second and say so ordered.

The meeting was adjourned at 6:34 p.m.

***Those in attendance:***

Betty Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Teri Lukeman  
Bill Jeffers  
Others unidentified  
Members of the media

**Vanderburgh County  
Drainage Board**

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Betty Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Drainage Board  
April 26, 1999**

The meeting was called to order at 6:30 p.m.

President Mourdock: Good evening. We'll call the April 26, 1999 meeting of the Vanderburgh County Drainage Board to order. As you will note, the County Commission also serves as the County Drainage Board. The technical staff for this Board is Mr. Bill Jeffers, who is the Assistant County Surveyor. He'll be presenting the various issues this evening. I notice there is a larger crowd here than normal. You are each and everyone free to speak on the issue of interest to you, however, if past practice holds up as it likely will tonight most of you are probably here on just one or two issues, so if someone gets up and makes the point that you were going to say it isn't necessary to get up and repeat it. However, you might just, you know, if you want to tell us ditto or whatever that is fine, too. Our point is just to work through the issues and give everyone a chance. Also, we are specific to drainage so if you want to talk about something based on the traffic flow or whatever that doesn't count here. Please save that discussion for other places.

**Approval of minutes**

President Mourdock: So, having said that on our agenda this evening the first thing is to approve the past minutes from the meeting of April 5th and, Bettye Lou, I'll have to ask you to do that one since I was not in attendance.

Commissioner Jerrel: I'd like to move approval of the April 5th Special Drainage Board Meeting.

Commissioner Tuley: I will second.

Commissioner Jerrel: And I'll say so ordered.

President Mourdock: The second meeting then is for March 22, 1999. All three of us were present for that. Is there a motion to approve those minutes?

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: And I will say so ordered.

**Old business**

President Mourdock: Okay, is there any old business to come before the Board this evening? Bill, has anything come up that you are aware of?

Bill Jeffers: Our office has none.

**Stockfleth Ditch  
Shopping carts collecting debris and obstructing waterway**

President Mourdock: Okay, in that case under new business the first item is Stockfleth Ditch, shopping carts collecting debris and obstructions.

Bill Jeffers: Most of those pictures show shopping carts in Stockfleth Ditch in the vicinity of Virginia Street. We've had some calls from businessmen who have commercial property in the area that are concerned that it will back water up into their parking lots. It's a common problem around the shopping centers that are developing in that area to find vandalized shopping carts in the ditches out there. A couple of years ago we paid a couple or three hundred dollars to have seventy-two shopping carts removed and returned to the rightful owners.

President Mourdock: Seventy-two?

Bill Jeffers: One year it was seventy-two.

President Mourdock: Oh, in the course of a year.

Bill Jeffers: This is maybe seven or eight shopping carts, so we are doing pretty well this year.

President Mourdock: Okay.

Bill Jeffers: Basically what we have done in the past is have our mowing contractor pick them up as he mows, identify to whom they belong and deliver them to their parking lot. In this case they mostly appear to be from K-mart.

Commissioner Jerrel: This particular picture doesn't have the shopping carts, but it looks as if for some reason the riprap is just...the rocks are just falling into the drain.

Bill Jeffers: Well, that's Item B.

President Mourdock: Go ahead though with that.

Bill Jeffers: On the shopping carts we're just asking for permission to proceed as we normally do and pay the contractor whatever extra labor it takes him to take those over to K-mart and leave them.

President Mourdock: Is there a motion to that extent?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

<b>Stockfleth Ditch - Riprap obstructing flap gate</b>
--

Bill Jeffers: Under Item B, as Ms. Jerrel pointed out, the riprap that was placed on either side of the channel at the Virginia Street crossing of Stockfleth Ditch a couple or three years ago, some of it has tumbled down and has lodged in such a way that the flap gate is not able to close and this also may back floodwater up into adjacent parking lots. In this case we're asking that the Bridge Crew be sent out to repair the riprap blanket and that could be done out of the County Garage at no expense to the ditch program. I believe you may have the manpower. If not let us know and we'll have a contractor go out and do that as well.

President Mourdock: Okay, is there a motion that we direct County Garage staff to do that?

Commissioner Jerrel: I'd so move.

Commissioner Tuley: Second.

President Mourdock: So ordered.

<b>Heartland Ridge - Request to relax lake setback</b>
--

Bill Jeffers: Item C is Heartland Ridge. I believe it is Section 3, 2 and 3. Before we go any further, last month we had several people in the audience who were here about a subdivision that is in the works on Oak Hill Road and Voigt Road. They sat here through the entire meeting only to find out that had been postponed for another month and that is the case again this month. The traffic engineers and Area Plan Commission still have some questions that have not been addressed by the developer and that particular subdivision at Voigt Road and Oak Hill will be postponed for another month.

President Mourdock: What's the name of that subdivision?

Bill Jeffers: I can't think of the name of it. Ashton?

President Mourdock: Okay.

Bill Jeffers: The folks were notified that there would be a Drainage Board meeting last month and they all came.

Commissioner Tuley: Yeah, I remember that.

Bill Jeffers: You remember that?

Commissioner Jerrel: Uh-huh.

President Mourdock: Yeah, I do.

Bill Jeffers: Ashton has been postponed for another month due to items not relevant to the Drainage Board.

President Mourdock: Okay.

Bill Jeffers: And if anyone here would like to know what is on the agenda for this month there are agendas over here. I hate for them to have to wait to find out that what they're here for is not on the agenda. Okay, our drainage ordinance under Section 13.07.03 requires that all storm water detention facilities be separated by not less than 50 feet from any dwellings. That basically was put in there as a...with the idea that we didn't want anybody walking out of their basement or backdoor in the middle of the night and walking four or five strides out their backdoor and falling in a pond of water. But if you'll look at what Mr. Nicholson is requesting the house on this lot, this pie shaped lot, at the end of the cul-de-sac has been placed in such a way that the patio door is way over here and the backyard actually goes out across the dam and down into a large area behind the dam on Lot 51. So the person

walking out the backdoor would have in excess of 50 feet in any direction before they would encounter the pond. The reason that the corner of the building is within 25 feet of the pool, edge of the pool, is because those property owners chose to excavate that lake larger than originally planned so that the water would stay cleaner and they would all enjoy a larger body of water for recreational purposes. Your ordinance also allows you on a case-by-case basis to waive any and all provisions of the ordinance so long as it wouldn't unnecessarily imperil anyone, I suppose. Mr. Nicholson has certified that the 100 year elevation of the water in this body...in this lake would be 469 feet above sea level and he has set the closest corner of that building at 471 so that the floor elevation would be two feet above the 100 year water elevation. He has set a proposed 25 foot setback from that corner. With those comments we would recommend that the setback for Heartland Ridge, Section 2 and 3 be relaxed to 25 feet from the pool elevation as shown on this drawing. That would take an action on your part of waiving the--

President Mourdock: Is there a motion to honor that request then and waive the order requiring the 50 foot setback?

Commissioner Jerrel: I would so move.

Commissioner Tuley: Second.

President Mourdock: And I will say so ordered. I do have a question for you though, Bill, on that. Since our ordinance says the structure must be 50 feet away and since the waiver that we're doing here is actually saying the doorway is 50 feet away should we look to modify the ordinance?

Bill Jeffers: That's a possibility because we were thinking in square terms and we were thinking, you know, that the pond would be at the back of the lot and your backdoor would face and be parallel to the back lot line. As you can see the very first thing that ever came up on it five years later it was a situation where the house was not aligned to the lake, in a parallel way.

President Mourdock: You might give that some thought and I'm sure the Board would entertain it.

Bill Jeffers: I'm sure we'll come up with a lot of other things like that over the years.

President Mourdock: Sure, okay.

<b>Arbor Valley Condominiums - Drainage report</b>
--

President Mourdock: Item D then is Arbor Valley Condominiums.

Bill Jeffers: Yes, sir. Arbor Valley Condominiums is a condominium project located on Boehne Camp Road north of the expressway or what still may be called Pennsylvania Avenue out there, I'm not really sure. It's also just north of Mission Viejo. It's a development by Mr. Dan Temme, who is here in the audience, and Mr. Keith Poff, who is sitting right here, has certified this drainage report which we recommend be approved. Our only concern on it was that the floodplain management ordinance requires basically for unstudied streams that have not been studied on behalf of the Department of Natural Resources because they drain less than one square mile that a local engineer or agent of the developer declare that a

100 year storm flow would remain within the creek or ditch or waterway that serves that development because Mr. Temme plans to beautify and landscape the ditch or creek or whatever it would be called through there and build a road alongside the landscape portion of that creek. He also has a detention basin and we recommend the approval of the drainage report and plans prepared by Sitecon for the ditch and for the detention lake. I asked the Building Commissioner to help me on this one because of that requirement by DNR and he shows all the finished floor elevations for each building, A, B, C, D, and E, relevant to what they anticipate the high water to be in that creek and then Item 4 says that the runoff calculations provided per Sitecon for storm pipe and retention basin and it appears that the 100 year flow will be contained within the ditch and would not cross Boehne Camp Road on the surface, so that would satisfy Mr. Lehman with regard to the floodplain management ordinance, so therefore we recommend approval of that. Before you act on that you might want to ask if any of the folks here would like to speak to that development.

President Mourdock: Good suggestion. Anyone here wishing to address the Board regarding Arbor Valley Condominiums. Okay, I see none. Is there a motion?

Commissioner Jerrel: Yes, I would like to move approval of the Mr. Jeffers' recommendation.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **Bridle Wood - Preliminary drainage plan**

President Mourdock: Going on to preliminary drainage plans then. Tonight we only have one, Bridle Wood Subdivision.

Bill Jeffers: This is a preliminary plan and it will be finalized with much greater detail as the development progresses. Most likely this development will be phased in. It's a total of 124 lots and I would anticipate a development that large in this area of the county will be built in phases, not all 124 lots at one time.

President Mourdock: Where is it located?

Bill Jeffers: The proposed Bridle Wood development is located on Boonville-New Harmony Road, on the north side of Boonville-New Harmony, across from Bohannon Estates. It's just immediately west...well, maybe a quarter mile west of State Road 57. Maybe a half mile east of Petersburg Road at the Hornet's Nest. Fisher Road runs immediately along the east boundary of this development. There is a large creek that runs catty-corner across the southeast corner of this development and they propose to relocate that out around the boundary so that it doesn't adversely affect any of the lots. You can see the large easement they have laid aside for that. Again, Sitecon is represented here by Keith Poff who has certified these plans, submitted the necessary information to our office. We've reviewed it in detail. He declares and shows calculations that the 100 year flow will be contained in the two bypass channels he is building there and not come out and flood any roadways or dwellings during the 100 year storm. He does have a large detention basin in the upper northeast corner of this property that he plans to build. It has a primary spillway that empties into the ditch at approximately the same location where the ditch currently crosses the road. He has an emergency overflow and all the things

that is required of a preliminary plan. The comments that I have on there are just review notes that I will be discussing with Keith as he develops the final plan over the next 30 days or so. Again, there are probably folks here in the audience who may wish to speak to this development since it is rather large for this area of the county.

President Mourdock: Anyone wishing to speak to the Board regarding Bridle Wood?

Bill Jeffers: We will be recommending approval of the preliminary plan.

President Mourdock: Okay. Yes, sir. When you come forward please state your name and address for the record. Everything we do, and I meant to say this earlier, everything we do is off tape recorded notes. If you speak from the back of the room we won't be able to hear you so we do need to have you come to the mike. Okay.

David Callis: My name is David Callis. I live at 12101 North Fisher Road. I live approximately right in the middle of the eastern side of that subdivision. We have several concerns that we would like someone to speak to tonight. First of all, it's one concern, I guess, that Mr. Elpers could address to us. The letter that he sent to us, the plot plan and the information, is barely legible, barely detailed enough that we can glean much information off of it. I'm assuming they have taken their plot plan and they have reduced it down and made it to a size so they could mail it to us and we do understand that, but there is a lot of notes and information that are absolutely not legible so we can't get any details off of them at all.

President Mourdock: I'm sure we can get you a copy of something that is legible.

Commissioner Jerrel: For one thing, would you want to put this up on the podium so they can look at the same map we are seeing?

David Callis: If possible we would like to have our own personal copy so we can look at it.

Bill Jeffers: If you all would like to look at the plan that was submitted to our office it is a cover sheet that is probably an enlarged plat that was mailed to you and then some details of pipes and drainage structures that they plan to use. The language that you are probably referring to over here is just standard plat language.

David Callis: General notes and stuff.

Bill Jeffers: Right, general notes and--

President Mourdock: Keith, can you make copies available?

David Callis: For those of us who have lived in that area we...I guess it's like if you live beside a river or stream, if you live beside that river or stream for a period of time you get to know that stream pretty well. You know its characteristics, you know what it will do when you get a heavy rain. We have through the past 20 or 25 years we've seen that ditch flood many, many times. We've addressed it to the County Garage and the drain committees and different groups of people over the telephone several times. In fact, we have had to wake people up in the middle of the night to cause them to believe that there was really a problem out there. We have some real concerns about the additional runoff that is going to come from a subdivision. Most specifically the rerouting of the ditch from where it presently lies. The ditch at one time was a ditch that meandered across the corner of that property. The owner of

the property prior to its sale to the present owners took the ditch and...which we can understand him doing, he took and improved the ditch. He straightened the ditch out, cleaned it out, widened it out and opened it up. From that time until now it has been a real problem. Every time we get a real heavy rain we get flooding on people's property and into people's garages and that kind of thing. There is a lot of water that can flow through there. In fact, sometimes that ditch probably flows 20 or 25 yards wide out into the fields and out into people's property. We're kind of concerned about this ditch that goes around the corner that they are proposing to do here. I understand that they're going to have two waterways. Is that correct? There are going to be two waterways that are going to relieve the flow?

President Mourdock: Keith or Billy, you want to answer the question?

Keith Poff: Keith Poff, Sitecon. If I may I would like to bring this back over. Currently the culvert at Boonville-New Harmony Road is a 72 inch corrugated metal pipe that feeds into a ditch that cuts across the southeast corner of the property. Approximately a third of the way up Fisher Road it crosses Fisher Road in a 6x10 opening which is essentially a box. I don't know if it has a bottom in it, it doesn't appear to. Then it proceeds up the east side of Fisher Road crossing through three drive culverts and those essentially neck the ditch and flow down because they are only 36 inches in size, two of them, and 42 inches in size, the last one. So the problems that they are experiencing are probably due to that ditch being restricted by at least three drive culverts. In addition the ditch shape that is out there is not adequate to currently carry the 100 year flow as I calculate it. What we are proposing to do we're taking the maximum flow possible from the corrugated metal pipe at Boonville-New Harmony Road providing a new and improved channel. The width of that channel is going to be a six foot wide bottom and three feet deep at a minimum. At places where it crosses through a higher grade it will be deeper than that. We're going to provide a ditch along the entire west side of Fisher Road, bypass the box culvert that is there, continue north with that six foot wide bottom and then exit at the northeast corner of the property crossing Fisher Road at the last point available to us. That should provide an improvement for the drainage.

President Mourdock: Just to clarify, those several ditches or pipes that mentioned that are restricting the flow under driveways, those are not under property that is part of your client's--

Keith Poff: That's correct. It's on the east side of Fisher Road and I'm not sure if they're in the established right-of-way. There is only 30 feet of right-of-way out there.

David Callis: If I can address one more issue.

President Mourdock: Sure, go ahead.

David Callis: He is talking about the size of the tiles being, in his opinion, too small and that is probably true since the ditch was improved. In talking with people who have lived out in the area and I've lived there for over 20 years, until that ditch was improved--

President Mourdock: Above or below the driveways?

David Callis: Above the driveways. That ditch that runs across their point of the property prior to that improvement of that ditch the tiles that are in the ditch of which

there are just two, the rest of them weren't there at that time, flooding was never a problem, so the issue of flooding just came since the ditch was improved.

Keith Poff: May I ask at what location you're observing the flooding to occur?

David Callis: Yes. This garage here floods which is on Barton's property here. We have floodwater running between these two buildings, between these two buildings and off onto that property right there.

Keith Poff: Okay, the location that he is pointing out are immediately downstream of the box culvert that crosses Fisher Road. At that point I believe you have serious restrictions due to those culverts. You're saying that this channel improvement essentially started this flooding situation. I think what you're seeing is that the improved channel has dropped the point of flooding probably from Boonville-New Harmony farther down. So it has done its part across here, but it is restricted from there downstream, so we're proposing to improve the channel on the other side of the road--

David Callis: By diverting it around. Are you going to leave this channel alone and the bridge open?

Keith Poff: Yes, we're going to leave the box there, but we're essentially going to block off the side. It will not flow under Fisher Road any longer?

David Callis: You will not flow under Fisher Road?

Keith Poff: We will not.

David Callis: In other words you're going to isolate that ditch completely?

Keith Poff: We're going to direct it and send it due north along the west side of the road, six foot wide bottom, three foot--

David Callis: There is a concern there as well. We've got roof drains and we have--

Keith Poff: That ditch remains in place now. It's going to essentially have all of the 150...157 to this point, but that watershed will be cut off at this point. This is only going to see the water the drives and the roofs or whatever produce, so it should be cut probably to about a tenth of what is going through there.

David Callis: Well, if I could finish my point the concern is we have field beds that drain into that ditch, okay.

Keith Poff: Field beds, what are you referring to?

David Callis: Septic tank field beds that drain into that ditch.

Keith Poff: They're not supposed to drain to the ditch.

David Callis: Well, it depends upon when--

Keith Poff: They should go through an absorption field.

David Callis: Depending upon when they was built. Now the one that we have at our

house has a six foot deep sand trap in it. It has to filter through that, but the point of it is if that water is allowed to stagnate in there, not be freshened and the water move through there you're going to have water standing in there and stagnating and you're going to have the smells, mosquitos and all that kind of stuff.

Keith Poff: You will still have whatever rainwater collects from those yards into that ditch going through there. Now you're saying you need a flushing system of this storm water in order to clean out the septic that you have in your ditch.

David Callis: The stagnant water that builds up in that ditch, it is periodically moved on through by water in the ditch.

Keith Poff: There would still be flow going through that ditch. It's not going to be 157 acres.

President Mourdock: Am I hearing it correctly, Keith, and obviously I'm not seeing where all you are pointing, but the same flow that's going through that ditch now will go through it afterwards, is that what you're saying?

Keith Poff: No, not exactly. We are essentially diverting the majority of the watershed that passes through that point now.

President Mourdock: Okay.

Keith Poff: We're going to divert it to another channel location, keep it on the west side of the road. They would still have whatever drains positive drainage to that ditch location, front yards, drains, whatever they have going into that will still go in that.

David Callis: So what you're saying--

President Mourdock: So by that same description then those several pipes that you feel are restricting water will have less pressure on them than what they have now because you're going to reduce the flow?

Keith Poff: Only a fraction.

President Mourdock: Okay.

Keith Poff: We're not providing any water that is going to be flushing the septic system.

David Callis: The concern that I have is water that would have normally come through that ditch and worked to keep our ditch flushed out which needs to be done, if I am understanding you correctly this water that is going to be coming from this bend on this ditch that you've proposed that none of it will be continuing to go under the bridge on Fisher Road and going down the ditch on the east side?

Keith Poff: That's correct. We saw that as a benefit. We did not consider a septic sewer. We can accommodate and send some water back that way.

Bill Jeffers: Well, can you provide sanitary sewers close enough that they can tap in?

Keith Poff: There is going to be a sanitary sewer main brought to the northeast

corner of the property.

Bill Jeffers: Along Fisher Road?

Keith Poff: It will be coming down the west side of Fisher Road.

Bill Jeffers: Will they be allowed to tap into it?

Keith Poff: It's going to be a public main so they would have the opportunity if they wanted it.

Bill Jeffers: Then also does your ditch drain dry on the east side of Fisher Road?

David Callis: In the dry part of the summer.

Bill Jeffers: It drains dry?

David Callis: There will be a certain amount of water that stays in it.

Bill Jeffers: Does it need the attention of the County Highway Department to cause it to drain dry?

David Callis: Sure enough, that would help.

Bill Jeffers: Is that a county accepted road?

Commissioner Jerrel: I don't know.

President Mourdock: Fisher Road?

Bill Jeffers: Yeah.

President Mourdock: I don't think so. I don't think Fisher is, but I'm not sure.

Bill Jeffers: I mean, I'm not sure we should be addressing septic issues...septic tank issues in drainage. You know, they're providing a sanitary sewer. If the ditch doesn't drain dry the County Garage can cause it to drain dry and they're diverting the water that currently causes them flood problems and that's the way we reviewed it. We don't take into consideration septic fields in our drainage.

David Callis: See our biggest concern...the septic part of it is probably not that...is not big...that big an amount, but if you have water that lays in that ditch you know that water is going to stagnate.

Bill Jeffers: Regardless of when it rains you end up having water laying in the ditch whether it is floodwater or just calm moving water it's the same water that lays in the ditch after the water drains dry.

David Callis: If you can provide a means that the water would drain dry and be gone.

Bill Jeffers: I guess I'm having trouble understanding, you know, after my garage floods I have stagnant water as opposed to my garage no longer floods and I have stagnant water.

David Callis: You're talking about water from motion. I'm talking about water that turns sour, turns bad, starts smelling.

Bill Jeffers: You're going to have that whether the entire creek goes through there or whether a little water goes through there right?

David Callis: A certain amount of it (inaudible).

Bill Jeffers: A ditch carries water and if it has high and low spots it always has puddles in it.

President Mourdock: Okay.

Bill Jeffers: You know, it still needs periodic maintenance.

David Callis: I guess all I am saying is a certain amount of measured flow under that bridge would be helpful.

President Mourdock: Okay, alright, well thank you for the comment. I have to say I think this is the first time I've ever heard at a Drainage Board meeting someone asking to have water, additional water, diverted through. Normally, we get the opposite.

Bill Jeffers: I'm sorry, I'm not trying to make fun.

President Mourdock: Yeah.

Bill Jeffers: I'm baffled as well.

President Mourdock: No, I understand the comment regarding flushing the ditch, I'm just making the observation that it is almost always we hear the opposite side where people don't want the water going through. In fact, Keith's design apparently has cut off some of the water that otherwise would have flowed through which normally people are resoundingly pleased with, so you have a very unique situation, that's my point. Is there anyone else who wishes to speak regarding Bridle Wood? Yes, ma'am.

Ginnie Dunn: My name is Ginnie Dunn.

President Mourdock: You need to come to the microphone or we'll never hear you.

David Callis: We've got some other issues we want to address, too.

President Mourdock: That's fine.

Ginnie Dunn: My name is Ginnie Dunn and I live at 3600 Boonville-New Harmony Road. I'm just curious. The ditch they're talking about I am on the opposite end. The subdivision will be going up our fence line. We have a pond in our backyard that the overflow goes out into that cornfield right now. I just want to make sure that they know that and that they are going to, I guess, pipe it down or something because there is nothing I can do about the overflow.

President Mourdock: So you want to make them aware of the overflow that comes off your property onto their property?

Ginnie Dunn: Yes.

President Mourdock: Okay.

Ginnie Dunn: And then our ditch, it goes through our front yard and it goes onto their property. I mean, I don't know what they're going to do about that. If they'll run it down the fence line or what. I mean, there is nothing they can do about it so I'm not really worried about that I am just mainly worried about the overflow.

President Mourdock: Okay, and just making sure they are aware of it. Keith, are you aware of that and maybe you need to point on the map.

Keith Poff: We are aware of both situations and we have prepared a plan. First of all, the lake area would be essentially draining through what would be the middle of the property. You can see we have a rather substantial drainage system starting with a collection here and bringing it all into the middle. That area is natural and contributes to our acres so we do account for that here. For the ditch that runs across the front of the house and currently runs across the fence like this with the improvement of the lots we are going to open channel that back to the right-of-way. It's an excavation of probably two more feet from the existing flow line and then we'll bring that through. Here you have the lake. Back here you can see the drainage system, reinforced concrete pipes all the way through (inaudible).

Ginnie Dunn: So it will all run through here?

Keith Poff: (Inaudible.)

Bill Jeffers: State statute prevents anyone from blocking or obstructing natural waterways, so we take that into account when we review his plans that he has not obstructed or even partially obstructed natural waterways.

Ginnie Dunn: Okay, that is what I wanted to make sure. Thanks.

President Mourdock: Thank you, Ms. Dunn. Anyone else with comments? If not, we'll come back to you. Sure, go right ahead.

Susan Hilgeman: You're saying the whole--

President Mourdock: Would you state your name and address, ma'am?

Susan Hilgeman: Oh, excuse me. Susan Hilgeman, 4001 Boonville-New Harmony Road. Along the north side of Boonville-New Harmony Road (inaudible).

Keith Poff: It's not going to be a hard 90 degree angle, but we are going to have a curve in it.

Susan Hilgeman: (Inaudible.)

Keith Poff: No, we've left a large (inaudible).

Bill Jeffers: Those green lines are just my review notes and I may have made a harder turn. That is a preliminary plan. He'll have to show details of all the riprap that he is going to apply and so forth on the final plan. It will be probably 30 days from today. Well, when it will be done it will be about three weeks from today. It will

be available for review and then will be back before this body most likely 30 days from today. On the fourth Monday of May.

Joe Harrison, Jr.: The 24th.

Bill Jeffers: The 24th of May.

Susan Hilgeman: (Inaudible.)

Bill Jeffers: Well, I think they sent you a reduced copy of the plat that was taken to Area Plan Commission.

Keith Poff: I need to make a comment. Relative to the plats, the exhibits that we sent out, those were simply a courtesy copy of the subdivision plat. We try to be convenient and provide those. The Area Plan Commission has those on file so anyone is welcome to come review those there, but I do apologize for the scale. We took a 24 inch by 36 inch sheet and put it down to a size that could easily be folded up and carried.

Bill Jeffers: I sympathize with the remonstrators because some of the full scale plans and maps we have to get magnifying glasses out in our office to read some of the stuff because it is computer generated and the computer doesn't know how blind I am.

President Mourdock: Okay, any other questions on Bridle Wood?

Unidentified: Yes.

President Mourdock: Yes, ma'am.

Barbara Wilson: Do you want to see this?

Commissioner Jerrel: Yes, let us look at what you got.

Barbara Wilson: Understand where we are coming from. My name is Barbara Wilson and I live at 4000 East Boonville-New Harmony Road on the corner of Fisher and Boonville-New Harmony Road. My home is located right here. I've lived there for over 20 years and this has always been a natural waterway and you say there are no restrictions, you can't restrict a natural waterway.

Bill Jeffers: A new state statute prohibits or actually it says that if someone obstructs or partially obstructs a natural waterway that an affected property owner can file a petition with this Board, so to try to prevent people from having to come, or you know, get it ahead of time so people don't have to come present petitions to this Board at a later date we take that into account when we review the drainage plans for subdivisions that they have not obstructed or partially obstructed a natural watercourse that would adversely affect the property owners.

Barbara Wilson: Well, your proposed ditch is going to come along here and make this curve here. Our home sits right here and this ditch...our home sits below the level of the property of the proposed subdivision. That water which has been handled...that ditch presently handles a lot of water and ditto to what has been said because the road, Fisher Road, has flooded in the past and, in fact, I think it was last year there was flooding on this part of the road right here. This ditch is...to make an

angle like that, the force of that water that comes down through that ditch it is something if you haven't seen it before and to make a turn there the force of that water I don't see how that ditch is going to be able to make that force and that turn without overflowing into our property.

President Mourdock: Let me clarify something because Ms. Hilgeman kind of raised the same point. Keith, if I understood what you were pointing to you're saying that what appears to be a 90 degree angle on that drawing, on the preliminary drawing, is in fact not going to be 90 degrees? It's wider than that based on what your easement is, is that right?

Keith Poff: On this preliminary plan we had prepared in width a rather tight object line. Clearly we can make that more sweeping. The protection of the outside...we are making a channel that is larger than what is already out there. If you want to look at how things are protected this flow currently comes up and takes a 90 degree turn underneath that box and then turns 90 degrees again. We are actually making a simpler flow out of this large channel and then we're providing from this point north essentially about twice the ditch that is already out there without the pipe restriction.

President Mourdock: Having heard those comments, before you leave, Keith, again you guys were pointing to the maps and I couldn't see it. When you were talking about the drainage ways under the driveways that are restricted that's on the east side of the road right there, correct?

Keith Poff: Yes, after it crosses a large 6x10 box there is a 36 inch pipe, another 36 inch pipe and a 42 inch pipe.

President Mourdock: Okay.

Barbara Wilson: My point is our home sits here on the corner and it is lower than this property. Our drive slopes going down to our house and the house sits lower. If this ditch should overflow we're going to get flooded. There is no other point to it. The force of the water that comes down through this ditch now is tremendous. In fact, it has eroded away part of the ditch that is back in here that is being riprap. So if you've got all this water coming down from the hill, because we sit...Boonville-New Harmony slopes down from right just past the Hornet's Nest and there is a hill, so you've got all of this water that is draining that this ditch takes care of.

President Mourdock: And based on the calculations you've done what year event would the situation that Ms. Wilson is talking about occur?

Bill Jeffers: The calculations that were presented by Keith Poff from Sitecon and the statement on the drawing indicates that he has designed this new ditch to handle a 100 year rainfall within the banks of the new ditch that he is going to construct.

President Mourdock: Okay.

Bill Jeffers: So that would be about like what happened in 1996 for those who have...apparently most of these folks have lived there a lot longer than that, but in 1996 there was a 100 year rainfall, it's called a 100 year return period event. It really means that there is a one percent chance of it happening in any 12 month period. Really it happened twice in 1996, so it's not that it happens every 100 years. It happened on June 6, 1996 and it happened on either April 28th or May 5, 1996.

President Mourdock: It was in April.

Bill Jeffers: June 9th. June 8th, the evening of June 8th and the afternoon of June 9th.

Commissioner Jerrel: I remember.

Bill Jeffers: So if you folks remember what happened that Sunday, it was June 9th, and Saturday was June 8th. When that happened that day that's what Mr. Poff is representing will be handled by this new ditch. Anything over that, yes, it would go over the road.

President Mourdock: But I wanted to clarify that even in that event...if we had that event that ditch would work to that extent.

Bill Jeffers: If everything is operating properly and there is no blockage occurring due to debris or logs or something that lodges somewhere along the way, yes. If that channel is open and free flowing it should handle the same type of event as what occurred in 1996.

Commissioner Jerrel: The fact that her property is lower, I mean, there is going to be the additional depth and width to that ditch.

Barbara Wilson: Three feet deep.

Keith Poff: Three foot would be the minimum depth (inaudible). The ground essentially is falling down to the north so it will be deeper than three feet along most of that route prior to that box culvert.

Bill Jeffers: It will be at least as deep as it is now where it crosses Boonville-New Harmony. These folks have a legitimate reason for concern because back before 1986 when the Surveyor's Office supervised the bridge crew, before you had a full-time Engineer that took over that supervision, we had several calls and we had to go out there several times. This location has been barricaded and there has been water over Boonville-New Harmony Road at this location. We tried everything we could to work with the existing pipe that was out there to get that water to turn before it ran haphazardly across this field at the request of the farmer and people along Fisher Road and we think this is a vast improvement over what we were able to do within the right-of-way. We could not operate outside the right-of-way as these developers will be able to do. To operate within the right-of-way we did the best we could and tried to turn that water and there is a huge amount of water coming through there during heavy rainfalls. So their concern is legitimate, but they must also understand that the houses that they may live in, I'm not sure each and every one of them, but apparently this lady's house was built prior to 1979 when it was not required that they be elevated above the 100 year flood elevation and since a portion of this property is within the 100 year flood elevation this developer now according to federal guidelines must elevate those houses which may put some of the structures above the elevation of your house, but that is the federal guideline that he must follow. We do understand your concern that if the water were to hop out and go over Fisher Road it would run down your driveway and Mr. Poff is attempting to design and construct a ditch structure that will prevent that by widening it greater than it now is wide. Widening the bottom, laying the banks back at a more gentle slope than what is out there now so it will slow down and carry a larger amount of water than what it currently carries now.

Barbara Wilson: So if it should flood what recourse do I have?

Bill Jeffers: During a 100 year flood, none. That's as much as anyone in the United States is required to design for and in the State of Indiana that is all we're required to review, his design for a 100 year flood. Anything above that is considered an extreme act of nature that is uncontrollable.

President Mourdock: When we had the two events in 1996 that Bill was talking about did your house flood at that time?

Barbara Wilson: No.

President Mourdock: Okay, so that was a 100 year event also.

Barbara Wilson: But the ditch is over here. If you put the ditch here--

President Mourdock: But the ditch now is going to be wider and deeper to handle more water than it does now. Is that correct?

Keith Poff: Almost. Nearest to her house the ditch is going to be the same or similar depth, okay.

President Mourdock: Okay.

Barbara Wilson: Same as what?

Keith Poff: As what is out there now. We're simply going to be moving that ditch to this location. The depth is deeper than three feet there because currently it is about a six foot or five foot deep ditch. We're going to go into that same grade, same elevation, and we're just moving it horizontally. I would like to point out that our plan allows a 100 year capacity channel on the west side of this roadway all the way through. The ditch that is in front of their house is along the east side of the road is still there, so whatever capacity they've had before to carry water is there plus another larger channel.

President Mourdock: Yeah.

Keith Poff: So if our ditch is not enough it's going to dump into that other ditch that is there so you're getting essentially three times the carrying capacity that is out there.

President Mourdock: And that was kind of my point of the question what happened in '96 because if it didn't...if your place didn't flood then it's hard for me to imagine that it's going to flood because of this.

Barbara Wilson: But it came up into the garage, but it didn't get into the house.

President Mourdock: Right.

Barbara Wilson: It came into the garage.

President Mourdock: And this is giving you more capacity, carrying capacity, than you had at that time.

Barbara Wilson: But if you've got all this force coming down and trying to make the curve, I just can't see that's it is going to...

Keith Poff: The plan that we're showing here essentially straightens and does not have the crossing of Fisher Road that is going to be an obstruction to carrying capacity. We are not going to go through three restrictive culverts with that flow. We're going to make this better than what is currently out there. I'm not sure if the flooding in her garage was from the ditch across the street or if the flooding in her garage was coming from the backwater behind her house. This ditch over the top across the road and into the--

Barbara Wilson: It did not come across this.

Keith Poff: Probably from this side of the road up because of those pipes. I believe it would be the driveway culverts that are causing most of the problems in the area and nothing from the west side of the road is probably causing the problems on the east side of the road.

President Mourdock: Okay, just a second. Let me see if there is anybody else since you've had one shot, Mr. Callis. Anyone else wishing to talk about Bridle Wood? Okay, Mr. Callis, you had some unfinished business.

David Callis: This is one other concern. There has been a concern about the degree of the culverts that is in the ditch here. Two of them I think...what's the third one? It's 40 what?

President Mourdock: Two.

Keith Poff: It's 42 inch.

David Callis: Forty-two inch. No doubt there is some impeding to the water flow there. The 42 inch tile also is a problem. There are times when it would be dangerous for you to be out here if it is flooding, to stand in the middle of the road when it's flooding. But we have also experienced rain when the ditch was backing up from here on down past the tiles. These tiles were no longer a factor in the situation. The road...the ditch was actually backing up from there. That brings it into then the county ditch that runs over there, too.

Keith Poff: There is one more 42 inch pipe that is up here that everything goes through as well. There are actually four culverts along that east line.

President Mourdock: Will that 42 inch pipe be used as your discharge point?

Keith Poff: We're proposing to take that pipe out and replace it with twin 66 inch pipes to carry that water across.

President Mourdock: Okay, so your comment in making that observation--

Keith Poff: We'll be removing the last 42 inch. We will be taking care of that location, but none of the rest of the culverts.

President Mourdock: Okay.

David Callis: Another concern that we've had and we've heard a lot of things here tonight about we can't impede the flow of water through a ditch, can't impede the flow of a natural waterway. Our concern is what after all of this discussion is forgotten and these houses are built along Fisher Road, I don't know what the building restrictions are going to be in the subdivision, but that's another issue altogether, but let's propose that someone in any of these properties along Fisher Road here decide that they would like to have a building, a garage or a workshop or whatever it is, in their backyard of their property and the only way to get into that property is to throw a culvert in that ditch and build a driveway across it. Is that a...is there going to be a restriction on that?

Keith Poff: Yes, access to Fisher Road is going to be completely restricted from this subdivision development. They will not be allowed to go out with a driveway or anything in that direction. If anybody would wish to build in that area it's going to be restricted because of the easement that we have and more than likely they would not receive a permit. I believe they could petition to put in their culvert in that area, but they wouldn't be able to construct.

President Mourdock: You confuse me, Keith. They could petition for the permit to put in the culvert but they wouldn't be able to construct?

Keith Poff: They wouldn't be able to build a building in that easement or over the top of the pipe that they put in. They can get access for their lawnmower or something like that. It wouldn't be a driveway. It wouldn't be for a building. It wouldn't be for an outbuilding, pool or anything.

President Mourdock: But just for the record, if in fact somebody wanted to put a culvert back there they would have to put in a culvert that would meet the 100 year event?

Keith Poff: They would be back before this Board and have to have a plan to do that.

President Mourdock: I can't imagine anybody putting in a 100 inch culvert to put a lawnmower across it. Bad economics.

David Callis: But that would be so stated in the restrictions?

Keith Poff: (Inaudible.)

Bill Jeffers: There is a restriction on the plat that reflects the drainage ordinance adopted by this Board that states that no fence, building, pipe structure, blah, blah, blah, may be placed in a drainage easement in this subdivision without prior approval of this Drainage Board. That's some of the language that you can't read, but that will be on the recorded plat. I doubt that this Board would allow...I'm almost positive when they go to Area Plan Commission one of the things that Area Plan Commission is going to say is that all lots must access interior streets. I'm sure they are not going to allow them to access Fisher Road with a driveway for a garage or any sort of thing. His concern is legitimate. There are subdivisions in Vanderburgh County that have those restrictions on the plat, County Trace, where some people against plat restrictions have put driveways out to Colonial Drive or Mimosa Drive. And if someone that owns property in that subdivision were to raise the issue they would have them removed. They don't currently cause a drainage problem, so they

never come before this Board.

President Mourdock: But even if there wasn't a Drainage Board and because it's a zone restriction they could still force to have them removed.

Bill Jeffers: But because they have caused problems in the past we added that to the 1994 ordinance so that this Board must approve piping of that ditch if it is done the way that it is shown on this plan.

David Callis: Down approximately in this area (inaudible).

Bill Jeffers: If it is required to remove those trees in order to attain the 100 year capacity for that ditch, yes. If the ditch can be dug to a size that will handle a 100 year rainfall without removing the trees it might request on the part of the property owner to leave the trees there for beautification and then we would not require them to remove the trees so long as they didn't represent an obstruction to the design.

David Callis: But you're going to end up with having...you're going to have three big trees in the middle of a ditch, that's what you're going to have.

Bill Jeffers: Well, we won't have them in the middle of the ditch.

David Callis: Because what you have...what you have along the road here is you have no bank because the bank does not exist. The road surface is sitting right by the ditch itself and just immediately across it about four feet from...four or five feet from the road there are three trees--

Bill Jeffers: Well, it sounds like to me that those three trees will come out.

David Callis: How big are you proposing that ditch is going to be down there?

Keith Poff: A six foot wide bottom, 3:1 side slopes, minimum of three foot deep at the northeast corner. The proposal is north of the existing box culvert we're going to be constructing that ditch in a position far enough west that we are going to retain whatever roadside ditch that is there and the trees that are in that area will stay if possible. We're going to be constructing our ditch west of the existing ditch. We're not going to be cutting that ditch--

David Callis: So you're going to come away from the ditch that's there now?

Keith Poff: We've provided a 25 foot easement behind the 25 foot right-of-way. Currently there is only 15 feet of right-of-way on our side of Fisher Road.

David Callis: That ditch that presently exists there will it be isolated as well?

Keith Poff: Whatever is collected from the street.

David Callis: Is the county going to be willing to address that issue? The water that is causing additional outflow there?

Keith Poff: I believe that roadside ditch stays fairly dry now.

David Callis: You're going to have two ditches that are going to sit there and retain water and they are not going to (inaudible). I can tell you that because I live there,

I know.

Keith Poff: I am going to create a ditch that has a positive drain from one end to the other.

David Callis: But you're going to isolate two ditches that already exist and they're going to retain water.

Keith Poff: If they need attention from the county I assume you can request that.

President Mourdock: The question there is, is Fisher Road a county accepted road? That question came up before. Honestly, I don't think any of us sitting here know the answer. If, in fact--

David Callis: Yeah, but the county maintains--

President Mourdock: Let me finish here.

David Callis: --the ditches, the resurfaced the road. They've done all that.

President Mourdock: We have in the past?

Commissioner Jerrel: Well, then it's ours.

President Mourdock: Then it's ours.

Bill Jeffers: Well, I wouldn't readily say that.

President Mourdock: Yeah, you're right, Bill, there have been exceptions.

Bill Jeffers: I mean, there have been mistakes made.

President Mourdock: Yeah, and let me clarify with the two possible answers. If, in fact, that is a county road which the county has maintained and the county has that obligation and if it is not draining properly then we need to know that and the county crew can go out and work on that. If, in fact, we don't have that then whoever has that ditch on their property that's their responsibility and we come right back to where Bill was talking before about the state statute that requires free flow and access of that ditch. If...theoretically now, if one of those narrow culverts that Keith was speaking of earlier was, in fact, the place that was restricting it then the person who owned that property could be held liable to make sure that it flows. But, again, that is hypothetical. We have Fisher Road from Boonville-New Harmony to the dead-end, so yeah we do have that one. So take away the part of the discussion I just had as a second part and the county crew can go out and take a look at it. Okay.

David Callis: I think that probably addresses most of the issues that I had unless someone else from Fisher Road has something.

President Mourdock: Okay, thank you, Mr. Callis. Anyone else wishing to address the Board on this subject?

Barbara Wilson: Can I ask how far from the road over is that ditch going to be?

President Mourdock: From Fisher Road?

Barbara Wilson: Yes.

President Mourdock: Okay, the question for the record was how far west of Fisher Road will the centerline of the new ditch be? And the answer is?

Bill Jeffers: At the location that the lady would be most interested in because it is across Fisher Road from her house is 20 feet from the current west edge of the road to the centerline of the creek or the new ditch that he is showing would be 20 feet west of the west edge of Fisher Road as it lies now.

President Mourdock: To the centerline?

Bill Jeffers: Here is the edge of Fisher Road right here and he is showing the center of the ditch being 20 feet west of the edge.

Unidentified: How deep will it be at that turn?

Keith Poff: Similar depth that it is now at that location.

Bill Jeffers: I'm guessing six or five or six feet the last time I saw it.

Unidentified: You're talking about the ditch that cuts diagonally across?

Keith Poff: Yes.

Unidentified: Okay.

Unidentified: The new ditch you propose to build will be that depth?

Keith Poff: At that location.

Bill Jeffers: In order to match with the existing flow line of this pipe that goes under Boonville-New Harmony it would have to be approximately the same depth as it exists now to achieve a positive flow.

Barbara Wilson: What depth will it be at the back of that, the ditch, the end of the ditch?

Bill Jeffers: Way down here by the lake?

Barbara Wilson: Uh-huh.

Bill Jeffers: It looks like maybe three feet deep.

Barbara Wilson: So you're dropping from six foot...you're raising it from six foot deep--

Bill Jeffers: No, it's a positive downhill flow. As you get closer and closer to Schlensker Creek the land itself gets lower and lower in elevation. It's just that the ground up here is a little bit higher in elevation than the ground back here.

Barbara Wilson: Where is all that water going to go? You've got that much water at the beginning and it's got to go some place.

Keith Poff: Well, that's my point. At that location that ditch is going to have excess capacity. It's got the same channel bottom width, it's just going to be deeper when it goes around that corner. There is going to be more protection at that corner than there is at the north end of our property. When it comes through here it is the same ditch in a different horizontal position. The same depth, very similar. If it's five and a half foot deep it's five and a half foot deep there, okay. As that goes this way this corner we are going to go down to three feet. That's the depth of the top of the bank and the flow line now at that location is three feet. At this location. There is a 42 inch pipe that services this agricultural field, that pipe is (inaudible). We really have nothing else to work with because we have to connect that flow line and that flow line together. We're working with this grade and we're working with that grade. We're making this length slightly longer, but not by much. Very similar length that we're going to have all the way across. We'll have similar flow line elevation all the way through. The grade that is here is essentially the same grade there in the ditch bottom. If it's five and a half feet deep it is going to be five and a half foot deep. If that ground goes up and that top of the bank is here it's going to be deep.

President Mourdock: Okay.

Bill Jeffers: What some of the folks in the audience may be having trouble with is the same thing that all of us have the same trouble. This is all on a flat piece of paper and we're trying to visualize things on a flat piece of paper when if you went out into the field and you looked at Pigeon Creek way up oh, say at Millersburg or Epworth Road or wherever it is...Stevenson Station Road and you look out across the floodplain the creek only looks like it's about eight or ten feet deep, but as it comes through Vanderburgh County and goes through some of the bluffs that are higher than that why the creek looks 20 or 30 feet deep even though it is 15 miles downstream. So whenever it is going through higher land just visualize that that's a bluff or there are hills on each side of the creek and when it gets down here this is a big wide flat floodplain and that's just the way streams are. I know it is hard to visualize that on some ground. I would like to also say I really appreciate the comments that have come from the audience because we will take those into account in our office when we review the final plan to make sure that Mr. Poff has addressed each and every one of the issues that are now entered into the record and address them satisfactorily and that we have answers for these folks when it comes time. For example, if there is stagnant water laying on the side of the road then we need to call the County Highway Department and have them address that issue by servicing that ditch with their gradall. You know, so we do use all the comments that are entered into the record.

President Mourdock: And that is why we have preliminary hearings which is what this one has been. I was going to thank folks for the comments as well, so thanks, Bill, because we did get some good ones. Okay, any comments from the Board or a motion?

Commissioner Jerrel: No, we normally approve first readings and then all of your comments will be taken into consideration. Should we say the 24th? Do you think that...because they'll want to know what is going on.

Bill Jeffers: Keith was able to crunch this one out in the 30 days that he was given to crunch it out and I fully anticipate to have this in my office within three weeks in its final form and that would be the County Surveyor's Office. My name is Bill Jeffers. Anyone in the audience can reach me at 435-5117 which rings on my desk or you can look in the phone book and find other numbers for the County Surveyor's

Office that they'll have to link me with. You can call and when that is available to you you can come down and take a look at it in our office, but I anticipate that it will be in Room 325 within three weeks from today in its final form.

President Mourdock: The fourth Monday of each month is when the Drainage Board meets, so if all goes as expected May 24th is likely when this will be back.

Bill Jeffers: So May 24th this will be hanging on the board again in its final form, I anticipate, but a week prior to that it should be available for viewing by anyone who is interested.

Commissioner Jerrel: So I'll make the motion for the preliminary to be approved with the understanding that your concerns will be addressed between now and the final. I have somebody's map.

President Mourdock: Motion, is there a second?

Commissioner Tuley: Yes, there is a second. I'll second.

President Mourdock: And I will say so ordered. Again, thank you all for the good comments.

<b>St. Charles Cove - Final drainage plan</b>
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President Mourdock: Okay, we have two final plans on the docket tonight, St. Charles Cove and Cross Pointe V.

Bill Jeffers: St. Charles Cove was brought before you last month in its preliminary form and there were several people here who made comments at that time with regard to apprehensions that they had about the plan and Mr. Poff represented the developer for that plan and on this page which I tore out of his report, his final report, he has addressed each of the concerns that were brought before you, I believe. They were gleaned from the minutes of that meeting and he has addressed them in writing in his report and then that is reflected on the plan. The only other comment that I had to add to his was that there may be some adjustments that would have to be made in the field where the storm water discharges from the site I'm asking that the flow characteristics be the same as or similar to predevelopment natural characteristics insofar as that wouldn't damage any off-site property.

President Mourdock: And since this is a final plan have they agreed to that?

Bill Jeffers: Oh, yeah. We discussed it before the meeting and it just may take some fine tuning in the field that would be reflected on his as built plans.

President Mourdock: Okay.

Bill Jeffers: He has addressed the issues that were brought before you by our office and by the remonstrators.

President Mourdock: So you're recommending approval?

Bill Jeffers: Yes, sir. We recommend the final drainage plan for St. Charles Cove.

President Mourdock: Okay, is there anyone here wishing to address the St. Charles Cove final drainage plan?

Unidentified: Mr. Jeffers, could you tell us where that is located, please?

Bill Jeffers: This is located on the west side of Petersburg Road immediately south of the Hornet's Nest on Boonville-New Harmony Road and let's say just right at a quarter mile north of Eagle Crossing Subdivision which is well under development in that area. It should be well known by everybody.

Unidentified: How many lots does that one have?

Keith Poff: Thirty-six.

Bill Jeffers: Uh, 36 lots about the same size as the one we just looked at. It's by the same developer and the same engineer. So that brings it to a total of 160 lots in that area that we're talking about today.

President Mourdock: Okay, again, with the one question of where it was are there any other questions regarding the plan?

Bill Jeffers: Do you all have anything?

President Mourdock: Any questions from the Board? Is there a motion for final approval?

Commissioner Jerrel: I would move final approval for St. Charles Cove.

Commissioner Tuley: Second.

President Mourdock: So ordered.

<b>Cross Pointe V - Final drainage plan</b>
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Bill Jeffers: We have Cross Pointe V, final drainage plan which was prepared for Regency Corporation by Morley and Associates. It's simply an expansion of Cross Pointe Subdivision by Regency, some new commercial lots that take this up to Virginia Street. The construction of this phase will include the construction of a good portion of Virginia Street west of Cross Pointe Boulevard over towards Burkhardt. Very little has changed from the preliminary plan that you approved. There were some adjustments made as to the pool elevation of the detention basin and some other small details were added to the plan to make it conform with the street plans that Mr. Stoll will bring before you. Our office recommends the approval of the final drainage plan for Cross Pointe Section V.

President Mourdock: Anyone here wishing to address Cross Point V.

Commissioner Tuley: I think he is the engineer.

President Mourdock: I thought so, too.

Bill Jeffers: It's Morley and Associates and the engineer is Mike Sears in the audience here.

Commissioner Jerrel: This will help us move on with completing Virginia Street.

Bill Jeffers: With Virginia Street, yes--

Commissioner Jerrel: I would like to--

Bill Jeffers: --it leaves you maybe 300 feet or so.

Commissioner Jerrel: Yeah, we're going to finish it, 400.

Bill Jeffers: Okay.

President Mourdock: Mr. Sears obviously got off easy tonight.

Commissioner Jerrel: Yeah, I would like to move approval of Cross Pointe V.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **Contracts - 1999 Maintenance of legal drains**

Bill Jeffers: Okay, we have some maintenance contracts for this year, 1999, which are the contracts that were signed by the individual successful bidders that you awarded those bids to at your last meeting. The Auditor's Office has the majority of the contracts to present to you and we were able to collect I believe the last three from Mr. Maasberg who apparently didn't want to wait for the meeting to get to this point. He signed those before the meeting today and I would like to add those to the ones that the Auditor brought to you.

President Mourdock: Okay, is there a motion then to sign the maintenance contracts?

Commissioner Jerrel: I so move.

Commissioner Tuley: Second.

President Mourdock: So ordered. Any other business to come before us this evening?

Commissioner Jerrel: I make a motion to adjourn.

### **Sonntag Stevens at Hitch-Peters Road ditch repair**

Bill Jeffers: Wait a minute, I think I've got some more pictures.

Commissioner Jerrel: Oh, okay.

Bill Jeffers: But this will be real brief because I am going to try to handle this with the builder, but Linda wanted me to bring this to you because we did...while you're signing that I'll give Charlene something else to type here.

Charlene Timmons: Thanks!

Bill Jeffers: You're welcome.

President Mourdock: That's the first time Charlene ever appears in the record. Thanks.

Bill Jeffers: To apply her wonderful typing skills to because she does a great job and I hardly ever find any typos or anything in those things in spite of all the mumbling and technical terms I use. Not to say that I know what I am talking about, but I use them anyway. In the annual report from the Surveyor to your Board we mentioned that our inspectors had noticed that Sonntag Stevens was undermining a parking lot of a trucking firm. That trucking firm is now...it's not Uniseal, but it's a company that makes seals. They're located on Hitch-Peters Road across the ditch from Tack Steel and I guess this is about the best picture to look at. In the report I said that we had noticed it, but that we were going to wait for the property owner to complain about it before we did anything, basically, because he has built a parking lot right atop...right next to the ditch and restricted our access, so I figured as it became a problem for him he would complain and then we could start negotiating with him to cross his property to get to the ditch. What's going on there is well indicated. There is just a whole lot of water coming out of that industrial area along Lynch Road and that huge amount of water coming out of that area has caused this problem. We have a lot of money in that ditch account. As a matter of fact we assess about once every four years because each assessment brings in four to five times as much money as we could possibly spend in a year, so we assess about once every four years or so. We currently have enough money to go in here and work on this we're just seeking the cooperation of the landowner. He has currently got a site plan in front of Site Review Committee and he wants to dump additional water into this ditch from I believe it's like a 14,000 square foot addition to his facility. We're saying you have to come before the Drainage Board and request that you connect that private drain to this regulated drain and during that time we want to work out a plan and bring it to you and possibly seek a contract to make the necessary repairs to this ditch and I just wanted to bring it to your attention because the owner has asked that it be addressed.

President Mourdock: Will we need any temporary right-of-ways or working easements?

Bill Jeffers: I don't know yet. You know, I'm not sure exactly what we'll need for working room until we find out what kind of machinery and work is going to be done. Jim Josey is working on a tire mat idea, but this is an industrial/commercial area. I'm not sure that tire mats would be real aesthetic in that area. We might want to go with something more--

President Mourdock: Is that where they weave them together with a cable?

Bill Jeffers: Right.

President Mourdock: I've seen those and I've seen them where they are over planted and they actually do a great job.

Bill Jeffers: Oh, they do a wonderful job.

President Mourdock: And they actually look fairly aesthetic.

Bill Jeffers: We used them out there by Kraft Nursery and once they fill themselves up with silt the grass grows on top of them and you don't notice it, but we have other options as well and I just want to make sure that everyone is satisfied with it before we proceed with one or the other.

President Mourdock: Okay.

Bill Jeffers: I did want to bring that to your attention and tell you that we will be proceeding with that if you hear from them.

President Mourdock: Okay. Mr. Maasberg, while you were out of the room we approved your contracts and I just signed them and the other two are about to.

Eldon Maasberg: I'm just nosy tonight.

President Mourdock: That's fine. Any other business, Bill?

Bill Jeffers: No, sir, unless Mr. Maasberg wants to add to Charlene's typing.

Eldon Maasberg: To Charlene's typing?

Bill Jeffers: You better just sit down and be quiet. She is already mad at me.

President Mourdock: Motion to adjourn?

Commissioner Jerrel: If it's appropriate, I'll make a motion to adjourn.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The meeting was adjourned at 7:45 p.m.

***Those in attendance:***

Richard Mourdock  
Betty Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Charlene Timmons  
Bill Jeffers  
David Callis  
Keith Poff  
Ginnie Dunn  
Susan Hilgeman  
Barbara Wilson  
Eldon Maasberg  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Richard E. Mourdock, President

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Betty Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Drainage Board  
May 24, 1999**

**Call to order**

The meeting was called to order at 6:22 p.m.

President Mourdock: I'd like to call the meeting to order for May 24, 1999, the Vanderburgh County Drainage Board. I see many of you in the audience who I haven't seen before so let me give you just a quick word or two of introduction. The County Commissioners also function as the County Drainage Board. We vote on various draining petitions. We typically hear two types, preliminary drainage plans and final drainage plans. When preliminary plans are brought before us it's the chance certainly for the public to have input and for the developer and Surveyor's Office to work with the county...or to work together to hopefully incorporate everyone's needs and wishes into that plan. So approval of a preliminary plan is not the same thing as final approval. There still can be some periods of discussions before the plan would come back to us for final approval and that is typically one month later. One other comment, obviously there are a lot of folks here tonight and I expect all of you would like a chance to give us your opinion. Just because there are so many of you and to keep it a little bit brief, if you would please when a neighbor gets up and states your point of view it's not necessarily...not necessary for you to get up and report everything back to us. You can just stand up and say ditto if you like and just let us know that you support that position, so if you come to microphone feel free to do that, but when you do please bring new information or something the Board should consider. Last but not least, because our sound recording system, all of our notes are taken verbatim, so if you wish to speak it is important that you come to the microphone and for the record state your name and address. So I don't think I left anything out. We'll go ahead and get started. There are some agendas over on the table if you would like one.

**Approval of minutes**

President Mourdock: The first bit of business for us is to approve the minutes of last month's meeting.

Commissioner Jerrel: And I would like to move approval.

Commissioner Tuley: Second.

President Mourdock: And that's the minutes of April 22nd...I'm sorry, the 26th and I'll say so ordered.

**Contract - 1999 Maintenance of regulated drain**

President Mourdock: Bill Jeffers, Deputy County Surveyor, we'll turn it to you or while we're doing that should we go ahead and approve this contract, Bill, or do you want to do that later?

Bill Jeffers: Go ahead.

President Mourdock: Okay, we have in our packet the 1999 regulated drain maintenance contract with Bigge, B-i-g-g-e, Excavating and that is recommended by the Surveyor's Office? With Bigge, B-i-g-g-e.

Bill Jeffers: Bigge, yes sir.

Commissioner Jerrel: I'll move approval of the recommended contract.

Commissioner Tuley: Second.

President Mourdock: So ordered. Okay, now, Bill, if you would please.

### **Ashton Park - Preliminary drainage plan**

Bill Jeffers: Under preliminary drainage plans the first one is Ashton Park, a project located along the north side of Voigt Road east of Oak Hill Road just south of Oak Hill Middle School. Several minor modifications were made to the original submittal as a result of our review and in consideration of comments forwarded by neighboring property owners. The current plan demonstrates the ability to capture nearly 100 percent of the projected storm water runoff, detain it up to its 100 year storm volume in two large lakes and discharge it at or below the required maximum rate. Chris Weil, and possibly later in the meeting Jim Farney, are available here tonight to present the plan, answer any questions from the Board, represent the developer and answer questions from the neighboring property owners. There may be several neighboring property owners in attendance who wish to make a comment on Ashton Park. The County Surveyor will be recommending approval of the preliminary drainage plan for Ashton Park after those comments are made.

President Mourdock: Okay, anyone wishing to speak to the issue of the Ashton Park preliminary drainage plan? Tony, could you help Bill set the easel up so everybody can see these somewhat simultaneously?

Bill Jeffers: That's the drainage plan and I'll put a plat up there in case individual property owners wish to point out their properties.

President Mourdock: Go back towards the door with it then, too, please, Tony, so we can all see it.

Bill Jeffers: This sheet here has your names and addresses.

President Mourdock: It's only a matter of time, it's going to fall.

Commissioner Jerrel: You don't have the...it's not tight. See at the bottom? The chain has to be--

Steve McCrarey: My name is Steve McCrarey. I live at 7391 Oak Hill Road. If I could I would like to point something out real quick. Our concern is the water on this end of Ashton Park when this elevation is raised the water that...this is a natural cushion for us. My biggest concern, our concern, is the water that this would naturally hold for us when this elevation is raised is now going to be pushed back this way. In '96 the neighbor to the north of me had three inches of water in his garage. I had water within five feet of my house. I realize that's not every time we get a rain occurrence, but I'm pretty concerned that if this rain were to happen again next time without this cushion this water is probably going to end up in our house. I think for the most part I think you're going to find most everybody along this area back here is going to have the same concerns. I as recall, we did quite a bit of sandbagging down through here. This was backwater, I realize, but it was still water

contained from this area. Like I said, I'm very concerned that when this elevation is raised...our lots all drain to the back and north. Like I say, I just don't think that this could possibly get rid of that water quick enough to keep our property from drowning.

President Mourdock: Let me clarify something, if I may. Bill Jeffers or if the engineers' representative is here, Mr. McCrarey is saying part of that area will be elevated, how so? I mean, how much are we talking about, why would it be elevated?

Bill Jeffers: A large part of this project lies within the 100 year floodplain and current building regulations require that all the finished floor elevations of the new homes be two feet above the 100 year floodplain elevation which is shown on the plat. For example, in little squares on each lot you have 387 as the flood protection grade and in some of those cases what the gentleman is trying to point out is that the natural ground is 382 so to get up to 387 they'll probably bring in four to five feet of dirt--

President Mourdock: For the house lot only?

Bill Jeffers: Right.

President Mourdock: Or for the house footprint?

Bill Jeffers: At least three and a half feet of dirt plus a crawlspace to get you up to the subfloor elevation, 387.

President Mourdock: Will the roadway be built up or would it be used for drainage?

Bill Jeffers: I haven't seen the roadway plans yet, but generally your roads are like two feet below finished floor elevations so your roadways would most likely be built up anywhere from a foot and a half to two feet above the current elevations down here in the lower part of the subdivision where it is 384, 382. Those roadways would probably come up at least...well, I know down here the building pads are 390, so the roadway would probably be 388 and the current elevation is 386 so they're coming up at least two feet everywhere at least.

Commissioner Jerrel: What is the elevation of Mr. McCrarey's?

Bill Jeffers: I don't know what his finished floor elevation would be.

Steve McCrarey: I don't have that information either.

Bill Jeffers: Which lot is yours, sir?

Steve McCrarey: That would be this one right here. Our concern is like--

Bill Jeffers: It's at least going to be 387, 381.

Commissioner Jerrel: Right here, 387.

Steve McCrarey: Are these existing elevations that you're pointing out?

Bill Jeffers: Yes sir.

Steve McCrarey: Okay.

Bill Jeffers: It would be at least...he would be 389 or above.

Commissioner Jerrel: And you're saying these will be what? Say that again. He would be the same elevation?

Steve McCrarey: But like I say, there again, our concern was when this elevation was raised as much as they're going to have to raise it...this all on a half inch of rain, I mean, there is standing water everywhere and our properties are pretty much saturated. My concern is when you take away this natural cushion that we have in here and build this elevation up and run the water all different directions especially in these torrential rains that we may have this area right here, right through here, is very low. I mean, this is actually just a dip.

Commissioner Tuley: This house sits on a big hill (inaudible).

Steve McCrarey: Exactly, exactly. Right along in here is where the grade starts up. This ditch...we have a ditch that runs over to Green River Road all the way through here. Right across from our property it cuts off and goes back. There is a gentleman that lives back off of Oak Hill Road, has a pole barn back there. When we had those rains his pole barn actually had water. I mean, this ditch...a rain like that it goes to capacity and then some. In '96, there again I said, we had this area was just basically flooded. I guess that's about all I have.

Bill Jeffers: I had mentioned to the...in one of my reports I had mentioned that some sandbagging occurred down at the lower end of Voigt Road--

Several unidentified members from audience: A lot.

Bill Jeffers: --during 1996 and several homes had to be sandbagged, but that was backwater from Pigeon Creek. It's possible that what the gentleman is talking about is that this area in his mind has served as a place for water to lay during a period of backwater that backs up from Pigeon Creek and backs up Blue Grass Creek and Furlick Creek and so forth, but that area that it is backing up in to is several thousand acres of land that it backs up in to and I just want to point out not from the County Surveyor's point of view nor from the Drainage Board's point of view, but from the State of Indiana developers are allowed to place fill in the floodplain to accomplish what is needed to raise a dwelling above the 100 year flood. They are allowed to do that so long as their project...the net result from their project does not raise the water level in the entire floodplain by greater than one-tenth of a foot.

President Mourdock: And the calculation that you've done is assuming all these--

Bill Jeffers: I wouldn't even bother with a calculation like this because the amount of fill placed in this project when spread all over everything from here to Stevenson Station Road and all the way from the north end of the mining area up around Ditney Hill all the way south to the expressway there is no way that this small amount of fill would raise the elevation of a 100 year flood a tenth of a foot. It would be (inaudible) what the impact would be, so I'm not saying that I agree with that concept nor does this Board necessarily agree with that concept. It's simply that this is allowed by Indiana state statute to place this much fill in a floodplain because it obviously wouldn't raise the elevation of the 100 year flood by a tenth of a foot for this, you know, for this particular floodplain. I just wanted to point that out. I mean, in our review we have to take that under consideration.

President Mourdock: Sure.

Bill Jeffers: You might ask their engineer if he has studied what the impact might be, but I haven't.

Commissioner Tuley: Bill, hang on a second. You mentioned two lakes that the water is going to drain into.

Bill Jeffers: Right. Basin number one is this large area down here and basin number two is this smaller area up here.

Commissioner Tuley: And then when it drains out here where is it going?

Bill Jeffers: It goes into the ditch along the north property line, the existing ditch that carries that to Furlick Creek.

Commissioner Tuley: Was it, Richard, in '96 when we were out there...was it not Furlick Creek the one we walked that had a lot of erosion and a lot of trees built up into it already?

President Mourdock: I don't know that was Furlick. The one we were on was largely running straight north and south and if those are oriented right what you're showing there is running more east/west.

Bill Jeffers: That's a tributary to Furlick Creek. Furlick Creek goes under Millersburg Road near that large church.

President Mourdock: Right.

Bill Jeffers: It has a big parking lot just east of the creek on Millersburg Road.

Steve McCrarey: The area you probably looked at was--

President Mourdock: You're...wait a minute, time out. You're right. I said north/south. It was running east/west, yeah. I was 90 degrees off.

Bill Jeffers: It was probably it. You guys went out because these folks were all sandbagging. The fire department had a big concern about it, the volunteer fire department. I'm sure you guys went out there.

Commissioner Tuley: Yeah, we did.

Commissioner Jerrel: Is the ditch impacted but with trees and what have you?

Bill Jeffers: There is...they can tell you better than I can, but, yes, I did see some trees along in the ditch.

Commissioner Tuley: Is that a legal drain?

Bill Jeffers: No, it's not. It's a private drain. There are some trees on the south bank of this ditch within the developer's project area that could be cleared. The rest of it would have to be cleared by the property owners who own the rest of the ditch.

Unidentified: We did clean that ditch out (inaudible).

President Mourdock: Come to the microphone please, sir, and state your name.

Nester Heerdink: I'm Mr. Heerdink. All of us neighbors did get together and we did clean that ditch out the best that we could with the equipment we had. We need help on that. We can get that thing dug out and cleaned up enough where it would take care of itself it would be wonderful. (Inaudible) before it gets down even to the lake.

President Mourdock: Okay. For the record would you state your address, too, please?

Nester Heerdink: 34 Voigt Road.

Unidentified: 3440.

Nester Heerdink: 3440? Oops. We're down here on this corner--

President Mourdock: Is the problem you see--

Nester Heerdink: --where this lake is here. Here is our house. We're the first ones in here off Oak Hill. If they put that lake in there...now I understand they're going to put a dam. Is that right? A levee, is that right? By rights there should be a ditch already there from Oak Hill all the way back from Millersburg.

Bill Jeffers: They do plan on placing a levee or a earth berm to contain that lake along the east boundary of this project which is the backyard, the rear line of all those properties along Voigt Road.

Nester Heerdink: Is that going all the way back?

Bill Jeffers: Pretty much from one end of the project to the other. You know, pretty much, yeah. It will be about three or four feet high. Higher than existing ground.

Nester Heerdink: Well, when Amos Voigt hallowed this out he did it right. He was supposed to put a ditch to keep his water from running down on it.

Bill Jeffers: This berm will have the affect of keeping all the water from this project in their lakes and discharging up at the very northeast corner into the existing ditch. It will capture all the water and keep it flowing across the property line into the adjoining neighbors.

Nester Heerdink: Where do you live? When this flows over that I'll come see you!

Bill Jeffers: I'll give you my phone number and you can talk to my answering machine!

President Mourdock: I hope you don't mind standing in long lines! Okay, any other comments?

Commissioner Jerrel: I have a question.

President Mourdock: Sure.

Commissioner Jerrel: What part of this ditch that would drain here is in bad shape?

I don't know whether he described it or someone else did, that needs to be cleaned. Do you know who the property belongs to?

(Inaudible comments made from several members of the audience.)

President Mourdock: Please, come to the microphone, sir.

WJ Ritzert: My name is WJ Ritzert and my address is 3645 Voigt Road. I live down here on this corner right here. I have the ditch that goes north about 650 feet and then it goes due east all the way back to Furlick Creek. I have had that cleaned myself and now the ditch that you're talking about is down on this end here that goes through Howard and he is a fireman for the city and then I own about 100 foot of the ditch prior to Furlick Creek, but everything else drains through Howard's ditch there and then part of mine 100 foot down into Furlick Creek. Furlick Creek goes through the back end of my property from my property line all the way down to where it goes east.

Nester Heerdink: Bill.

WJ Ritzert: Yes, sir.

Nester Heerdink: There is another ditch that goes that way before it gets about half way down there. (Inaudible comments made away from mike.) About half way down it comes...goes right straight on across. That's the one that is east and west. That's the one that is full of trees.

WJ Ritzert: Well, that's the one. We're talking about Howard, on Howard's property.

Nester Heerdink: Yeah, okay.

WJ Ritzert: This is mine that I was talking about and then Howard's is down here that drains your property and that goes due east and then the tail end of it is on my property. Right, right in front--

President Mourdock: And Mr. Ritzert, that name is Howard, H-o-w-a-r-d?

WJ Ritzert: Yes, sir. I thought he would be down here because I told him (inaudible).

President Mourdock: And is that property or is that ditch pretty clean to your knowledge?

WJ Ritzert: No, sir. I talked to Stahl, I was going to have it cleaned this spring, but since we was going to get the project through I was going to be nice enough to ask Mr. Buck here if he wouldn't be congenial enough to clean the ditch since he is going to bring all his water through that ditch and the one on the north end. Otherwise I would of had mine cleaned out.

President Mourdock: Okay. In the...and I'm going to ask the question both ways here. I'm going to ask it of the Surveyor's Office, but also all of you who are neighbors. Is the bulk of your problem in drainage today, forget this project for a minute, is it from water backing up? I think I heard that said. I just want to be sure. So it's not necessarily water rushing through the ditch, it's when Pigeon Creek is full and Furlick is full the water is backing up on you?

WJ Ritzert: That's true. Everything goes good when water is down in the creek.

President Mourdock: Okay, but when you normally have a problem it is water backing up more than heavy rains on its own.

Nester Heerdink: No, I don't think so.

WJ Ritzert: They have a problem more so down on this end than they do on my end.

President Mourdock: They have which problem?

WJ Ritzert: Mr. Heerdink here and Blanton and the fellows on this end, they're the ones that have the problem with water draining on them. It cuts through on their property, but therefore the only thing I can say if they put a ditch down through here and if you've got that levee in there that's going to hold a lot of that water back so it will equal out and go out gentle instead of in a mad rush.

President Mourdock: And I can't see if from here, Bill, does that levee that's being talked about, does that go all the way from the north part of Ashton Park all the way to the south? I presume there is a little divide in there, isn't there?

Bill Jeffers: The folks down at this end of the front row brought that to our attention in the office and we asked the engineer to include a ditch along the north side of Voigt Road to catch the runoff that rushes down on Mr. Buck's side, that's the side he is developing. Now we can't do anything on Mr. Effinger's side, who is the farmer on the south side of Voigt Road, but we asked for a ditch to be included along this side to direct all the water rushing down Voigt Road that the folks down in this area say is their biggest problem and direct it through this basin and be discharged into the ditch that we assume is in much better shape along the north boundary. We assumed that all the problems down at this end, down at the north end of Voigt Road were caused by backwater and that the headwater problems were caused along Voigt Road, the water coming down this way and running across Bertha Heerdink, Jim and Donna Blanton and Gerald Korff, this area down here, and we have asked them to divert that water into the storm basin.

President Mourdock: So what you've done is very similar to the discussion that we had last month on another property where you basically improved the ditch to intersect it before it just floods out?

Bill Jeffers: Right, that's on Carrington which also comes up for final tonight.

President Mourdock: Right.

Bill Jeffers: Right. The engineer for this project proposes to raise an earth berm and install a ditch along the north side of Voigt Road to catch as much water as he can not only from his own project...well, all the water from his own project plus whatever might be running down...presently running down Voigt Road either on the pavement or in the side ditch on the north side and running that through his basin which for obvious reasons, he needs the fill dirt, he is over excavating his basin. He calculates at this time that it will detain a 100 year storm and release it at lower than the ten year rate. Now that's his current calculations.

Commissioner Tuley: If he is going to run that ditch down through here through covenants or plats or whatever he needs to is he going to restrict access strictly from

interior roads?

Bill Jeffers: According to EUTS and Area Plan Commission all access will be from interior roads. If any of these folks see someone putting a pipe in that ditch we're talking about along the backside of that first five lots that their back line is on Voigt Road that should be reported to Area Plan Commission because there should not be any permits granted from the County Engineer who would normally grant you driveway permits from a county road. I don't think he...I mean, I know it happens in other subdivisions, but they are outlaw...you know, they are outlaw driveways if they come in from Voigt Road in this case.

President Mourdock: Roughly what would the dimensions of that ditch be along Voigt Road?

Bill Jeffers: Well, it would have to be a minimum of one foot deep, 3:1 side slopes, so at the top of the ditch it's going to be at least six feet wide and at least a foot deep. It will be whatever size it takes to catch the water from the backyards and whatever water that in the final plan is calculated to come down Voigt Road in a torrential downpour. He's got plenty of room to do it between the right-of-way he is dedicating. He is dedicating additional right-of-way for Voigt Road plus the grading in the backyard, if you look on the grading plan on the left, he has plenty of room to accomplish that.

WJ Ritzert: I don't think this will hurt your feelings, Nester, what I'm going to say. Any way, I said something to Nester here once before about this end down here if he...Nester and Mr. Ryan, down here on the corner, have a narrow front yard. Now if you go into a ditch here it would be kind of nice if you could put in a hidden culvert down around that corner.

Bill Jeffers: That's not...that's on property not owned by this project.

WJ Ritzert: Oh, yes it is, sir.

Bill Jeffers: Which part is that again?

WJ Ritzert: Well, the water will drain into there, Heerdink's, right there on that corner there.

President Mourdock: No.

WJ Ritzert: But the water will be draining across their property--

President Mourdock: No, let me take a shot at that. I think you're...let me come up there. Just to be sure I understand it, the water that you were suggesting would come across here and get into this--

WJ Ritzert: Yeah, come across his property.

President Mourdock: But it won't. The way the plan is designed--

WJ Ritzert: Well, this ditch you're going to put down Voigt Road will come all the way through.

President Mourdock: No.

WJ Ritzert: You mean you're going to direct it--

President Mourdock: Correct me if I am wrong.

Bill Jeffers: It goes into that lake right here.

President Mourdock: It's going to intercept the water here. They'll be a berm here and my earlier question, Bill, does the berm go all the way to the north end?

Bill Jeffers: Yes, sir.

President Mourdock: Okay, so you'll have a lake, you'll have a berm that will be built up to keep water from coming this way. The water here will come in, be intercepted in this lake and then flow up to the other impoundment and then discharge here and does this goes east or west up here?

WJ Ritzert: It goes south...it goes east and then north.

Nester Heerdink: There's going to be an awful lot of water come down when you get houses all over that ground there. The water can't go anywhere but move on (inaudible).

Unidentified: It doesn't have city sewer does it?

Bill Jeffers: Yes, ma'am.

Nester Heerdink: Will we be allowed to tap in on that?

Bill Jeffers: The way I understand that, very briefly because this is not about sewers.

President Mourdock: Yeah.

Bill Jeffers: But very briefly, I asked that a...you guys have got four foot utility easements behind your lots and I asked that they think about putting an 11 foot utility easement on their side of the line which would make 15 foot total which is enough for the sanitary sewer which is going to be brought down about to somewhere in this neighborhood right around in here and then they're going to cut across and go down the back lot lines of all these lots. You would have to pay for the sewer to be extended up to the point where their manhole is and then you could tap in. Now that's just the way I understand it or I might be thinking about another project altogether. I might be thinking about Carrington, but one way or the other you guys might have to pay for a pump station. You're so much lower than what their tap is going to be you guys might--

President Mourdock: Let me interrupt everybody for a second on the subject of sewers. This Board has nothing whatsoever to do with sewers. The County Commission has nothing whatsoever to do with sewers. That's all the city utility so you need to take that argument to someone else if you don't mind.

Bill Jeffers: I believe they would be willing to give you enough of an easement to do it, but you may have to grant your own easement--

President Mourdock: And you may have to pay.

Bill Jeffers: --and pay for a pump station to get that pumped up to their line.

President Mourdock: Sir. This gentleman has been very patient here.

Clay Waterman: My name is Clay Waterman and I live at 7401 Oak Hill Road. I've been there since the 60's. I don't have any idea what kind of problem I'm going to have from this development, but I can tell you what kind I have now and I don't know if that is going to be multiplied or not. I was the one that on a normal rainy day, I live right at that corner lot, if I'm reading this thing...I'm not an engineer, 7401 should be right about here on this lot here. They come along here and dug a waterline and put in here a few years ago. Since then I've lost four feet of ditch. A few years before that they enlarged this that goes underneath Oak Hill Road, this drain ditch and runs up this way. Since then...before they did that Oak Hill Road used to get water all the way across it. I used to have to go out there and stand like a good samaritan to stop people from going off the road at one time. Not all the time, but several times. Since they've enlarged that my drainage has gotten better. I don't have that flooding across Oak Hill near as much as I used to, but it still does it. Like I say, I can't remember the date, whenever it was, I had water come up my driveway into my...I had an attached garage, in my garage. It come up, I had a huge garage, it came up three and a half inches or so into my garage, into my water ducts and run down through my finished basement. Well, since they've dug this water line and put in there I've asked them to come out...I realize that's probably a private ditch, but I asked them if we could maybe put some large white riprap there or something to stop the ditch from being washed away because when I cut that ditch--

President Mourdock: Who is the they you're referring to when you say you asked them?

Clay Waterman: The gentleman that was in charge of that water line out there.

President Mourdock: So it's somebody with the city utility?

Unidentified: I can't remember his name. I'm not even sure. He might have been somebody from the County Garage.

Clay Waterman: It was the man who was in charge of putting that water line in.

President Mourdock: Okay, so it was with the city utility. That's all I needed to know.

Clay Waterman: Yes. Anyway, I asked him if there would be a possibility maybe and he told me...I think he worked for the city because he did tell me I would have to contact the county. Since then I have called a couple of times and didn't get much results. My concern is I'm washing...my ditch has increased and it used to be two feet at the base at the bottom and now it's almost three and a half or four feet. On any good rainy day, it don't have to be a storm, a good hard rain, the water will come up to the top of my...almost to the ditch which is in the top right there, a concrete culvert right there, and it will fill that, fill my ditch. It has come up almost getting into my (inaudible) and the backyard (inaudible). When I walk in my backyard I have a lot of water and I just accepted it and accepted it, but I can't walk back there in shoes unless (inaudible).

President Mourdock: That is the critical issue that this Board has to discuss and decide which is we know what it is today, how is this going to affect it in the future. I mean, where it is right now there isn't a whole lot we can do about it.

Clay Waterman: (Inaudible). I just want to know who am I going to go to when I do have water in my basement, a lot more than I had before? I may never have, but if I do (inaudible).

Commissioner Jerrel: Now, that is not...is that an improved drain that runs behind there? It is not?

President Mourdock: You mean a legal drain?

Commissioner Jerrel: Uh-huh.

President Mourdock: No.

Clay Waterman: Now they've come out and worked, the city or county I don't know who it was, and actually cleaned that ditch out on the other side way up the way (inaudible).

Commissioner Jerrel: Who would have done that, Bill?

President Mourdock: Yeah, how long ago was that, Mr. Waterman?

Clay Waterman: I'm pretty bad on dates.

Commissioner Jerrel: The reason I asked the question unless it is a legal drain, you know, the county can't do it.

President Mourdock: It's private property.

Clay Waterman: It was done, I thought, with the blessing of somebody. I don't think they just did it on their own because I believe the ditch was concreted in, a culvert, and if I remember right I thought they put some (inaudible).

President Mourdock: Yeah, right underneath the road it might well have been within the county's right-of-way in which case the county might have done that, but they wouldn't have gotten outside of the county right-of-way that was used for the road.

Clay Waterman: I'm not saying they did, but I can't remember who it was.

President Mourdock: Okay.

Clay Waterman: (Inaudible). All I know is on a good hard rain (inaudible) ditch filling up. It's coming down with such great force that ditch would be clean today. I'm talking about (inaudible).

Commissioner Jerrel: So it's moving fast.

President Mourdock: Okay.

Clay Waterman: Big items (inaudible).

President Mourdock: Okay, thank you for your comments. Anyone else wishing to comment?

Gerald Korff: Gerald Korff, 3530 Korff Road. My question is if they build this lake

and this development is all sold out and finished who maintains...and the developer is gone, who maintains this lake and keeps it mowed--

President Mourdock: That's a very good question.

Gerald Korff: --and all that kind of thing and who is responsible for the liability part of it if someone drowns in it or whatever? Another thing, is that lake going to be full all the time or it is going to be just used as a drainage thing and the water drains out right away?

President Mourdock: Okay, all good questions. Bill, do you want to take them one at a time?

Jim Farney: My name is Jim Farney. I'm with Bernardin Lochmueller. I'm the engineer for the project and I'll try to answer those questions. The question is whether the lake is going to be wet or dry and the answer is it's a wet lake so it will have water in it all the time. The water elevation will be 379 which about two foot below the existing grade. The next question is?

President Mourdock: Who maintains it?

Jim Farney: Who maintains the lake. In the drainage report it spells that out. There are some notes that will appear on the plat plus they are in the drainage report. Those lots that front the lake on any given side and they have a backyard that runs against the lake those individual lot owners will mow their backyard, so to speak, down to the lake level. Where there are lakes...and on the dam on the east side and away from the lots there is a homeowners association that will be formed and that homeowners association will maintain those common areas. The other question was liability. Was that the third question?

Commissioner Tuley: Right.

Jim Farney: There are currently no plans to, so to speak, contain the lake or fence the lake. It is a lake that is to be enjoyed by the residents of the community, so I don't quite know the answer to that.

President Mourdock: Let me rephrase the question because I know of situations where when there is a lake like that as part of the covenants every property owner has to have liability insurance up to a certain amount just in case someone does get in the lake and drowned. Is that part of the homeowners association covenant?

Jim Farney: Chris, you can probably answer that.

Chris Weil: My name is Chris Weil. I represent the developer here. I'm not real sure on that. The facility is...is it a county drainage facility, Bill?

Bill Jeffers: No, it is a private development.

Chris Weil: I don't know. What do other subdivisions do, does anybody know?

President Mourdock: I know of one and the one I know of is Kahre Subdivision which is out near Darmstadt. There is a 25 acre lake and all the part of the homeowners association requires that kind of covenant.

Chris Weil: That's in Darmstadt you say? Not in Vanderburgh County?

Commissioner Jerrel: It's in Vanderburgh.

President Mourdock: We like to think of ourselves different, but we're not that different! We're still in Vanderburgh County.

Chris Weil: I didn't know if the Drainage Board approved plans from Darmstadt or not.

President Mourdock: Yeah. Actually, part of the lake, I think, is in the town of Darmstadt and part of it is in the county and I don't know why it was required. I mean, that's 25 years old anyway.

Jim Farney: Bruce is giving us some advice back there. He says in his developments any time there is a lake facility and there is a homeowners association the homeowners association does carry a policy.

President Mourdock: Right.

Chris Weil: That makes perfect sense.

Commissioner Jerrel: Should that be added?

Gerald Korff: Wait a minute, are we just assuming?

President Mourdock: No.

Commissioner Jerrel: No, that's what I was going to ask.

President Mourdock: No, we're getting there, Mr. Korff. Again, this is for preliminary discussion tonight, this is not final. Typically what happens is--

(Inaudible comments made from audience.)

President Mourdock: That's right. When these types of things come up they're often added to the plat before the final approval so this issue having come up Chris and Jim have a chance to get that on the plat if, in fact, the developer wants to do that.

Chris Weil: Sure. Would that go under restrictions on the plat or covenants?

Bill Jeffers: It should be in the restrictions and covenants.

Chris Weil: And on the plat?

Bill Jeffers: About the liability?

Chris Weil: Yes. It seems like that is a covenant and restrictions issue.

Bill Jeffers: I don't know about on the plat.

Joe Harrison, Jr.: All I can say, I'm the County Attorney, it's just good to have as many people on notice of what the situation is going to be as possible, so I'm sure they have...the developer has an attorney and you may want to contact him, but

certainly as many people that can be on notice of that issue the better however that is done whether it's in the restriction or on the plat or whatever.

Bill Jeffers: The covenants and restrictions usually state--

Joe Harrison, Jr.: Yes.

Bill Jeffers: --that by accepting the deed for the land you accept the covenants and restrictions as they were written.

Chris Weil: It seems reasonable.

Commissioner Jerrel: That was a good point.

President Mourdock: Jim, you've mentioned the elevation of the lake. Did I understand that then you've basically got two foot of freeboard, is that what was said? I heard two foot when I was typing something.

Jim Farney: The pool of the lake is at elevation 379. The existing ground--

President Mourdock: Is that both lakes?

Jim Farney: Yes. The existing ground is like at 81. However, the dam, the top of the dam, is at 83.

President Mourdock: Okay.

Jim Farney: So there is like five or six foot of freeboard in the lake. Now, because the lake is in the floodway fringe the first three or four foot of storage in the lake is what you would call free and we can't count that for the ordinance.

President Mourdock: Right, once it's full it's full.

Jim Farney: It's only from elevation 382 to 383 that we're meeting the requirements under code, so anything from 383 down to 379 is like extra storage that is available but we can't account for it in meeting the criteria of the ordinance. So to make a long story short there is a lot of storage. Much more than normally would be needed. However, there is a backwater effect that really negates the bottom two or three foot of storage anyway so it shouldn't be counted. To make it right what we've done is made sure that we've accounted for only the top layer of storage in meeting the ordinance. So if you have a very small storm that typically is not required to detain water we will be detaining water, so under the smaller storms we are actually helping out quite a bit and then when you get the 25 year storm we do have the capacity in the lake to take it on over and above the calculated elevation of the water in the north ditch. In other words, our storage only occurs above the elevation in the north ditch during a 25 year storm.

President Mourdock: Okay, and the code that we're trying to meet, Bill, that's a 25 year event?

Jim Farney: It's 10/25 by ordinance.

Bill Jeffers: What they're required to meet is containing a 25 year storm and releasing it at the ten year pre-developed rate and what I asked them to do basically

addresses the first gentleman's comment, where is all that water going to lay during these storms. Well, actually these lakes will be drawing in water. As the ditches and the backwater fills up it will be drawing in water from 379 up to 380 or 381 where the natural ground level was it will be drawing in two feet of water over however many square feet of lake you have and then the 25/10 detention and release will kick in. So it still allows some water from outlying areas to come in and lay in those lakes during a heavy storm.

Jim Farney: Right, we're intentionally not putting any back flow devices on any of the outlet pipes so if there is a backwater condition it can back up and occupy the space within the lake as it does today.

President Mourdock: Which for all the people here is good news.

Jim Farney: We're not taking that lake and taking that floodplain out of service. It can remain in service as it does today.

President Mourdock: That's an interesting point and let me repeat that just to make sure that everybody understands it. What he is saying is that if the water, in fact, is backing up you're still getting the advantage of that lake because from the drainage way...a lot of drainage pipes when they come out they have a little flapper valve on them so that water can't back up into them. Well, in this case that valve isn't going to be there so if water does start backing up if you had a flapper valve it would start going around it and be more likely to get to these folks homes--

Jim Farney: That's right.

President Mourdock: --then by leaving it off. Okay.

Commissioner Jerrel: If the preliminary is approved, which is generally what happens, when would you come for final approval?

Jim Farney: The plat is being heard next Wednesday so I assume we would try to make the next scheduled Drainage Board.

Commissioner Jerrel: The reason I asked, I think, you know, they would all like to know that these things are going to be included.

Bill Jeffers: I'm assuming the June meeting is when he'll be back with the final plan.

Commissioner Jerrel: Okay, because they would want to come.

Bill Jeffers: Right, and that would probably be in our office for reviewing about a week ahead of time.

Commissioner Jerrel: And that would be June what?

Bill Jeffers: The fourth Monday in June.

Commissioner Tuley: The 26th.

Joe Harrison, Jr.: The 28th.

Bill Jeffers: The 28th. I would hope that would be in our office around the 21st or

22nd so that everyone would have an opportunity to take a look at it for three or four business days.

Nester Heerdink: We will all be invited down?

President Mourdock: Right, sure.

Bill Jeffers: I'm inviting you right now.

President Mourdock: Yeah, it's another meeting, same room. Jim, if you would go back to Mr. McCrarey's question. Bill Jeffers indicated that the road, in fact, is going to be built up over its present location or elevation, is that right? The roadways through the subdivision.

Jim Farney: Yeah. I don't understand. What's the question here?

President Mourdock: Well, I'm not sure I can properly frame the question, but it looks to me like that could cause some backup further to the north and west of the main roads. Are there pipes under that road or is there enough drainage there that it is still going to get across the road?

Jim Farney: Are you talking about at the entrance to the subdivision?

President Mourdock: Let me point to it.

Bill Jeffers: No, the north end. Mr. McCrarey lives near the northwest corner of the sub and he was worried about fill to that area.

Jim Farney: (Inaudible) coming across here.

President Mourdock: He would probably be worried about water coming across here and you're saying this is going to be built up a couple of feet and are you going to have culverts underneath here to move that water? Just looking at the topo and I presume these contours are all pre-conditional?

Jim Farney: Yes.

Steve McCrarey: Our biggest concern was we've got sort of a natural pan right through here and when we have a torrential rain as this ditch along here fills this holds a lot of water. We have had a situation several times that as this water goes out that this ditch backs up, this area right through here is the low point and that's what he says, he has had three or three and a half inches of water in his garage which ended up in his finished basement. I've had it within five feet of my house. Tim Hudok, the neighbor to the south of me, has the same situation. Our concern is when you build this elevation to the point that it's going to take...I mean, this is all...when we get a half inch of rain this is all saturated back through here including our yards. When you build this up another rain like that is probably going to end up in our basements. I mean, that's a major concern of ours. We have a gentleman that lives across the road here. His ditch comes down and takes off right across from me basically southwest. The gentleman has a pole barn back here which ended up with I don't know how much water just to set something out there, but it had quite a bit of water in it. He had...there is just all kinds of debris that when this ditch picks up the water I mean it is really flowing hard and it will move concrete

blocks. There was a ramp that he used to cross this ditch behind his house and I don't think you and I could really pick it up and carry it very far and it was carried all the way down to the neighbor we have right here. He has a driveway that crosses right here and it lodged in that culvert pipe under his driveway. I mean, there is a lot of water flow right through here on just a natural rain. Our concern is, you know, you're going to build this elevation up to the point to what is it, two or three feet or whatever it has to be, I'm not sure, and you're basically going to just close us in right here. The rear of our yards drain to the rear into this area and right down through here. Water runs this way. What are you going to do to get rid of all this water down through here? I mean, I don't see how you can move this water all the way over here. It's going to have to go to this. If you build this elevation up too much I just can't see how you can keep from keeping the water off of us. Instead of now where we had water coming across the front of us we're also going to have it coming through the back too.

Jim Farney: The water will flow this way.

Steve McCrarey: I understand that.

Jim Farney: Here is the existing ditch right here. We plan on making no modifications to it. Now inside the project the water that runs inside the project has to go through the basins. It cannot engage that lake until it gets routed through the basins, so inside the project starting way back here at the point of this hill there is an interior ditch inside the project that runs and when it comes up here it will run parallel to this ditch and that ditch is headed into this lake. You've got the existing ditch now plus you have another swale inside that so over here you'll actually have two swales.

Steve McCrarey: Okay, there again let me ask you this question. When the development is done and you guys are gone who maintains this?

Jim Farney: Well, that's right in those peoples backyards, they'll maintain it.

Unidentified: It's in my backyard.

President Mourdock: Wait a minute, let me clarify that because I think what you're saying, Jim, it's going to be in the backyard of the people within this new project.

Jim Farney: Yes, it is interior to the subdivision. Completely interior to the subdivision. It's not on the line, it's inside the subdivision.

Steve McCrarey: Okay, we've got a small amount of rain covered. What happens when we get these large amounts of rain and we cannot run this water away?

Jim Farney: Again, there is two swales. I don't know (inaudible). There is an existing ditch plus an interior ditch that will collect that water and route it around into those lakes. I mean, anything beyond the road itself there are swales down every backyard line and then there are inlets in the streets. There are inlets in the street to collect the water and route it through here. The only other protection that can be afforded is we can create along these lines where these inlets are additional drainage easements so if you feel the water can't get around for some reason it can fall between these two houses and once it gets in this street then it can collectively run it through here and through the middle and into this lake.

Steve McCrarey: I would say any kind of improvement you can make--

Jim Farney: In other words, if that is not enough insurance then there could be easements created at this location because there is already going to be a storm sewer here. There can be an easement created in this location, surface drainage so if there is so much water this ditch can't handle it all it can also come through here and come through this way.

Steve McCrarey: Well now, okay there again though, if this elevation is higher than us and we're talking about a problem, you know, a concern over water like that that water is going to go on us before it goes through here.

Jim Farney: Yeah, but at this point there is no fill at these low points.

President Mourdock: Even where it goes under the road?

Jim Farney: Right, at the low points.

President Mourdock: Right, yeah you're going to have some culverts underneath that road that you are otherwise raising in elevation.

Jim Farney: Yeah. There is no dam that we're building that runs all the way across the project that can't let water in.

President Mourdock: And, in fact, instead of having one ditch there will be two ditches.

Jim Farney: Along the north line, right. Right now you've got one ditch. You're going to have two ditches.

President Mourdock: What I heard you say a moment ago and I understand this is not part of the plan right now, but even the swales in a couple of areas you pointed to could be widened, deepened, whatever the appropriate word is to bring them back more to the east/southeast.

Jim Farney: You're talking about this in here?

President Mourdock: Right.

Jim Farney: Yeah, we can create a drainage easement between these two lot lines so that that can't be filled. So if there is a concern that there is a backup of water it would come between the lots, into the street, into the storm sewer and then it will find these ditches which go into the lake.

(Inaudible comments made from audience.)

President Mourdock: Again, that is something that could necessarily be required at the final plan. I'm not putting words into his mouth because he has to--

(Inaudible comments made from audience.)

Commissioner Jerrel: No, no.

President Mourdock: No, no, no.

Unidentified: He says if it's a concern, well, it's a concern.

Commissioner Jerrel: Yeah, no, no. We're talking about...that's what tonight is for.

Steve McCrarey: I think these gentlemen know we have quite a bit of concern about water back here, I mean, if they have been back here at all and did any homework it is obvious that this area is definitely a problem. To raise an elevation like that and cover this much area with this surface it's going to create a problem and that's just the bottom line. Like I said, you can draw everything you want on paper, but you need to come out and actually see it work, you know. That's like this 100 year flood zone. I mean, it looks good here, but we've seen something a little different than that.

Commissioner Jerrel: Mr. Weil, is that something that you think is doable?

Chris Weil: Sure. I don't want to discount the extra storage we have in the lakes. A lot of this stuff I hear tonight is about the ditch back in there and we are providing them tremendous amounts of additional storage in there.

President Mourdock: But Mr. McCrarey...I accept that, that's true. I think Mr. McCrarey's comment is though that storage doesn't do you any good unless the water can get to it.

Steve McCrarey: That's exactly right.

Chris Weil: Well, if it is caused from backwater...if he is saying there is a tremendous amount of water that comes down here and then this ditch can't handle, well it does get to it because if it is backing up way back here it is backing up into the lakes, too.

Steve McCrarey: Well, if you're going to dump your water in this ditch also and we're trying to get rid of ours too, I mean you've created--

Chris Weil: We have how much storage before we start dumping ours?

Jim Farney: Probably four or five times what the ordinance requires.

(Inaudible comments made from audience.)

Jim Farney: From 79 to 82. There is three foot of storage.

Chris Weil: The water that we're dumping--

Steve McCrarey: Yeah, and you're also talking about this area right here as opposed...this lake and this lake as opposed to what we use through here. Of course, this area out here isn't going to be taken into consideration, but this is a pretty low area right in through here.

Chris Weil: Sure, that's a big area.

Steve McCrarey: And I don't think you can cover the area that is covered now with just these two lakes.

Chris Weil: You're only talking about half an inch of water and we're talking about three feet of water.

Steve McCrarey: That's on an average rain.

President Mourdock: Let me keep us moving here because there may be others who want to make a comment. Obviously we can't tell the developers...we have a wonderful relationship. We can't tell the developers what to do, but they can't tell us how to vote either. I've heard your concern there and Jim made the comment that there is a possibility of having a couple of easements through there and certainly there seems to be the capacity. Thank you.

WJ Ritzert: Can I say something again?

President Mourdock: Yes sir, Mr. Ritzert, but you need to come to the microphone or you can't be heard.

WJ Ritzert: I can speak loud enough. You said you're going to bring water from the south there to the north and this ditch behind the lake, is that correct?

President Mourdock: It will flow from the west to the southeast corner roughly where it will enter that lake and then it will flow from that lake further north and exit the project to the northeast.

WJ Ritzert: Okay, I'm talking about the ditch behind the lake.

President Mourdock: So am I.

WJ Ritzert: Okay, that will go north?

President Mourdock: Yes.

WJ Ritzert: Okay, how come there is a ditch before it about 150 to 175 feet north of Voigt Road there that should pick up some of that water instead of bringing it all the way north down to me?

President Mourdock: You'll have to point on the map and we'll have to get the expert's opinion here, the guys that know the property.

WJ Ritzert: Say right here at Korffs here there is a ditch that runs east and when you come here all this water here it drains into this ditch here it goes east.

President Mourdock: But it won't anymore.

WJ Ritzert: That's what I was getting at. How come you are going to drain it all the way north when you could bring part of down here into this ditch where it goes now?

President Mourdock: Because one of the ordinance's...one of the specifics of the ordinance within a project as I think Jim said a minute ago, Jim Farney, any drop of water that falls within that project has to go through detention basins on that project.

WJ Ritzert: (Inaudible.)

President Mourdock: That's correct. Good question. Any other comments before we take a look. Yes, Ms. Korff.

Teresa Korff: My name is Teresa Korff and I live at 3530 Voigt. I would like to add something in regard to the liability. The people in the new project when they buy these lots they realize that they are buying lots with a lake.

President Mourdock: Uh-huh.

Teresa Korff: And that there will be liability and there will be danger. We have lived there for a long time never dreaming that there would be a lake in our backyard. I have a 16 month old son and there are several children on the street and I am very concerned. I don't know the correct way to do this, but we...and I represent all the people on Voigt, also the ones with children, and would like propose and ask Mr. Buck if there is any way a fence could be run from Mr. Heerdink all the way to the end of Mr. Ritzert to separate us from the lake.

President Mourdock: And would you point on the map where you would like to see that?

Teresa Korff: Okay, we are here. Well, the Heerdinks are right here at the very end. We would like to see a fence ran from the Heerdinks all the way down the project.

President Mourdock: Okay.

Teresa Korff: We're just concerned about the liability because we never dreamed there would be a lake there. The people that are going to be there they know.

President Mourdock: Okay, good comment.

Bill Jeffers: To address that comment Section 13.07.010 of the drainage ordinance, which is titled Safety Ledges and/or Fencing of Wet Basins, states that safety fencing surrounding the basin and/or a shallow safety ledge shall be provided if deemed necessary by the design engineer or the Board, so there is a provision for either the design engineer assessing the situation and saying he thinks the fence is necessary or the Board may do so. That grows out of a situation where it was a recommendation that came down from Purdue that something like that be in there when they sent the model ordinance and I would like to point out that it wouldn't necessarily be unfair or unusual. There is a developer here in the audience who put a fence up along Schmitt Lane from one end to the other because of various concerns that the neighbors had.

President Mourdock: Okay, thank you, Bill. Okay, any other comments? Up to the Board.

Commissioner Jerrel: I don't know if I can repeat all of the recommendations. Bill, do you remember everything that has been stated?

Bill Jeffers: Well, of course, there may be a lot more on the minds of the folks here in the audience, but what I had taken in was that they would like to see as many release points as possible incorporated into the final plan to relieve any possibility of water from their property that naturally would have passed through this property incorporated into the final plan whether that be easements that Mr. Farney talked about or things that we haven't discovered yet. A fence from all along the east line of the project and the liability be stated clearly. The maintenance responsibility and the legal liability being stated explicitly at least within the covenants and restrictions and if room permits on the plat. We have so many notices on the plat now I'm not sure he'll find room for that, but they expressed a desire for that.

President Mourdock: Also there was the comment about making sure that the drainage way along the south line does not end up with an outlaw culvert in it.

Bill Jeffers: Right.

President Mourdock: And then the two possible drainage easements to prevent filling of lots in the northwest side.

Bill Jeffers: I think when we first started the discussion they also had expressed some desire to see the ditch at least on the project's south side...that northern boundary ditch, at least see the south bank of it cleared of any vegetation that might represent an obstruction during the construction of the project.

Commissioner Jerrel: This is...my motion will be very general with those items included because they really need to be finalized and the project engineers and the developer and you all should take a look at them before anything is final, but based upon those recommendations I'll move approval for the preliminary plan and then you all will look at all of this during the 21st or 22nd of June and we will have it on our agenda the 28th.

Unidentified: Will we be notified by mail as we have been in the past?

Commissioner Jerrel: I don't think you will be this next time. It will just...the notification is what we're saying now.

Commissioner Tuley: I'm going to second on preliminary with the understanding that my reservations are not directed at the developer. In the seven years I've been sitting up here the developer has pretty well done everything he has ever said he was going to do. It's just that location I hate to say I'm familiar with because I've been out there. My concerns are even though we're going to back the water up and the drains and what have you we're still going to dump that eventually into drains that we have no control over that we've experienced some blockage with in the past, but I'm going to go ahead and second on preliminary so that the other issues can be addressed prior to the final plan coming back to this Board.

President Mourdock: With the motion and the second on preliminary I will say so ordered. Again, it will come up for final vote a month from tonight effectively. You make a good point, Pat, on the drainage that is off-site here and that might be something else we would also encourage the developer to see if there is any way that there could be discussions with the neighbors as far as draining out some of that area because the old line you're right, familiarity breeds contempt. Well, when we have water problems they get pretty contemptuous.

Commissioner Tuley: Right.

President Mourdock: And we have been out there to wade around.

Commissioner Jerrel: Bill said the 21st or 22nd. You might want to call him.

Bill Jeffers: Your father-in-law has my phone number and if the rest of you don't it's under Vanderburgh County Surveyor.

President Mourdock: Alright, well thank you very much. We appreciate the comments and hopefully we'll get some...yes, sir.

Steve McCrarey: One more time could you repeat that date?

Joe Harrison, Jr.: The 28th is the next meeting.

Steve McCrarey: The 28th?

President Mourdock: The meeting is, right, the 28th. What is the 21st or 22nd?

Commissioner Jerrel: Bill said all of this would probably be in his office the week before.

Bill Jeffers: I was going to ask the engineers to have it delivered to our office by the 21st or 22nd so you folks can come take a look at it if you wish.

Unidentified: What is the June 2nd meeting?

Bill Jeffers: That's Area Plan Commission. That's on a Wednesday evening. That's where they discuss traffic, density, everything but drainage.

(Inaudible comments from audience.)

Commissioner Tuley: It sure better. Better have it.

Commissioner Jerrel: That was part of my motion.

Bill Jeffers: It was in the motion that way. She wants those things addressed on that plan.

President Mourdock: Yeah, they need to be included so we'll see what they are next month. Okay, thank you all for your comments.

Commissioner Jerrel: Thank you.

**Waterford Place, Replat Lot 9 - Preliminary drainage plan**

President Mourdock: Bill Jeffers, Waterford Place replat...oops, I'm sorry, I'm reading from the wrong calendar there.

Bill Jeffers: That's right.

President Mourdock: Is that right?

Commissioner Jerrel: Yeah, that's right.

Bill Jeffers: Yes, sir. Waterford Park replat of Lot 9 is a project located on the south side of Vogel Road at Kimber Lane. The preliminary drainage plan reworks a previously approved plan so that it conforms with current development needs. A few items do need to be worked out prior to the approval of the final plan, but the preliminary plan is sufficient. We just want the developer and any potential buyers to understand that the final plan may contain modifications that infringe into the square footage now shown as commercially usable on this plan. What I'm saying there basically is we still have some questions to discuss with the County Engineer with regard to placing part of the detention easement in the right-of-way and part of it in the thoroughfare setback and there are a few items that conflict with each other on the plat with regard to access, ingress/egress, roadways being too close to the

legal drain.

President Mourdock: Okay.

Bill Jeffers: But nothing that can't be worked out and the Vanderburgh County Surveyor recommends approval of the preliminary plan for Waterford Park replat of Lot 9. Mr. Jim Farney is the engineer who designed it and Mr. Joe Ream is the developer here in the audience if anyone has a question.

President Mourdock: Okay, anyone to comment either as a remonstrator or Joe, Board members, any comments? Is there motion then on preliminary?

Commissioner Jerrel: Yeah, I would move approval...preliminary approval of Waterford Place replat Lot 9, 7-S-99.

Commissioner Tuley: Second.

President Mourdock: So ordered. I will add, Joe, just so you know I have a copy here of just some handwritten notes from Mike Wathen with erosion control. It simply says it needs to have an erosion control plan on hand before you start moving dirt. I presume you're aware of that, but apparently his office does not have the plans so you might want to check on that. Obviously, we need to get final too.

Commissioner Tuley: We need to remind Jim Farney of that too on that previous one.

President Mourdock: Yeah.

### **Carrington Estates - Preliminary drainage plan**

Bill Jeffers: Okay, Carrington Estates is a preliminary drainage plan for a project located on the west side of Old Petersburg Road north of Boonville-New Harmony. What is commonly known as Earle, Indiana. This is directly across the street from Stonecrest Subdivision, also another new subdivision up there. The preliminary drainage plan for Carrington sufficiently demonstrates compliance with the requirements for such a plan and the Surveyor recommends approval of it. Keith Poff is available to present the plan or take questions from the Board or neighbors. The developers are also here. Certain details will be required in the final plan prior to its presentation next month.

President Mourdock: Okay, anyone to comment on Carrington Estates? Seeing none, is there a motion for preliminary?

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **Baseline Park - Final drainage plan**

Bill Jeffers: Okay, we're in final drainage plans. The first one is Baseline Park, a

project located at the intersection of Baseline Road and US 41. It's in the southeast corner of that intersection. The final drainage plan for this project conforms sufficiently to the requirements and addresses the items that were brought forward during previous hearings. The only item we're requesting at this time is a slight revision of the outlet control structure that I have marked up on your copy there in order to show the secondary spillway elevation set about half a foot higher. This is to achieve the required detention volume that was calculated by the engineer and to facilitate adequate pipe connection. I think he is just about six inches short on both of those items. That's a minor detail that can be shown in the street construction plans or the site construction plans therefore the Surveyor recommends approval of the final drainage plan for Baseline Park with that one comment. Mr. Farney, who drew the plan, is here in the audience if there are any questions.

President Mourdock: Okay, any questions regarding Baseline Park? This is for final.

Commissioner Jerrel: I'd like to move approval of the final drainage plan for Baseline Park including those caveats that have been described.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **Bridlewood Subdivision - Final drainage plans**

Bill Jeffers: Okay, Bridlewood Subdivision. Additional details were added to the final plan at our request. Some of those details were added as recently as today. Keith Poff is here with that final plan. Basically, what we wanted and you're familiar with this one, it is located on Boonville-New Harmony Road just west of State Road 57, north and across the street from Bohannon Estates and Fisher Road forms its east boundary. You heard last week or last month that there was a lot of concern about the large ditch which passes through the project and they have taken that ditch and run it through a couple of bends along with some ditches that enter from the west side, the same thing. They have rerouted them through a couple of bends so we've asked for practices in accordance with the Indiana Handbook on Erosion Control to be added to that, to the construction plans. We've also asked for a six foot wide separation between the Fisher Road side ditch and the new ditch that they're going to route through there. We think six foot is sufficient for a maintenance pathway. We're asking for an emergency overflow channel to replace the natural watercourse entering the project's western boundary. That is so that no one might come in later and say that we obstructed a natural watercourse. Actually, we're going to provide an emergency overflow to handle a 100 year storm passing through there and dumping into the street during an extreme case. When those are accomplished the plan will exceed the required detention and release requirements and it will exceed other ordinance requirements so therefore the Surveyor will recommend approval of the final plan for Bridlewood Estates. I think there may be on one person here in the audience who is a resident of a piece of property...or an owner of a piece of property adjacent and also Keith Poff is here to represent the developer and answer his questions or questions from the Board.

President Mourdock: Okay, comments regarding Bridlewood?

David Callis: Bill and I had a long conversation--

President Mourdock: You need to state your name and address and start all over again.

David Callis: My name is David Callis, 12101 North Fisher Road. Bill and I had a long conversation about what was to be done with the ditch on the east side of Fisher Road and I didn't hear Bill make any comments concerning that. We were I think in that point in the preliminary the plan was to isolate the ditch on the east side and allow no water flow through that ditch (inaudible). We discussed many different issues around that and I left Bill with some thoughts on that. He said that he would get back with his people and I didn't...have you guys made any kind of thoughts on things we talked about?

Bill Jeffers: I discussed all that with Keith Poff and he is here to answer those questions and discuss their relationship with the final plan.

President Mourdock: Can we go back to the easel so we can all see what we're working from here, please. Have you got a plat with you Keith or Joe...Bill?

Keith Poff: I don't know if I know the specific question Mr. Callis is interested in hearing, but at this point the plan is still the same. We, in effect, will be creating a larger conveyance channel west of Fisher Road capable of carrying a 100 year flow capacity along the primary subdivision exiting out the northeast point. Relative to the east side of Fisher Road we are going to leave that ditch in place and not modify it in any way.

President Mourdock: Is the east side of Fisher Road within your project?

Keith Poff: No.

President Mourdock: Okay, so it is private property.

Keith Poff: There is a 15 foot road right-of-way that was established many years ago on that side (inaudible).

President Mourdock: And I think this question came up last month, didn't it, whether that was a county accepted road and I believe it was.

Keith Poff: It is a county accepted road. The current ditch route is across part of the property and crosses through and I believe it has to come through (inaudible) box structure and then run up the east side of Fisher Road crossing through three drive culverts here and another one over there. Last month we heard comments relative to sanitary--

President Mourdock: And your plan keeps it all the way on the west side of the road to the basin up there?

Keith Poff: Yes, the water that comes across the roadway here will be routed around the property and essentially becomes a bypass channel for the development. All the development water, and there is some water coming across from this side, will be brought through our lake so in essence we will be detouring all the water from crossing underneath that.

David Callis: See our concern was I don't care how well you maintain a ditch you're always going to have standing water in that ditch. (Inaudible). Fresh water standing

in a ditch is going to stagnate. Our concern was why couldn't a metered amount of flow be allowed to come...continue to flow down this ditch and freshen the ditch out periodically as the rains fall and take care of that?

Keith Poff: And my contention is that you will still have rainwater that falls onto the roadway, crosses the roadway into the roadside ditch. Everything from the center of the road and east, your house downspouts and things like that run into that ditch and that will still continue to run down that ditch so you still will have some water running through.

David Callis: There will be a certain amount, sure.

Keith Poff: I doubt it's going to be enough to flush your septic tank.

David Callis: Our septic tank runs through a sanitary (inaudible) anyway. I mean, water rarely comes out of there.

Keith Poff: That's good.

David Callis: Even during the rainy time of the year. But there is ponding water that sits in that ditch and it becomes a problem with mosquitos and all those things.

Keith Poff: That is a ditch that is maintained by Vanderburgh County. You should contact the county.

President Mourdock: Let me look and see if we have anything on the drainage--

Keith Poff: The lack of right-of-way is probably a significant problem. There have been people out in that area before and with only 15 feet of right-of-way and without a right of entry or additional easement there is not much that can be done.

David Callis: You're saying the county has no--

Keith Poff: They only have 15 feet of right-of-way from the section line. The creek does meander across that line almost from one edge to the other.

David Callis: The ditch would fall well--

Keith Poff: I don't believe that is true as it continues to run.

David Callis: You're talking about the centerline of the road--

Keith Poff: (Inaudible.) At that box culvert is where you see the road. From that section line over 15 feet you can see those culverts barely in the right-of-way therefore that (inaudible).

David Callis: The back side is where now?

Keith Poff: Fifteen feet from the property line.

David Callis: I don't know how the property line falls out there and where the right-of-way falls.

Keith Poff: (Inaudible) and you can see the culverts barely have the right-of-way so

everything on that side of the pipe is private property.

David Callis: But the ditch falls--

Keith Poff: Both ways. One half of it--

David Callis: (Inaudible.)

Keith Poff: That's possible. The grade is varying almost all the way through.

President Mourdock: Did I--

Keith Poff: You can cooperate with the county and have that ditch worked on.

President Mourdock: Did I hear something that said a moment ago though, Keith, that even the county easement for the ditch is very, very narrow? Is that what I heard you say?

Keith Poff: You only have 15 feet on that side.

President Mourdock: Oh, okay. I thought it was much less than that.

Keith Poff: It was established in the eighteen hundreds.

President Mourdock: Yeah, I was just looking for this year the cleaning of Fisher Road ditch is not on our schedule, but we are well ahead of schedule for our ditching this year and if the County Commissioners would like we can certainly add that to our agenda as early as next week.

Joe Harrison, Jr.: The issue is though whether...how much of that area we actually have a duty to maintain. Yeah, rights to. What he is saying is that it meanders on private property and then back onto--

President Mourdock: Oh, the ditch itself does?

Joe Harrison, Jr.: Yes.

Keith Poff: Well, the majority of the ditch channel from the flow line to the roadway is within the county right-of-way. However, the opposite ditch bank is mostly (inaudible).

President Mourdock: Okay, well, at any rate we can certainly have John Stoll and Erik take a look at that.

Commissioner Tuley: Yeah, look into it and see if there is something we can help them with.

President Mourdock: Tony, would you make a note to make sure we talk about that at the Commission meeting next week.

David Callis: There is another concern that we have, too. There is a lot of trees that grow along this particular ditch and just the natural process especially in the fall of the year when all the leaves fall in the ditch it's a natural part of that process as the fall rains come down through the ditch and clean the ditch out and keep the ditch in

good order. Without a certain amount of good flow coming down through that ditch the ditch is going to become a problem of accumulating leaves. They're just going to pile up in there unless somebody manually goes down in there and cleans that ditch out.

President Mourdock: Let me just play devil's advocate for a minute though, Mr. Callis. Having heard you say that it sounds like the best thing to do from your point of view is to fill the ditch that will be on the east side of Fisher Road, is that right?

David Callis: It may be, I don't know about that. Who is going to assume responsibility for that?

President Mourdock: Well, it's a theoretical question, but I just wanted to be sure I understood what you're saying.

David Callis: Bill and I talked about that.

President Mourdock: Okay.

David Callis: You have the concern then, you know, there have been long established property drains and roof drains and those kind of things that flow into that ditch and what do you do with them?

President Mourdock: Uh-huh.

David Callis: Then the burden gets shifted back onto the property owner. Until this gets cut off it's not a problem, but once that gets cut off then it becomes a problem then of the property owners if the ditch is filled.

President Mourdock: Okay, any other questions of the Board or any other comments here?

Commissioner Jerrel: We will send them out though. We will send the Garage and the Engineer out to look at that ditch. I'm going to make a motion for final approval of Bridlewood.

Commissioner Tuley: I'm going to second.

President Mourdock: Okay, and I will say so ordered, but again, Tony, make sure we have that on the agenda for next week to get the garage crew out there with the Surveyor's office.

Joe Harrison, Jr.: You might want to do a roll call.

President Mourdock: Okay, for the purpose of final approval a roll call vote, Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: And I vote yes. We need to change tapes.

Commissioner Tuley: Keith, according to Mike Wathen you guys haven't filed your erosion control plan yet.

Keith Poff: No, not as of yet.

Commissioner Tuley: Okay. He sent us a notice.

**Tape change**

President Mourdock: We're changing tapes, Bill, so it will be--

Charlene Timmons: Okay.

President Mourdock: We're ready.

**RD Patel Subdivision - Final drainage plan**

Bill Jeffers: When she gets back on we had to add on that. I had missed RD Patel.

President Mourdock: Hey, Jim, one note we had here from Mike Wathen, too, on Ashton Park which I take it for granted that this wouldn't happen, but he gave us a note that before you get any dirt moved you need an erosion control plan on file, so obviously we're a little bit away from that.

Jim Farney: Okay.

President Mourdock: Thanks, Jim.

Bill Jeffers: Okay, this one is your classic no brainer.

Commissioner Tuley: We need one of those now!

President Mourdock: Almost 8:00, perfect timing.

Bill Jeffers: Yeah. It is located on the west side of US 41 just south of I-1...or I-64 up around all that development around the Busler complex. The final drainage plan you're looking at was approved in January. This is a new final drainage plan which relocates the detention basin to a more favorable location.

President Mourdock: And what property is this?

Bill Jeffers: RD Patel.

President Mourdock: Is it going to be a hotel?

Bill Jeffers: I imagine.

President Mourdock: I'd bet so, too.

Bill Jeffers: One or more of those three lots. Okay, then you see there they are moving the basin so that it runs along two property lines rather than almost takes up way too much room on the one lot. It detains and releases basically the same volume and at the same rate. It is sized for the 100 year storm in accordance with

your new amendment releasing at a ten year rate and the Surveyor recommends approval of the revised final drainage plan for RD Patel Subdivision.

President Mourdock: Is there a motion? Any comments?

Bill Jeffers: This is your engineer from Morley.

President Mourdock: I can tell he was the engineer because he didn't rush to the microphone.

Commissioner Jerrel: I'll move approval of the final plan for the Patel property.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Bill Jeffers: Well, that was Jon Kipling who didn't rush to the microphone from Morley and Associates.

<p><b>Receive petition to remove obstruction Amy Gamble, 2609 Swinging Way Court</b></p>
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Bill Jeffers: Okay, the last item I have is a petition from Amy Gamble of 2609 Swinging Way Court petitioning the Board to order the removal of a drainage obstruction that she alleges exists at 2619 Swinging Way Court, Evansville, Indiana.

Commissioner Jerrel: Has she filed--

Commissioner Tuley: The \$100.

Bill Jeffers: She filed with Tony, what, earlier in the month?

Commissioner Jerrel: Oh, okay.

Tony Greubel: Yeah, she gave her \$100.

Bill Jeffers: And submitted a \$100 filing fee.

Joe Harrison, Jr.: You're officially submitting this to the Board this evening for filing, is that correct?

Commissioner Jerrel: To set a hearing.

Bill Jeffers: I'm putting it on the record so that in other words I have 30 days to come back with a report.

Joe Harrison, Jr.: The time is running from today?

Bill Jeffers: From today.

Joe Harrison, Jr.: So today is the official filing point, is that correct, Mr. Jeffers?

Bill Jeffers: Yes, sir. Today is the date of the filing of the petition and that gives us

90 days to have a hearing.

President Mourdock: So the only thing that we need to formally do at this point is to formally accept the letter and the petition?

Joe Harrison, Jr.: Yes.

Commissioner Jerrel: So I want to move that we accept the petition to remove drainage obstructions filed by Amy Gamble.

Commissioner Tuley: Second.

President Mourdock: So ordered and the clock has started.

Bill Jeffers: And then I don't know if you have to officially do this or not, but set the date to receive the report from the Surveyor's Office at your June 28th meeting which is as soon as I can do this.

President Mourdock: And is there a motion?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: And then as far as a hearing date we're either looking at July or August.

Bill Jeffers: Yeah, approximately 90 days from today.

Joe Harrison, Jr.: Okay.

President Mourdock: Any other business to come before the Board? We've already taken care of the maintenance contract.

Commissioner Jerrel: I'll move approval...move that we adjourn.

Commissioner Tuley: I will second your motion to adjourn.

President Mourdock: And I will say so ordered.

The meeting was adjourned at 7:56 p.m.

***Those in attendance:***

Richard E. Mourdock  
Betty Lou Jerrel  
Patrick Tuley  
Tony Greubel  
Charlene Timmons  
Joe Harrison  
Bill Jeffers  
Steve McCrarey  
Nester Heerdink  
WJ Ritzert  
Clay Waterman  
Gerald Korff  
Jim Farney  
Chris Weil  
Teresa Korff  
David Callis  
Keith Poff  
Members of the media  
Others unidentified

**Vanderburgh County  
Drainage Board**

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Richard E. Mourdock, President

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Betty Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Drainage Board Meeting  
June 28, 1999**

The Vanderburgh County Drainage Board was called to order at 6:30 p.m.

**Call to order and introductions**

President Mourdock: Good evening. We'll call the meeting of June 28, 1999 of the Vanderburgh County Drainage Board to order. As you probably know, the County Commissioners also serve as the Drainage Board and we have with us tonight the County Superintendent of County Buildings, Tony Greubel; County Attorney, Joe Harrison, Jr.; Pat Tuley, County Commissioner; Bettye Lou Jerrel, County Commissioner; and Charlene Timmons who acts as our Recording Secretary. Some of you I think are here for the first time this evening, so just by way of our ground rules if you wish to speak to this group remember the only issues that we're talking about this evening are drainage issues specifically. We're not here to talk about roads or population density or traffic signals. Those are for other boards. We do have an easel so if you've got a map and I would also point this out to Bill, if you've got some maps so that everyone can see what we're looking at at the same time we would ask you to use the easel. Last but not least, if you come to the mike to speak remember you don't have to restate what has been previously said. It's been my past experience that as these meetings go longer and the Commissioners get further and further away from the supper hour we become less and less agreeable. So if you want us to listen carefully please try to be as brief as you can, make your point and we do have a bunch of business to get through this evening.

**Approval of minutes**

President Mourdock: The first item on our agenda is the minutes of our prior meeting and is there a motion to approve those?

Commissioner Jerrel: I'd move approval of the previous minutes.

Commissioner Tuley: Second.

President Mourdock: So ordered and those are from May 24th.

**Surveyor's report - Gamble obstruction petition**

President Mourdock: We'll go to our old business items and Bill Jeffers, Chief Deputy Surveyor.

Bill Jeffers: The first item of old business is for the Board to receive the Surveyor's report on Amy Gamble's petition alleging an obstruction of a natural surface watercourse at 2619 Swinging Way Court, Evansville, Indiana. The Surveyor respectfully submits his report on the alleged obstruction of a natural surface watercourse at 2619 Swinging Way Court and asks the Board to enter this report into the permanent record and allow the Surveyor to distribute copies to interested parties upon request.

Commissioner Jerrel: I'll so move.

Commissioner Tuley: Second.

President Mourdock: So ordered. Charlene, did you get a copy? Okay.

Bill Jeffers: The respondents just walked in and I would ask them would you like a copy of the report? I don't believe there is any discussion required at this time unless there is something that must be said, but the second item then would be for the Board to set a date for the hearing on this petition. State statute requires the hearing to be held within 90 days after the date of the filing of the petition with a notice of the hearing served on each respondent in a manner prescribed by Indiana Rules and Trial Procedures. The petition was entered into the Board record at the regular meeting on May 24, 1999 and the Surveyor's report does contain the identity of the respondents as we know them at this time.

President Mourdock: And our next meeting would be July 26th for this Board.

Joe Harrison, Jr.: Or you could have a special meeting, I guess, if you ever wanted to have one the following Monday.

President Mourdock: I think it has been our custom always to, and correct me if I am wrong, Bill, to try to have the hearing 30 days after these have been filed with us, is that right?

Bill Jeffers: Yes, that would make it 60 days or approximately and because some of your weeks fall the way they do during the year you would risk going over 90 if you waited until August.

President Mourdock: Okay, is there a motion then to have the formal hearing on the Gamble petition on July 26th at our regular meeting?

Commissioner Tuley: I'll so move.

Commissioner Jerrel: And I'll second.

President Mourdock: So ordered.

Joe Harrison, Jr.: Do you want me to send out the notices like in the past or do you want to both do it?

Bill Jeffers: Is that...did you send them before?

Joe Harrison, Jr.: I think you did, too, didn't you?

Bill Jeffers: Yeah, and mine were messed up and yours were good.

Joe Harrison, Jr.: That's what I figured you would say! I'll do it then.

Bill Jeffers: Okay. I have the respondents' name down on a tax...piece of tax data that we pulled out of the computer and with a mailing address 2619 Swinging Way Court, Evansville, Indiana 47711. It's a husband and wife and I met them in the field and I believe those are the current owners of the property. That's on Exhibit B back here highlighted in blue.

Joe Harrison, Jr.: I'll give you a call if there is anyone else who needs to be notified as well.

Bill Jeffers: Okay.

Joe Harrison, Jr.: And it will be at 6:30 or approximately 6:30 p.m.?

Bill Jeffers: Yes, sir.

Joe Harrison, Jr.: On the 26th of July.

President Mourdock: Right.

Joe Harrison, Jr.: Okay.

President Mourdock: Okay.

**Wellington Acres - Preliminary drainage plan**

Bill Jeffers: The next item of business under preliminary drainage plans is Wellington Acres. Wellington Acres is located north of Boonville-New Harmony Road about one half mile east of Browning Road and about one mile west of Old Petersburg Road. Bataan Lane runs up along its kind of southeastern boundary. That's not as good of an exhibit as I thought it would be because it is kind of small, but it did show the entire area around the proposed subdivision.

Commissioner Jerrel: Bill.

Bill Jeffers: Wellington Acres received preliminary drainage approval--

President Mourdock: Bill.

Commissioner Jerrel: Bill.

Bill Jeffers: Excuse me.

Commissioner Jerrel: Could I interrupt you just one second? Do you think you could take your mike and walk over there and just point?

President Mourdock: There is a mike on there. We've got a wireless mike set up over there.

Bill Jeffers: Oh, okay.

Commissioner Jerrel: You want to just walk over there and point those out so we can see which--

Bill Jeffers: Okay, this is Boonville-New Harmony Road along basically the southern boundary of the subdivision. Over here about a mile is the Hornet's Nest. Over here about a half mile is Browning Road. Bataan Lane runs right up here to some existing residences. I've outlined phase one in yellow. This is the portion of the development that the developer is submitting at this time. The existing lakes are highlighted in blue. He proposes to build two additional lakes highlighted in green. Wellington Acres received preliminary drainage approval as Windsor Place a couple of years back which was a larger subdivision made up of much smaller lots. The developers of Windsor Place however did not get sanitary sewers extended to the

site and they are returning now with Wellington Acres Phase 1 which is a smaller land area divided into lots that are two and a half to three and a half acres each rather than the smaller lots. The new preliminary plan for Wellington Acres substantially complies with the requirements for a preliminary plan. The report submitted by the developer's engineer, Mr. Coniff, who is sitting here in the striped shirt is very well prepared and explains the proposed project and the drainage improvements very clearly. There are certain details we will need to address with the developer and with his engineer prior to final drainage plan approval and we look forward to that review next month. Most of those deal with easements that will carry the runoff from the lakes all the way up to Schlensker Ditch. This lake in particular to Schlensker Ditch and from this lake to Schlensker Ditch there will have to be temporary off-site construction easements and temporary off-site maintenance easements until the time that the developer extends his development into that area and then he can plat those as permanent easements at a later date. Otherwise...oh, we did have one call from an adjacent landowner who I did not get his name, but he may be here in the audience tonight wishing to speak, otherwise the County Surveyor recommends approval of the preliminary plan for Wellington Acres Phase 1 and I remain available to answer your questions.

President Mourdock: Okay, is there anyone here who wishes to speak to the issue of Wellington Acres, either in support of or with questions about? Okay, we have the recommendation.

Commissioner Jerrel: I'll move approval of the preliminary plan for Wellington Acres.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **Kingsmont Subdivision - Preliminary drainage plan**

Bill Jeffers: Okay, our next item is Kingsmont which is located on the north side of Old State Road immediately west of and north of Scott School. Kingsmont received preliminary drainage approval as Scott Crossing about a year ago. The developers of Kingsmont however wish to redesign the lot layout and make the lots a little bit larger and relocate the proposed drainage basin into the northwest corner of the subdivision. The developer's engineers also have upgraded the design for all the drainage facilities to handle the 100 year storm per the Board's amended requirements for the impacted drainage areas along US 41 North. We do anticipate there are neighbors in the audience wishing to speak to Kingsmont's plan so the engineers have brought some displays to help with that discussion. That is why I have not put up a map yet. They have some expanded maps that will help the neighbors with their discussion, where they live and what problems they may have. However, our review showed compliance with the requirements of the drainage ordinance for a preliminary drainage plan and the Surveyor recommends approval of the preliminary drainage plan for Kingsmont and encourages the developers to instruct their engineers to address all the valid issues raised by the project's neighbors tonight and incorporate them into the final plan that we expect next month. I'm going to turn it over to representatives from Morley and Associates who have brought with them the displays for you and the audience.

President Mourdock: Bill, even before we do that...go ahead and get ready. Did we hear this under another name at one time?

Bill Jeffers: Yeah, it was called Scott Crossing about a year or maybe a little over a year ago.

President Mourdock: Okay, thank you.

Bill Jeffers: It was approved and cleared as a preliminary plan but did not come back as a final. It's slightly modified as Kingsmont. They have made some modifications and I'll explain those to you.

President Mourdock: It did not come back as a final why?

Bill Jeffers: The developer at that time, I guess, didn't want to pursue the project and now there are new developers.

President Mourdock: Okay.

Unidentified: Can you move that back a little bit so we can see?

President Mourdock: Sure, Tony, can you?

Jim Morley: My name is Jim Morley. I'll give a little brief explanation of what went on at the last time when the Board approved the drainage on it. We came before the Board and there were several questions about issues of flooding down on Baseline Road and the Board asked us to go out and do an area study, not define our work to just the subdivision itself and to go beyond and come back and report to the Board what we found about the issues down on Baseline Road and what the causes were. At that point in time we went down and we made a study of the entire watershed of the Baseline Road area down in here. This area which you see outlined in here is the size of that watershed. Coming down to here there is some 780 acres and all of this in the darker shading here that you see along here this is all in the 100 year floodplain and this was a part of the area that the county had requested that FEMA come back and do a more detailed study and give them some better elevations on it and they did a detailed study giving 100 year floodplain elevations all the way across 41. This was that whole 41 corridor area that you asked for the study. When we went out and took photographs the other time, you know, there is up in this area of the subdivision a rather deep ditch and then as it comes down along here it flattens out to almost nothing. It gets down to here and where it crosses the road and at that point in time a couple of years ago the ditch along Baseline Road was pretty well plugged. It had some obstructions in it. I reported that to the Board at that time. There also was some plugging here along and some debris along Korff. As you go out there today recently the people in that neighborhood have done some cleaning of this ditch. I'm sorry, all the way from here they've done some cleaning of this ditch to that area. Dave Schminke went out to the area today. You know we had a good rain to the north of us and all the way up to Princeton a lot of the ditches in the floodplain area were outside of their banks and Dave went by to take a look and see what maybe some of the obstructions were in that ditch were present. Do you want to tell them what you found today, Dave, and where?

David Schminke: My name is David Schminke. I did go out and observe today after some of the rains we had. The most obvious neglecting thing was the ditch that emptied right here to this culvert that went across Baseline Road I noticed several tires and a 19 inch television, if you can believe that, in the ditch. I think it really goes beyond the fact that it had some obvious plugs. You can see where the fields around that area had been ditched such that all the water point discharge along the

area, the ditches that run along the roads, and it really surprised me as to how much water was flowing off those areas. Quite frankly, there is three or four or five areas out there that the water was up to the edge of the road and even onto the pavement. When you look at the pipes that are underneath Baseline Road along through there there are three or four of them that try to drain the area to the south over to the north side and common sense just tells me that the whole thing is undersized. So I don't know if that's--

Jim Morley: Those were the issues involving the study that we presented before and like we said, some things have been done, but as Dave reported there is still other things that need to be done. The detailed plan of this subdivision which involves only the area in red now shows a permanent lake in this corner significantly bigger even than the impacted area requirements, the storing the 100 year storm. We have greater capacity than to store that. But you know just collecting from here and storing that amount, that is not going to make what is down on Baseline go away and I think that's what we reported before that there were still some things that needed to be done and obviously we should be able to get the tires and the tv set out right away, but there is still some other things along ditching on Baseline Road that needs to be done.

President Mourdock: Bill, how far...we declared part of the 41 area to be an impacted drainage area under our ordinance, correct?

Bill Jeffers: That's correct and this is the southeastern limit. Old State Road from--

President Mourdock: That's my question is where does that impacted area quit by our prior action?

Bill Jeffers: This is Inglefield. This is the very southern boundary right here, Inglefield, and then the boundary runs up Old State Road all the way to the county line at I-64, so everything over here is in your impacted drainage area.

President Mourdock: Okay.

Bill Jeffers: Of course, what that means to those in the audience who weren't here during the hearing is that this developer will have to capture the 100 year quantity of rainfall that runs across the surface of the land and store it in his lake and release it, and this is after development. Every house, street, sidewalk, patio, pool, what have you. After all those hard surfaces throw more water off of that land under a totally developed condition he will have to capture all of that in the lake or the pond and release it at the same rate at which it flowed off of that same area of land during a ten year storm before it was developed, so right now today let's say we had a ten year storm out there today on that agricultural land he cannot increase the flow any more than that ten year storm caused today. He has to hold the 100 year storm which would have been way in excess of what happened today and release it as if it were a ten year storm. That is what the fellow who is developing the area in red there is going to have to do whereas someone right on the other side of Old State Road has to capture a 25 year storm and release it as a ten. So we have increased the restrictions and the requirements on all those people inside the impacted drainage area not just because the folks who are here today came in a year and a half ago or two years ago, but also because of all the other residents and landowners in that area over a period of time, especially the Big Creek Drainage Association, has repeatedly pointed out to us the fragile nature of this area with regard to runoff from rainfall.

President Mourdock: Questions from the Board or Mr. Morley?

David Schminke: I would like to add one thing on top of that, if I may.

President Mourdock: Sure.

David Schminke: We are taking this very seriously and Bill spoke of the 100 year discharge. We have, in fact, gone the extra mile on this thing and what our calculations show as being an allowable discharge we have better than half that as far as what we proposing to discharge from this site. So the calculations show a 45 CFS allowable. We're proposing to choke it down to 21 using a 24 inch pipe for this entire development.

Unidentified: Can I ask the gentleman that was just up there--

President Mourdock: Yes, but you need to come to the microphone and state your name and address please.

Greg Hill: I'm Greg Hill. I live at 1045 East Baseline Road and as he says we've got a problem with flooding. I mean, I'm not in the floodplain, but it is up in my driveway. If it comes up six inches more it's going to run across the floor into my house. I understand they're going to put this in. My question to you right now though is on that parking lot that they're proposing next to Scott School was that water calculated to be into that three and a half acres or whatever it was?

David Schminke: Yes, it was. No doubt about it. We also included areas in front of Scott School. Well, all that we was talking about is this area here and we even figured this area right here.

Greg Hill: Okay, they tell me this is not supposed to flood even if a 100 year rain or whatever and I'm not, like I told him, an engineer. I don't know how much water it is going to hold. There is a ditch that runs down to Baseline Road. He tells me that there is a 21 inch pipe, is that what your discharge pipe is?

David Schminke: Twenty-four.

Greg Hill: Twenty-four, okay. This ditch it's got...I don't think it will be big enough to carry that much water. It is going to flood the fields. When it gets down here there is about a 24 inch culvert across Baseline Road. I went down this morning and measured where the bridge is at Korff and Baseline. It's a 60 inch box culvert and there is one across Korff Road on the ditch that he says was cleaned out, it's 60 inches. When it rains...June 6th is the last time it was flooded and Baseline Road from my house to a quarter of a mile down here was impassable. We've got a problem and I know they say this is going to hold it back, but if it doesn't you're causing a lot of water that's going to run off that hill a lot faster than it did before with farm ground. They need some work done. I mean, I understand that this is going to hold it back, but I just don't see how it's going to help us down here. The ditches aren't big enough and the culverts aren't big enough. Like he said, two years ago it was brought up that there needed to be some improvement. There has been nothing done. The only thing that was done was by Jim Schmitt, the farmer, and the people along Baseline cleaned this ditch out. These were not ditched out or anything else, so they need to do some improvements before we get too wild and increase everything. We've got a fire station that is going in here. They're not going to be able to use this road when it floods. Peck Road floods, too. Some of the

neighbors down there can tell you about it. There needs to be some improvements before you get too much out there.

President Mourdock: Okay, thank you, Mr. Hill. Other comments? Yes, sir.

Jim Schmitt: My name is Jim Schmitt. We've been farming this ground for 30 years and I don't know if he is planning on catching all this water into this retaining pond, but if he don't he is defeating his purpose.

President Mourdock: He is.

Jim Schmitt: He is planning on cutting the hill? Okay, this ditch here needs to be cleaned out. That is half way filled up with silt from here on up. This one here is not near enough to carry it like that one. And where it comes down to Baseline, that ditch is cleaned out pretty well. This is cleaned out. We cleaned out the ditch that runs about along here.

President Mourdock: Wait a minute, let's clarify. Mr. Hill just said where you pointed was not cleaned out. Which is correct? The way I understood it, Mr. Hill, maybe you can stand up there, too, just to make sure we are all seeing the same story here.

Jim Schmitt: It is cleaned out.

Greg Hill: It has been cleaned out, but it is not straight and it's filling back in is what it is.

Jim Schmitt: Yeah, yeah.

Greg Hill: It's full of grass where everybody--

Jim Schmitt: It's halfway. It's not too bad from here to here, but the thing about it is we cleaned this ditch out all in here, but like today it's raining and this is all filled up in here and it was all starting to back up so that retaining pond is not going to do any good because if you're filled up already down here and all your water is starting to back up what good is a retaining pond? You're just flooding...well, you're just back stepping.

Greg Hill: June 6th when this flooded I went down the new ditch that he has cleaned out. It wasn't even half way full. It was across Korff Road. The 60 inch pipe was completely...it couldn't take any more on the east side of the road. The other side it was coming out about half full. All this was flooded. This ditch needs to be bigger and recleaned out and widened or whatever and bigger culverts. The water can't get to me. Where he has cleaned out he has got it where it is shooting down through there at 100 mile an hour and it's not even halfway full. It's all these small ditches along here. Especially this one up through here.

Commissioner Jerrel: I have a question, Bill. What he just pointed to is that private ground or is that a legal drain that we are responsible for?

Bill Jeffers: The one that Mr. Schmitt cleaned out that runs from Korff Lane to Boyle Lane is a private ditch.

Unidentified: It's not cleaned all the way to Boyle Lane.

Bill Jeffers: The ditch from Korff Road to Boyle Lane is a private ditch. From Boyle Lane through 41 and on to Pond Flat Main is called Pond Flat A. Pond Flat A starts at Boyle Lane, so everything upstream of Boyle Lane and that's from Boyle Lane to Korff Lane and on up--

Commissioner Jerrel: Could you point that out to me so I could see?

Bill Jeffers: Okay. Pond Flat A starts at the bridge under Boyle Lane and runs this way through the Rexing Farm to Pond Flat Main, but from Boyle Lane from here up to Korff Lane this portion of the ditch from here to here is private and as is this waterway on up that way. That's all private. I don't know what the right-of-way is on Korff Lane. I'm sure that there may be some right-of-way that they could work from and clean the culvert itself out. However, a lot of these lanes out here like Korff Lane and even Baseline Road may not have enough right-of-way on either side of the pavement to do the cleaning that the folks are representing needs to be done. They may have to get a temporary construction right-of-way to allow the county crews or a contractor to go out there and clean this ditch along the south side of...on either side of Baseline and either side of Korff. Whatever ditches are there may be outside the right-of-way.

Jim Schmitt: Bill, Korff Road, that road on the east side is cleaned.

Bill Jeffers: Well, I was trying to point out to Mrs. Jerrel what may be the holdup on the county's ability to go out there and clean the ditches. We're not arguing that they need to be cleaned out. We believe that they need to be cleaned out. That was pointed out two years ago. It may still be the case. Mr. Morley has stated it is still the case. Mr. Schminke has stated it is still the case. If the folks who...if the county is willing to do that cleaning and the folks on either side of Baseline and Korff are willing to grant a temporary construction right-of-way that might be able to be worked out as a project.

President Mourdock: And this is terribly unfair of me to do, but it's important enough as an issue here obviously to a lot of folks. Whoever owns basically the south half of the southwest corner in Section 33 by chance are they here tonight?

Unidentified: Where is that?

Unidentified: Show us where that is at.

President Mourdock: Okay, it's the intersection of Korff Road...or Korff Lane and Baseline. On the northeast side of that intersection. Where all the finger pointing has been going on.

Unidentified: No, they are not here.

President Mourdock: Okay. John Stoll, who is our County Engineer, mentioned to me a moment ago that he feels...and recently you know there was some construction work at the intersection of Baseline and 41 and, John, why don't you just go ahead and state for the record what you told me. Just explain it.

John Stoll: When that subdivision went in at Baseline and 41 we were having a hard time finding any documented right-of-way along Baseline, so I was telling Commissioner Mourdock that my gut reaction would be that we would have a hard time finding anything on Korff if we can't find any right-of-way documented on

Baseline.

Unidentified: My question is--

President Mourdock: Come forward please and state your name for the record.

Diane Speck: Diane Speck, 14641 Nora Drive. My question is right-of-way on Peck Road, what is that also? Peck Road as it is now it is impassable to go down there which runs to Baseline which Baseline...the fire station comes up to Old State is access to the school. I really question as I did two years ago what the right-of-way is on Peck because that was hard for me, but I am just a citizen trying to find the answers.

President Mourdock: We all have that in common. John, do you know what the answer is?

Diane Speck: I'm not an engineer.

John Stoll: I haven't researched that right-of-way and no one in my office has. There again, it's a narrow road, so it's probably a narrow right-of-way if it is documented at all.

President Mourdock: Is there presently a ditch on each side of Peck Road?

Greg Hill: Yes. All the way down from Old State all the way down to the other end. Pretty much it's got a ditch on both sides.

President Mourdock: And it looks like about 400 feet south of the intersection at Baseline there is probably a pipe that goes underneath there.

John Stoll: Yeah, there is an old boiler pipe.

President Mourdock: Okay, someone else has their hand up.

Greg Hill: Greg Hill again. What is your name again?

David Schminke: David.

Greg Hill: David, when you were out there, like I'm saying, that 60 inch under Baseline and the 60 inch culvert under Korff and Baseline are you saying in your opinion they were too small and wouldn't take the water?

David Schminke: Yes, it appeared that was part of the blockage. The size of the structures were part of the problem.

Linda Marcoccia: Linda Marcoccia and I live on the opposite side of the subdivision at 14855 Old State Road. They're talking about widening the entrance and if they widen it in front of our house, which it would be, it is already real marshy and I'm wondering are they going to dig a ditch on that side, too? Because it's not very big there, it's pretty well level and it already accumulates so if you make the road larger for more water to gather it's going to drain. It's got to go somewhere. Another issue, right back behind this subdivision is where that 12 year old girl just drowned. You've got an elementary school right here. How are you going to keep the kids out? They can't be supervised. Part of this big basin. I know it's not their fault or anybody else,

but you've got to look at the school here and that is going to be right there and that's right where that little girl drowned because I watched the helicopter. It's right there and kids do that. That place is not very deep. Somebody walked into it. Can she walk into this basin? That girl drowned. What about the little ones? That girl was 12 years old. These are elementary.

President Mourdock: Let me, if I may, just rephrase the question to either Jim Morley or Dave Schminke. What would the drainage situation be on the south side of Old State and also what would the depth be on the retention pond?

Jim Morley: Along Old State where we would be doing a taper at the entrance we would regrade the swale along the side. There is a shallow swale right now, but there are some low points in it as she says and it just collects there. As you look at it part of it has been kind of filled in, I guess, in the past and it is marshy, like she says, right there. So that would be regraded. It doesn't take much, but it still takes a little bit. As far as the depth of a detention basin when you do a permanent pool we try to make the normal water depth approximately five feet. That keeps the weed growth down. The pool is on private property. You know, it will be set up in such a way that, you know, if anyone came to this they would be trespassing. You know, people can--

President Mourdock: Just to clarify, it's not a dry type basin? It will hold water and holding water all the time?

Jim Morley: It is not a dry type basin. It is planned on being a permanent pool and then from this permanent pool as we would capture the 100 year flow or the ten year flow or whatever then the water would rise. There is freeboard above it, but the normal pool depth of the water would be five feet to keep the weed growth to a minimum.

President Mourdock: How much freeboard would you have?

Jim Morley: Well we have...what do we have?

David Schminke: It can handle four feet.

Jim Morley: Two feet for water and then the dam on above that, so we're doing two foot of water storage so the water level would fluctuate.

David Schminke: The surface area between the lower stage of the normal pool would be close to an acre and a half and if it were ever full it would be close to two.

Unidentified: That's all for that whole area?

President Mourdock: Yes, sir.

Ted Karger: Ted Karger, Old State Road.

President Mourdock: I'm sorry, I couldn't hear you.

Ted Karger: Ted Karger, 15310 Old State Road. You've already approved Old State Court. They have another 20 or so lots that have not been filled up. I don't know if anybody has thought about that, but you've also got more drainage, more construction already approved that hasn't been developed yet. Also, your fire

department that they have not built and more displacement of water. When you pave three quarters of this 46 acres on the grade that it is on I don't believe there is any way you're going to stop that water. You're supposed to come up here with the facts and the fact is we already have a problem. Anything that is added would be insult to injury.

Unidentified: You're talking grade, that is a grade.

Ted Karger: That's some steep grade. See, Old State Road is a watershed, Wabash and Ohio River. You can't place 46..let's say 30 acres of pavement and trap it.

President Mourdock: Just for the record though, and let's deal with facts.

Ted Karger: Yeah, you're right, but the fact is that there is already a problem there. I understand.

President Mourdock: Yeah, I will grant you that, but I just want to make sure everyone understands, and correct me if I am wrong, but there is no 30 acres of pavement. You're developing 30 acres, but that which would actually be paved--

Ted Karger: Forty-six, I believe, isn't it? Forty some odd acres?

David Schminke: Forty-three.

Ted Karger: Forty-three acres, but it is so dense--

President Mourdock: But that which is actually paved is roughly...?

David Schminke: A typical residential house. I mean, a driveway and a house and the rest of it is lawns.

Ted Karger: It's very dense, small lots. A lot of rooftops. A lot of driveways. You know, you have the driveway, the rooftop, there is going to be very little yard. You have streets. A lot of displacement. This man here, he can attest for the grade. I don't know I don't have a grade.

Jim Schmitt: We've been farming it for 35 years--

Ted Karger: There is no topsoil left on it because of extensive drains.

Jim Schmitt: A lot of water comes from Scott School fast.

Ted Karger: Fast, and you're not going to stop it. Today we had...what did we have today? An inch and a half? An inch and a half rain and the people on Baseline were suffering today. That's a fact. And always just remember that there are 20 some odd lots or 20 or so lots that still have already been approved that have not been built yet in Old State Court which is just rock throwing distance and you've got the fire--

President Mourdock: Point to where Old State Court is please. I know we handled that one but we deal with a bunch of these.

Several responses: To the left.

President Mourdock: Yeah, it's between there and Peck Road.

Ted Karger: Yeah, it's right in here. And then, of course, the fire station.

President Mourdock: Okay, thank you, Mr. Karger.

Loren Zeller: I'm Loren Zeller and I live here at the corner of Peck Road and Baseline. What they was saying about this ditch Jim has cleared half of this ditch toward Boyle Lane. The other half is not clear, so if you put in the culverts here and this here you need to get this cleaned out also to relieve us otherwise you've got a choke right there which is practically straight back up anyway. So, I mean, you've got to keep in mind they're talking about this ditch being clear, it's half. It has only gone halfway. Like you said, it's private ground. Now I don't know what you can do about getting that cleared up, you know, but that there is still a problem there and like they said it does flood down on here and this is a real narrow road and it has ditches on both sides all the way down. Right here in this area it washes out this guy's drive and culvert right here about...I think he has replaced it six times now. It crosses the road right in here. Down right about here where you see the blue line here. It crosses the road here and anywhere in through here it is over the road all the time, you know, when it rains. It's always out and it is muddy and it's a mess. You've got to keep in mind that they haven't finished that up yet either.

President Mourdock: Okay, thank you. Any other comments?

Ted Karger: I have a question for Bill. On a 100 year flood what is the amount of rain that would be? Is it a certain amount like five, four inches? The volume, could you give me an idea.

President Mourdock: For the record, that is Mr. Karger.

Bill Jeffers: I don't have any rainfall charts with me. It depends on how many minutes it takes to accumulate in the first place or how many minutes it rains. Let me see if there is a chart in this report. Okay, a 30 minute storm four and a half inches per hour. Intensity in inches per hour would be 4.6 so in 30 minutes you're talking two and a half inches in 30 minutes, 2.6 inches in an hour. If it all happens in 15 minutes it would be a little under three and a half inches per hour. I mean, three and a half inches in 15 minutes. I mean, I don't know how long that storm lasted today. It certainly wasn't a 100 year storm though.

Ted Karger: No.

Jim Schmitt: But it's like that all the time whenever we get an inch.

Bill Jeffers: Right, but what he is doing is to collect water and restrict it back to a ten year storm which let's say he is going to take, like I say, a little over two and a half inches of rainfall...or around two and a half inches or two and a quarter inches of rainfall in a half hour and release it at the rate of an inch and a half per half hour.

Ted Karger: So let's say if we have--

Bill Jeffers: So he is going to reduce it. You know, he is reducing the amount that he is releasing off that land.

Jim Schmitt: But if (inaudible) filled up what makes a difference how much you get

in there?

Bill Jeffers: Once you exceed...well, he also has told you that he is going to choke it down to half of the ten year rate. I forgot about that. So he is taking it down to like a five year storm, so what is running off the agricultural land out there...open plowed land, is that how you farm? No soil erosion control or--

Jim Schmitt: No till both ways.

Bill Jeffers: Do you do no till?

Jim Schmitt: Yes.

Bill Jeffers: Okay, but basically off of your agricultural land about 50 percent of the water that hits the surface of the land leaves. You know, leaves your ground undetained. Fifty percent of what falls on there leaves. After he is developed even with the increase in impermeable or hard surface his is also offset. I mean, his hard surface is only going to be maybe 20 percent of his development. The other 80 percent is going to be grass. It's going to be dense lawn grass, turf, which only runs off about 15 or 20 percent of the runoff when you make that balance between hard surface and turf you're down to--

Ted Karger: Yeah, but your concrete will be about a 100 percent runoff.

Bill Jeffers: No, it will be about 96 percent.

Unidentified: Yeah, but the speed.

Ted Karger: We're talking about the incline there, Bill.

Bill Jeffers: The speed is offset by the fact that as soon as it gets in the basin it starts stacking up and he has told you he has two acre feet of storage. That slows the speed down. I understand the velocity has increased through the subdivision down to the basin. When it gets to the basin it has to fill the basin up because now it is choked down to it's only leaving a 24 inch pipe where everything leaving that agricultural ground, all 50 percent of it runs off and runs right in the ditch undetained. Nothing is holding it back. It all hits at once down there at Baseline Road.

Ted Karger: Right, and when they get the rest of these 20 homes built and then the fire station.

Bill Jeffers: Well, the fire station we asked them to put in a agricultural WASCOD and they did. They're putting a detention basin in the back of the fire yard. I thought that was excessive. They don't really have that much runoff and they volunteered to do that.

Ted Karger: Well, there is already a problem here though. There is already a major problem.

Bill Jeffers: Yes, and we recognize that problem and we're trying to address that problem. We feel that the problem is you have drainage facilities that are overloaded. Many of those facilities are overloaded by activities that we cannot control. We cannot control agricultural activities. If this man wants to open plow his field one year we have nothing to say about it. If he wants to no till it that's fine too.

Whatever he wishes to do the State of Indiana allows uninhibited agricultural pursuits. You know, TEA by 2000 was out the window now--

Ted Karger: The only control we have over the area is whether this is going to be built or not.

Bill Jeffers: The control we have over this area is that when it is going to be built it will be built in such a way that the minimum requirement is it gathers a 100 year storm under a developed condition which is about 41 percent of the water will run off.

President Mourdock: Bill, let me chase the question of two years ago.

Bill Jeffers: And we're going to gather it up, store it for a period of time and release it at less than the ten year rate. That's the control and that should improve the condition downstream because it actually will slow--

Ted Karger: It should?

Bill Jeffers: It will slow down the water in the discharge rate in cubic feet per second.

President Mourdock: Bill, when this came to us the first time we had not yet, yeah, designated this as an impacted drainage area.

Bill Jeffers: That is correct.

President Mourdock: In doing that one of the things...and I was looking at my notes here from the meeting two years ago, one of the things that gave us the authority to do was to stiffen the standards, if you will, for any development in the area above what our normal erosion control or drainage plans are. Does this new plan show something beyond the norm in that regard?

Bill Jeffers: In reply I would say that the first developer, Jerry Lamb, I believe. Is that correct?

Response: No.

Bill Jeffers: What was his name?

Unidentified: Wayne Ellis.

Bill Jeffers: Wayne Ellis. Wayne Ellis wanted to develop this same piece of land and at the time he could have gotten by with capturing and detaining a 25 year storm after development and releasing it as a ten year storm...at the rate of a ten year storm before development. He voluntarily submitted a plan that showed that he would capture a 100 year storm and release it as a ten. Okay?

President Mourdock: "He", Mr. Ellis, Bill?

Bill Jeffers: Mr. Ellis directed the Morley Associates to devise a plan that would capture a 100 year storm which was over and above what he was required to do by ordinance and release it as a ten. Okay, now you have a developer, a new developer, who has come here on the same piece of land and he is required now under the new ordinance amendment to capture a 100 year storm and release it as a ten and he has voluntarily come forward here with his engineer tonight and told

you that he is going to release it at half the rate that he is required to release it at.

President Mourdock: Okay.

Bill Jeffers: So this is the second time that a developer has come up with a plan that will cost him money and he has gone above and beyond what the ordinance requires and in the intermediate time between...in the last two years since the first developer was here the only thing that has been done to improve the situation is that a private landowner has gone out and cleaned half a ditch.

President Mourdock: Okay. There is a question behind you. I can't see the face. Yeah, Mrs. Speck.

Diane Speck: I am just a little unclear here. The first developer came in and then an impact study was done?

President Mourdock: Yeah, that's correct and let me just give you the history.

Diane Speck: Okay, well I was there then.

President Mourdock: Okay, well let me give you the history of what happened from then to now.

Diane Speck: Yes.

President Mourdock: Basically, this Board acting as both the County Commission for the purpose of highway planning and the Drainage Board looked at that area along 41, basically either side of 41 for a mile, and saw that there were special concerns in this area in particular regarding drainage. We wanted to do something that would go above and beyond the normal drainage plans because we know there is going to be development out in that area and we wanted to make sure that we weren't using, if you will, high ground plans for this area where there is low ground. So this Board acted, I think, about 14 months ago or so and designated that a designated impact area. What's the phrase?

Commissioner Tuley: That's--

President Mourdock: Designated drainage area so that we could apply special rules to make sure we go beyond the normal rules in issues like this. What Bill was just saying is the developer has gone beyond the normal rules with the 100 year plan in his calculations and how he would release that water. So that has taken us from two years ago to now.

Diane Speck: Okay, I just have questions. I moved here five years ago, six years ago. Drainage seems to be a major problem in this city. All I've heard were all the problems on the east side development and the infrastructure and then we flood and then we correct and I hope you'll learn by your mistakes and think and act responsibly to further development in areas where you have learned from in other areas of your county. I just wanted to know if that's really--

Commissioner Tuley: That's what we did when we declared it an impacted area.

Diane Speck: It sounds like you tried to do that in between these two developments, but I have concerns.

Commissioner Jerrel: Could I ask a question concerning the...now this is private property.

Unidentified: Yes.

Commissioner Jerrel: You've cleaned your ditch, but what has happened? I mean, you all live together close and talk to one another and you're concerned about your area. Has anyone approached that private owner, you know, past your farm to clean their drain?

Jim Schmitt: Well, he has cleaned part of it about half way down, but there is still a little bit up the way that is not cleaned.

Commissioner Jerrel: I mean, has there been an ongoing effort, you know, for the part that is on the private property to get it cleaned?

Loren Zeller: Well, the other thing is if they clean that ditch out the culverts, the county culverts that they put under the road, aren't big enough to take it. Now whose responsibility is it to fix those?

Commissioner Jerrel: Well, that's the county's responsibility to enlarge them--

Loren Zeller: Well, what does it take us to get those upgraded?

Commissioner Jerrel: I wanted to add...that was the reason I asked the question. I leaned over and asked him to pull up his minutes from two years ago. It won't do any good to upgrade those if those drains on private property aren't cleaned.

Jim Schmitt: But, Bettye, what I am saying in other words is even if the ditch down the road was totally cleaned out down below it is already filled up, so that goes to tell me if that is cleaned out that is only going to flood below it worse because it is already backed up already on the other side where it was--

Loren Zeller: Oh, you're saying like it is going to flood more on the other side of 41 down in through there and put more out into Pond Flat. So now what we're going to do is we're going to move our water problem to somebody else.

President Mourdock: That's the point, and I couldn't see who said it. I think it was Mr. Zeller, but that was the point of designating that an impacted drainage area. Understand we did not designate one culvert or one small thing--

Commissioner Jerrel: The whole thing.

President Mourdock: --but it was our plan...yeah, it was our plan and the action we took was for the entire area so that the problem you just described does not become the reality.

Loren Zeller: Like I said, if we get our situation under hand we're going to create one heck of a havoc further down, you know. Anything we can do to retain slow water or whatever will probably help.

President Mourdock: I see a hand. Mrs. Marcoccia.

Linda Marcoccia: This is no new problem--

President Mourdock: You'll--

Linda Marcoccia: --and the developers knew it when they bought the land. Why do they buy the lowest? The commercial along 41 already and the other development. You've got Volkman Road growing up in that direction, you've got Browning Road, it seems like all directions. This is low and you can't really...it's a known fact.

President Mourdock: Jim Morley, do you want to deal with that question? I know you've got some others.

Jim Morley: Yes. To deal with this, this is not low. This is high ground.

Unidentified: Very high.

Jim Morley: That was, as he pointed out, that's the issue is this is high ground, doesn't it run off fast, doesn't it run off faster if you develop homes? The lot size in here that has been laid out are all at least 11,000 square feet, a quarter of an acre, and you might imagine if you build a 2,000 square foot house, you know, ground floor coverage area you've still only affected about one-fifth of the lot, so you still got about 80 percent of that lot is turf, you know, and turf is a much better water handler than is agricultural land, you know, the plowed fields during most of the periods of the year. So it's not three quarter runoff, sir. That's nowhere near that. Three quarters of it is not impervious. With this area there was a suggestion that I made a couple of years ago which apparently has not happened as I know all of the Drainage Board members and I think all of the audience members here know, you know, Mother Nature made high ground and she made low ground. There are some roadways and even some homes down in areas that are low. Today they couldn't get a building permit to build down there. They are low. We do what we can on the high ground. The top of this basin, all the way around this basin, the more capturing points that are created along here the better off they'll be, but we can't turn around and raise that ground. It's a fact of nature that we have a certain amount of low ground and that exist down there. Farmers farm low ground and farmers know that. Our job involving any sort of development is when you're on the uphill side hold it back and that is what we're set up to do. A couple of years ago I raised the question that this is a regulated drain, as Bill points out, from Boyle Lane heading on to the east that Indiana law allows homeowners and landowners to get together and petition the Drainage Board to create an extension of a regulated drain. It takes 50 percent of these homeowners. If these people that are here want to solve this problem they can solve the problem that John pointed out you have, no right-of-way. If you declare a drain a regulated drain then you get 75 feet beyond the top of the bank in which to work. So if they would come forward, create a regulated drain that extends from Boyle across to Korff and across Baseline then you could have the right-of-way and then jointly then all of that could be handled on a routine basis. It was an arbitrary decision I'm sure based on whoever petitioned it back then to stop it at Boyle. There is no particular reason to stop it at Boyle. The only issue is as you know the drainage law says half of the people have got to agree. So if they want to fix the rest of that ditch there is a legal way to do it.

Jim Schmitt: But, Mr. Morley, most farmers will clean their own ditches out because that is protecting them. They're not going to let them suckers fill up. That's killing their (inaudible). What's happening is as the years have gone over, I've been living out there 40 years, and every year it gets a little bit worse. We keep getting more and more flooding. Now why is that? Because there is more houses and stuff getting built around.

(Several inaudible conversations at once.)

Jim Schmitt: I mean, we've been out there long enough, we know what is going on.

Ted Karger: Who is going to shoulder the responsibility when it doesn't work? Who will shoulder the responsibility?

Jim Schmitt: That's what I mean--

Unidentified: It's not working now.

(Several inaudible conversations at once.)

President Mourdock: Mr. Hill, final comments.

Greg Hill: I bought the house out there three years ago. It's not in the floodplain.

President Mourdock: Before you go on let me clear up a question. On your map, Mr. Morley, I see the shaded...it doesn't seem to me that the legend agrees with the shading.

Jim Morley: The dark blue...the dark shading is the 100 year.

President Mourdock: The 100 year, okay.

Jim Morley: It's not real dark because you couldn't see through it. We wanted to see the contour, so it's the darker shade of blue is the 100 year floodplain.

President Mourdock: Okay, I just wanted to make sure. Okay, now, Mr. Hill, go ahead.

Greg Hill: My house is probably one of the first ones that was built out there in that area. It's not in the floodplain, but across on the north side of Baseline Road they built up houses and give permission to put up a modular across the street from me and I talked to the homeowner when he was building it and he agreed to put a swale in to help drain some of the water off that floods Baseline Road before it goes down and catches two more houses down which has help. But until they can increase all that and get it...I'm sure there is easement there because there is a road...maybe I'm wrong on easements, but there is a sewer, telephone line and everything else that runs out on the north side of Baseline Road 30 feet out in that field because I tapped the sewer and it is 25 foot on the other side of the road.

President Mourdock: Well, the sewer easements, the power line easements and all that are totally separate from what the drainage easement may be, so one does not have any relationship to the other.

Greg Hill: The engineer over there says this is going to solve our problem. I don't want to depend on these people putting a development in for a problem that I've already got. It's supposed to work, but what happens when that thing fills up that one time and floods me and ten neighbors around me down there?

President Mourdock: Any other questions of the Board?

Loren Zeller: I've only got one.

President Mourdock: Come--

Loren Zeller: Mr. Zeller. Somebody up there made a comment about they wouldn't be able to get a permit or permission--

President Mourdock: A building permit.

Loren Zeller: --or whatever to build a home in that area. That's wrong.

President Mourdock: No, that is quite correct. He was referring to the area that is in that shaded 100 year area.

Loren Zeller: Just here?

President Mourdock: Yes.

Loren Zeller: In this there is one that was built probably about '77 that was built in this area right here on this corner.

President Mourdock: That's quite likely in '77. We're talking since then.

Loren Zeller: Since then this area here is all...this area right in through here all the way down to about here was all two to three foot lower than this road. All that has houses now all the way.

President Mourdock: But it's not in the shaded area and that is what he was referring to.

Loren Zeller: Oh, okay.

President Mourdock: The shaded area is what the FEMA--

Loren Zeller: The only thing that they won't allow them to build in.

President Mourdock: Right, the Federal Emergency Management Area...or Agency designates those areas.

Loren Zeller: This is lower than the road by two foot. You just filled it in with houses and more dirt. There was a natural retaining pond here, that's gone. So what did that do with the water? Now that water has backed up so this line here has gotten bigger, you know. So like you said, some of this that they're letting them build on has created some more problems also. Like what Jim was saying 40 years ago they didn't have this problem. They didn't have the housing out there that they got now. Now that they've got all the housing, now we've got a problem and what we're saying is we need to address that problem before we add anything more to it or change anything to it at all.

President Mourdock: Which property do you have, Mr. Zeller?

Loren Zeller: Do I own?

President Mourdock: Yeah.

Loren Zeller: I own right here at this corner right here.

President Mourdock: Okay.

Loren Zeller: I don't have particularly a drainage problem on my property, but I can't go this way and I cannot go this way and I have seen water run over the road here at 41 where you couldn't get out on 41 here and right in through here. Well, this ditch comes across here it floods there too. So I have seen it where it is impassable there. It may only last an hour or two, but it is impassable. Some of the concerns they have with this is with this here response team from the fire department. How do we get...you know, someone needs assistance? How do you get those trucks down this road? You know, it's going to create more problems. That's the only reason we're really here is to try to not create any more problems down in that area than what it already is. It's terrible.

President Mourdock: Okay. Board members?

Commissioner Tuley: I think we tried to do what we can by changing the drainage ordinances because some of those homes were built and allowed to do things ten years ago, 15 years ago, that you can't do today. You have to build them differently. The plan they've submitted meets our ordinance. I think that puts us in a bind to vote any other way because it does meet the ordinance that we approved. The Surveyor's Office recommends approval. I mean, I don't know what else you can. We can try to...the one thing I do want to address though before you come back for final plans is the idea of the pond because you are awfully close to that school. Last month we had...what was that again, Joe? Ashton? They suggested a fence around the pond or to do something to protect the kids because trespassing or not if a kid drowns in there it's not going to make any difference if they were trespassing. If they were kids they probably don't care about trespassing and they don't even no about trespassing. It's a situation that we have tried to address through the drainage ordinance and by calling it an impacted area because we do recognize that there is a problem there.

Commissioner Jerrel: I think what is hard for everybody to understand and accept private ownership of land the ability to do what you want to with your land is protected by a lot of documents including the Constitution. What we have to face here is how many rules and ordinances do we want to establish to protect everybody in an area that is a known floodplain? It's also highly desirable land. People want to live out where you all are and when a guy owns land and wants to sell it we can't tell him he can't sell it if he meets all of the existing ordinances. That's what makes it difficult. I mean, we can't tell people they can't buy or sell. What we have to do is try to straighten it out. Now I kind of gather...I'm mean this is just an opinion. There are going to be people that aren't going to want legal drains set up because you're assessed for legal drains.

Jim Schmitt: We're assessed now already.

Commissioner Jerrel: But people...you know, that's an issue that has to be addressed if we would look at extending that drain. Now in terms of the right-of-way I think we ought...if those culvert's aren't big enough I think the county ought to do something about fixing them. But in terms of the ground that needs to be cleaned, the ditches that need to be cleaned, I don't know what we do if private ownership won't clean their ditches.

Loren Zeller: You're talking assessment, is that what you're talking about is the ditch tax?

Commissioner Jerrel: Yes.

Commissioner Tuley: Yeah.

Greg Hill: We're already assessed all that now.

Commissioner Tuley: You're in the watershed.

Commissioner Jerrel: Yeah. Do you under--

Bill Jeffers: I think what Mrs. Jerrel is referring to is that in order to upgrade that portion of ditch to legal drain standards the County Surveyor would have to go out there and say, well, we need to remove these trees, we need to lay this bank back, we need to create this type of waterway and it's going to cost \$10,000 or it's going to cost whatever. Let's say \$10,000. We have to pay for that in three years or less, so the county doesn't have any funds to bring that up to standard like it is on the other side of the highway through Ralph Rexing's property as a grassy waterway, so the only money available to this Board is through assessment. Yes, you are already paying so much per acre. I'm not sure what it is, but I imagine it's under \$2.00 an acre right now. That \$10,000 has to be paid for in three years so there will be an additional assessment and when you have the hearing trying to gather the 51 percent of the landowners who agree with that they're looking at this sheet that has been sent to them saying your assessment is going to be \$65 the first year, \$55 the second year, in addition to what you are already paying. I think what she is saying is you may have a hard time getting 51 percent of the landowners to agree to an additional assessment over what they're paying today to bring it up to par.

President Mourdock: Yes.

Jim Schmitt: What I'm saying is there a way...it sounds like you guys are going to pass this. What about if this drainage does not hold, will you come back and make them put a second drainage ditch or once it is passed that's it?

Commissioner Jerrel: I want to ask Bill that question and I don't know the answer to it because I've never had the question asked, but it went through my mind too. Let's say...but, again, he has already...what he said to us is that he is exceeding--

David Schminke: Exceeding the standards.

Commissioner Jerrel: --the standards. He is already exceeding the standards, but if it doesn't work unless we change our ordinance I don't think we can come back on him. I think the way it says now we can't. It's like double jeopardy.

Bill Jeffers: I would think so because first you have to prove why it's not working and, I mean, we've already heard five or six different theories as to why this basin doesn't work. You know, we've heard that...we're talking about a drainage area that is 20 or 30 square miles before it leaves Vanderburgh County. You know, there is 20 or... I mean, that whole township up there flows through Pond Flat and leaves down there at Pruitt Road/Woods Road area and goes over into Gibson County and Posey County at that point. We've already heard that this little area right here filling in for these few homes right here is what is causing it.

Loren Zeller: Well, not causing it, but it is adding to it.

Bill Jeffers: Aggravated it.

Loren Zeller: Yeah, it's aggravated it.

Bill Jeffers: The filling in of that small area couldn't possibly raise the overall floodplain more than one scintilla. I am mean there is no way.

Unidentified: Oh, come on.

Bill Jeffers: Because that floodplain is...I mean, now...and then we heard that all this has happened in the last 40 years. Well, I can give you another theory. The rainfall data from the US Department of...the Weather Department, the National Weather Service, has shown that there has been like a 15 percent increase in overall rainfall in the last 41 years. I mean, that's just a proven fact. They've got the rainfall charts that went from 1911 to 1941 and now they have the one from '42 to 80 something and there was a 15 percent increase in overall average precipitation for this area.

Ted Karger: Does that mean it is going to continue to increase?

Bill Jeffers: It may. It depends on what we do to our atmosphere.

(Several inaudible comments made from audience.)

Bill Jeffers: I mean, let's punch another hole in the ozone you might--

President Mourdock: Okay, alright. This isn't meant to be an arguing match. Don't be argumentative, just make the point please.

Bill Jeffers: We've...I mean, just one theory on top of another, but like I have worked for the county since 1981 and in 1982 I saw the worst flooding of this area that I have ever seen in 1982.

Unidentified: How long did it rain?

Bill Jeffers: It rained for six days. They called it...I think they called it Lake Scott or Lake Armstrong or something. It was out of its bank for days all the way. I mean, you couldn't get to Poseyville, you couldn't get to--

President Mourdock: And 41 was flooded over for part of that.

Bill Jeffers: 41 was flooded. You couldn't go up 41, you couldn't go to Cynthiana. This went on for days. In 1983 it happened again. Now that was--

President Mourdock: Let me jump in this--

Bill Jeffers: So it's not like an overnight thing that's true.

President Mourdock: --Bill, just to bring it to a point. All that being fact as Mr. Karger said, all that being fact there are all kinds of events and circumstances that will happen that are going to be impacted...or that will cause impact on that area much more than just what that small block in red is going to be. Now I fully understand and recognize that whole area could be made up of a whole bunch of blocks made up of red. However, as Pat was saying we have looked at this previously. We've asked for consideration given it is an impacted drainage area. If, in fact, someone

comes back three or five or ten years from now and says, see, the plan didn't work I suppose given the time of year it would be just as fair to say did someone get flooded two miles away because something failed in that red block or was it because it happened to be in the spring when all this ground was open and there wasn't anything planted to hold it. I mean, those kind of impacts are huge compared to some of these smaller ones with the ponds. Now that is not to say the ponds aren't important. If they weren't important we wouldn't have them in the plan. So having said that--

Bill Jeffers: But to the question itself I don't see how we could come back after they have jumped through all the hoops and exceeded our requirements and make them alter the pond or put in another pond, I think, was the question. I don't see how we could do that. I try to keep all these things as impersonal and I try not to name names. You notice the respondents are still in the audience and I still have not used their name. I try not to be too personal. But I'm going to be real personal right now. I'm going to tell you folks that I have known this developer ever since I started working for Vanderburgh County and he is probably one of the two developers I know that has gone out and spent money over and above what he was required to spend to fix a problem that was overlooked after approval and that is Mr. Bussing who went out into Brook something or other out there on Old State Road and spent \$50,000 on problems that were not really his problem. He put in new box culverts, maintained a ditch for ten years for the residents that he didn't have to maintain, but he sent his crews out there the entire time there was still a lot, one lot, that he hadn't sold. He maintained that ditch for ten years on private property for them. I've seen him do things that are just unbelievable and the chances are if you chase this one off you're going to get some...I have had developers take us to court over the letter of the ordinance. Now you have one who is exceeding, and I'm not speaking on his behalf other than to tell you the truth. You could do a heck of a lot worse.

Linda Marcoccia: We're not after the developer, it's the development.

Jim Schmitt: What he is saying in other words all the (inaudible) is going to block all them off and all that is going into that chamber?

President Mourdock: Every drop of water, and correct me if this is incorrect, Bill, but every drop--

Bill Jeffers: From within the boundaries of the project--

President Mourdock: Every drop of water that falls on that red area will, will, have to go through those ponds. Every single drop.

Unidentified: How big is the pond?

President Mourdock: The pond was said to be 1.5 acres, is that right?

Jim Morley: Two and a half acre feet of storage.

President Mourdock: Okay, two and a half--

David Schminke: That's surface area.

Jim Morley: Oh, I'm sorry.

David Schminke: An acre and a half to two acres of surface area. Upwards of seven acre feet of storage to the top.

President Mourdock: Okay, did you hear that Peggy?

Peggy Darney: Yes.

President Mourdock: Okay.

Peggy Darney: Peggy Darney. I live at (inaudible) Estates. We have three acres and we have...well almost a fourth of the land is a pond.

President Mourdock: Excuse me. Our mike isn't picking up. Your voice isn't carrying like the rest of us. Please come forward.

Peggy Darney: I live just right down in here. This seems like my pond, our pond. Anyway, we own a fourth of this pond and when it rains I'm telling you the drainage sounds like Niagara Falls going down into the pipes. We have a drainage pipe that goes across the road and into another system right here. Into this lake, okay. It sounds like Niagara Falls and it just only rained for maybe 20 minutes at the most. It's only a fourth of a pond, but you've got to have an awful big area for this big area to collect all that water because that's what it sounds like in my little pond. You can imagine what it is going to do in that development. That's the point I have.

President Mourdock: Okay, and for the record that was Peggy Darney. Yeah, Mr. Hill.

Greg Hill: I've got a question for the engineer for the county. On the retention pond from the drawing that I've seen the pipe will come out to the west of the property and run down the small ditch across and at that point it crosses underneath Baseline Road. Is the culvert that is under Baseline Road now equipped or...and the ditch that runs up there to handle the water that is going to come out of that, I don't think it's as big as the one that they're putting in. County Engineer, did you look at all of that? Do you understand what I am talking about? Their drains for the pond, the retention pond, is on this corner. There is a small ditch that runs out here and a culvert crosses under Baseline Road.

John Stoll: I've not seen the final plans, these current drainage plans for that subdivision so I don't know.

Greg Hill: Okay, this ditch is not going to be big enough to carry the water that they're talking down through here and about what size pipe did you say you were putting in again?

Unidentified: Twenty-four. Twenty-four is what he said.

Greg Hill: Okay, I'm not sure that that's even 24 inches. I tried to measure it this morning, but it was under water at 6:00 to see how big it is. Now is that not taking into consideration this project and these here aren't big enough to carry the water now that is going to be coming out of it?

John Stoll: Well, if that is detaining it to the ten year storm it will help, it won't hurt. I don't know what the size is.

Greg Hill: No, I understand that this should hold water back, but when it's full what I am saying is when this is full is this going to be able to take the water that is going to be coming out of that? There is going to be a lot of head pressure coming out of that pipe out there instead of slowly running across that farm field.

John Stoll: I haven't seen the drainage calculations so I don't know what the volume is. That's something we would have to check and see what the size of the pipe is under Baseline and what the runoff is going to be from the subdivision and just size it.

President Mourdock: Frequently those types of things are done between the period of the approval of a preliminary drainage plan and a final drainage plan.

Greg Hill: You mean, I'm talking about the upgrade of the other sewers, they're going to check this in the process of upgrading the 60 inch sewers that are not...the pipes across the road that's not big enough to carry it now.

John Stoll: We typically put in 50 year...we size the culverts for 50 year events. What those are sized for I couldn't tell you off the top of my head.

President Mourdock: It is a valid question that is worth looking at.

John Stoll: Right, we can look into that.

Commissioner Tuley: Between now and next month.

Commissioner Jerrel: Between the preliminary and the final.

Greg Hill: I mean, their engineer was out there this morning and he said it looks to him that everything is undersized down there. My question is so you guys are going to check into that and start to work on that, too?

Bill Jeffers: I think in the beginning, my notes are over there, but in the beginning I encouraged the audience to point out their problems and recommended that the developer instruct his engineers from Morley and Associates to incorporate your comments into the final plan and our ordinance does say that if there is an off-site restriction it will be addressed by the drainage plan, so I expect to see a final plan come back that will tell you what their discharge rate will be from the 24 inch pipe and whether that can be handled by the existing ditch leading down to Baseline and the existing culvert underneath Baseline. My problem in dealing with parts of your question is that ditch is there through that private farm ground and it is handling the runoff until it gets down to Baseline Road, is that true? This ditch here that you said he'll be discharging into this ditch, that is correct.

Unidentified: Two years ago when you mentioned that we had the other one they went through there and ditched it out, but no it is not handling all of it because it already floods.

Bill Jeffers: This here floods now?

(Several inaudible conversations from the audience.)

Bill Jeffers: Oh, this way, right.

Greg Hill: Before he tried...when Wayne Ellis did it there was a little old dinky ditch and they went in there and dug it out some more, but it is still not handling it.

Bill Jeffers: So the ditch along the north boundary of the proposed subdivision as well as the ditch from the northwest corner down to Baseline needs to be looked at and addressed in the final drainage plan to see what size it needs to be to handle the development.

President Mourdock: Is the owner of that property present by any chance? The one who did clean...if I understood you--

Bill Jeffers: The owner of the property north of the subdivision here and through here, is he here tonight?

President Mourdock: That right there. And what I understood was just said and I couldn't see through you, Bill, but the area just south of the letter S in Baseline?

Bill Jeffers: Right.

President Mourdock: Yeah, come south from there. That was the ditch that was cleaned out in the last two years, is that correct?

Loren Zeller: Yeah, they dug it out when Mr. Ellis was trying to get this through because that was one of the complaints then is that it was flooding down there.

President Mourdock: Okay, and your--

Bill Jeffers: Well, we'll be asking Mr. Morley to provide, if we can get permission to get on this ground, to provide enough cross section to demonstrate what this ditch will handle and then compare that with what he will be discharging from here as well as...now this is on public property, so yes, he'll be able to tell you what this pipe here will handle.

Greg Hill: Okay, down Baseline and up Korff to the other ditch then, too?

Bill Jeffers: Right.

Greg Hill: Okay.

Ted Karger: Is that farmer obligated to do anything? What if he decides to--

President Mourdock: Nope.

Bill Jeffers: No, the farmer is not obligated to do anything.

President Mourdock: Can we come to you and tell you what to do with your property? No, sir, we cannot.

Ted Karger: That's my question.

Unidentified: As long as it is on the road right-of-way though you can as far as drainage.

Bill Jeffers: If it's on the road right-of-way the county can do it.

Ted Karger: So if he decides not to do anything--

Bill Jeffers: On that private farm drain--

Ted Karger: --(inaudible).

President Mourdock: That's right, we can't do anything.

Bill Jeffers: --we can't tell the farmer what to do. However, we can tell the developer that he has to restrict his discharge to a rate that can be handled by the existing conditions. We can do that.

Jim Schmitt: Bill, on the discharge which way are you guys planning on running that pipe out? Are you going to take that out to the east and west ditch or are you going to cut it into that other ditch and wash it out that way?

Bill Jeffers: This here?

Jim Schmitt: Right.

Bill Jeffers: It comes out...I believe it comes out of the basin right here and the emergency overflow is also right here.

Unidentified: Is it due north at that point?

Bill Jeffers: I'm not sure it would be due north.

(Several inaudible conversations at once.)

Bill Jeffers: Well, anytime we've ever seen a set of plans that showed that it might adversely affect the bank we have asked them to obtain an off-site easement sufficient to put a riprap blanket or something there to divert it.

President Mourdock: Okay, let me draw this to a close, Bill. We've spent almost an hour and a half on this one issue and we're three items into, I think, a 12 item agenda. The last several minutes though have been what this is all about which is to get those concerns you have that can be rectified and need to be dealt with prior to the final plan coming back before this Board, so I would presume, and presume is the word, that this is probably going to come back for final if the preliminary passes--

Bill Jeffers: I anticipate it will be back in July.

President Mourdock: Okay, a month from tonight.

Bill Jeffers: The 26th, is that correct?

President Mourdock: That's correct, yeah.

Commissioner Jerrel: Okay, based on the fact that you're going to include all of these concerns in the final plan then I'll make a motion that we approve the preliminary plan.

Commissioner Tuley: I'll second along with again just reiterating that I would like to

have something come back in that final plan addressing the security around that lake.

President Mourdock: Okay, and there being a motion and a second I will say so ordered and also further clarify, if I may, the several things that I noted here which is to see exactly where the county right-of-way is; whether or not we can and if we need to get special construction temporary right-of-ways to get on there to clean ditches along Baseline Road or Korff Lane. Also, my notes show that we'll need to check to see if we can or need to widen both the culverts underneath those two spots and lastly, but certainly not unimportant, I think we need to act as a Drainage Board after an inspection by the Deputy Surveyor to send letters to those landowners asking not just for their cooperation along where we need the easements, but for everyone's betterment that they take a look at solving their drainage problems. Yes sir, Mr. Hill.

Greg Hill: You said two places, there should be three.

Commissioner Jerrel: Uh-huh.

Greg Hill: One across Korff, one at Baseline and Korff and then there is one down where that drainage ditch will come out of the basin that is under the road, too.

Commissioner Jerrel: We had three.

President Mourdock: I'm sorry. I missed one again. Korff Lane, Baseline and where?

Greg Hill: Korff Lane, there is one about 400 foot or 500 foot north of Baseline and at Baseline there is one that goes underneath north and south and then down where his drainage ditch will come out underneath Baseline, too.

President Mourdock: Point please. Yeah, I still see two.

Greg Hill: There is a 60 inch--

President Mourdock: There is one, right.

Greg Hill: --culvert here. There is a 60 inch box culvert there.

President Mourdock: Ah.

Greg Hill: Plus whatever this one was that is under the road, I couldn't tell.

President Mourdock: Okay. John Stoll saw where you were pointing, so I am sure he can get us a report on those three. Thank you. We need to take a quick break so Charlene can change tapes.

### **Tape change**

Linda Marcoccia: Is the July 7th meeting a review then after this, too?

President Mourdock: No, if there is a meeting on July 7th--

Commissioner Tuley: No, there is an Area Plan meeting.

President Mourdock: That's the Area Plan Commission which is a meeting--

Commissioner Tuley: On the 7th of July.

President Mourdock: --down here at the end of the hall. That meeting will deal specifically with any rezoning types of issues that may be needed and that would--

Greg Hill: Did you say July 27th?

Commissioner Tuley: Twenty-sixth.

President Mourdock: Sixth.

Commissioner Tuley: That will be back here.

Commissioner Jerrel: John, I wanted to ask you a question about the culverts.

President Mourdock: What don't we take a second, Charlene. Go ahead and flip us off. We're back in order.

**Set special Drainage Board Meeting for Gamble obstruction hearing**

President Mourdock: Just one quick change to our schedule. Based on the session all of you just heard we've decided to try to reschedule a hearing date that we set earlier this evening and I would look for a motion to revise the hearing date for the Gamble obstruction petition. Instead of having that July 26th we would have it as a special meeting at 6:30 on August 6th.

Commissioner Jerrel: And I'll move--

Joe Harrison, Jr.: August 2nd.

President Mourdock: August 2nd.

Joe Harrison, Jr.: Yeah, at 6:30.

Commissioner Jerrel: Yeah, I would move approval of that hearing being moved to August 2nd.

Commissioner Tuley: Second.

Joe Harrison, Jr.: And it would be a special meeting.

Commissioner Jerrel: And I grant permission to advertise.

President Mourdock: Okay, with a motion and a second, I'll say so ordered. Okay, now back to our schedule.

Joe Harrison, Jr.: Bill, you'll tell them August 2nd at 6:30?

Bill Jeffers: August 2nd at 6:30.

President Mourdock: We carry things out don't we?

Joe Harrison, Jr.: They'll get a notice.

President Mourdock: Yes, August 2nd at 6:30. Thank you.

**Vanderburgh Industrial Park - Preliminary plan review**

President Mourdock: Okay, Bill, you're on for Vanderburgh Industrial Park previously known as the Phoenix project.

Bill Jeffers: Okay, Vanderburgh Industrial Park. Our office has not received plans for review at this time. I inserted this item into the agenda at the request of the engineer who may be here to speak to it this evening.

President Mourdock: Okay, is the engineer here for Vanderburgh Industrial?

Henry Nodarse: My name is Henry Nodarse. I'm a professional engineer with Bernardin Lochmueller Engineers. We've been hired by the (inaudible). I'm going to be brief and just discuss where we are right now as far as a floodplain study which we prepared and we are preparing a (inaudible) report and I would like to inform the Board what is happening in this area.

President Mourdock: And do I understand Mr...was it Nogart?

Henry Nodarse: Nodarse.

President Mourdock: Yeah, have you had discussions with Bill yet as far as what this preliminary plan is for or what you're including or is he hearing this for the first time also?

Henry Nodarse: This is the first time.

President Mourdock: Okay.

Henry Nodarse: The first thing we did was conduct a floodplain study. The floodplain right now which is here in the shaded area is from FEMA maps. They weren't detailed. They are approximate methods and we want to be more precise in the particular lot that we're going to be working on. This area here which is 57, Baseline Road, Old Petersburg Road, Ruston Lane. We prepared a hydraulic study and we showed 100 year floodplain elevations throughout the site and it is pretty close to what the FEMA maps show, but we're being more precise. But generally the elevations are about the same. The extent of the floodplain is pretty much the same and we'll be submitting this report to the Building Commission as well as Mr. Jeffers. This will set the floodplain grades for particular lots in this area here. There is also some flooding in this area here. Right now we are preparing a drainage report. We are basing the report on storing the 100 year flood runoff and we're going to discharge the existing ten year peak runoff. We plan to not have any negative effects on the floodplain. We plan not to...we plan to prevent any type of additional flooding upstream. There is some flooding that is shown on the floodplain, but we don't plan to increase that up or downstream. Basically, there is several ponds on the site and they'll be handling various areas of the site, but the basic point is that they'll all be storing 100 year flood volumes and discharging at an existing ten year. That's all I know tonight (inaudible) you want to start looking at maybe if you haven't already.

President Mourdock: Any questions from the Board? Any questions from the audience? Okay.

Bill Jeffers: I want to thank Mr. Henry Nodarse for coming tonight and explaining that to us and it is encouraging to see that even though he is not required to capture a 100 year storm and release it as a ten that they do intend to do that. That will be good news for landowners downstream of him both in Vanderburgh County and especially in Warrick County where there is some terrible flooding just across the county line due to some runoff from the mine joining with the runoff from our county. I'm sure the Industrial Foundation will be happy to know that we all receive this as good news.

President Mourdock: And certainly when--

Bill Jeffers: It looks already looks like a better plan than was presented previously.

President Mourdock: Yeah, I was just going to make that point. When this project first surfaced a few years back it was a critical issue out there as far as what the drainage plan was going to be.

Bill Jeffers: The only additional thing I would say is there are people concerned about potential wetland areas within the boundaries of anything you're developing or anything that you might affect one way or the other. There are persons concerned about wetland habitat or ecology in the vicinity there.

President Mourdock: And, Bill, correct me here or, Joe, there is no...we cannot act on this as a formal preliminary plan until you have met with Bill and received--

Bill Jeffers: Well, he will be submitting a report that I haven't seen yet.

President Mourdock: Right.

Bill Jeffers: But this looks good so far.

President Mourdock: Okay, alright. Thank you, Mr. Nodarse.

Commissioner Tuley: Thank you very much.

President Mourdock: Appreciate it.

Henry Nodarse: Thank you.

### **Ashton Park - Final drainage plan**

President Mourdock: Okay, final drainage plans.

Bill Jeffers: I've got some bad news for you here. I've got one that I somehow or another left out. Cambridge, we'll get to it like as item four.

President Mourdock: Okay.

Bill Jeffers: Additional item, Cambridge. I don't know how I left that out. I've had the plans on my desk for some time, but it did get left out and I'm sorry, it's not on the

agenda. It's in the report here though. Okay, the first one is Ashton Park. Ashton Park received preliminary plan approval last month with instructions from the Board to address several issues raised by project neighbors who attended the meeting. Our review of the final submittal shows a significant compliance with your instructions with the exception of when I looked at the minutes the mention of outlaw driveway culverts is what we called them onto Voigt Road from interior lots that adjoin Voigt Road. This is an issue which our office feels should be addressed both on the plat as a statement and in the covenants and restrictions as a restriction so that the homeowners association that will be formed for Ashton Park can enforce this restriction immediately in case the engineer is unable to do so for one legal reason or another. Now I think that the Area Plan Commission has stated that there will...that lots will access interior streets only which would prohibit according to the Area Plan Commission the ability of the lots backing on Voigt Road from putting in what we're calling an outlaw driveway. Secondly, anybody accessing a county road across a ditch, and there will be a ditch along there to capture the runoff, has to go to the County Engineer's Office and get a driveway permit. However, as people have pointed out sometimes it happens that people just do this and that's why we call them an outlaw culvert because they didn't go through the proper process. Sometimes the engineer can't enforce as quickly as needs to be enforced or possibly is not aware of it until somebody turns the person in, however those people who are members of the homeowners association, because if it were put on the plat and put in the covenants and restrictions could immediately enforce it, so that is why we would ask the developer to include that on the plat and in the restrictions. No driveways onto Voigt Road, please. Also, specific instructions to the dirt moving or excavating contractor that he should remove trees and undesirable vegetation from the south bank of the ditch along the north boundary of Ashton and protect the reconstructed ditch slope with erosion control measures as necessary. I think that Mr. Farney and I understand what was meant by that, but I didn't see any mention on the one sheet that was turned in and maybe he can add that to the instructions on the street plans to make sure that the excavation contractor goes along that north boundary and removes any large overgrown trees and tree roots that are sticking out into that existing drainage ditch which serves that entire area to make sure that the water flows freely through there. That would be greatly appreciated by the neighbors. It was mentioned as one of the things we should look at. Okay, other than those two items the final drainage plan for Ashton Park demonstrates compliance with your instructions and with the ordinance and the Vanderburgh County Surveyor recommends approval only conditioned on the two items I've mentioned.

President Mourdock: Okay, and, Mr. Farney, you heard the comments being made there regarding the conditions. We need to get it clarified. At one point Bill said he understands the two of you communicate...seem to be communicating the same message, but I want to make sure that's true, so would you address those two issues please?

Bill Jeffers: One could be done in the street plans which I will see, and the other one could be done on the final plat which I can look at before I sign.

President Mourdock: And in order, the one with the outlaw driveways would be on the street plans and the vegetation would be on the plats, is that right?

Bill Jeffers: Just the opposite.

President Mourdock: Okay.

Jim Farney: My name is Jim Farney. I represent the developer. The developer is in the audience, Dan Buck. It might be best if he answered these questions. Do you want to speak or do you want me to? Okay, along Voigt Road I'm sure there is no problem with putting that note on the plat stating that there will be no outlaw culverts along Voigt Road. I think as Bill has stated I think at the Plan Commission that there was a statement put on the plat or requested at that time that there would be no drive cuts on Voigt Road, but it is no problem in adding this additional verbiage. The second issue is the cleaning of the south ditch bank along the north property line. We are intending to construct, as we showed on the plan initially, an additional ditch inside the project to divert all the water within the project to our basin. While we're doing that ditch work it would be no problem at all to clean that south ditch bank, so, yes, we will clean that south ditch bank and line it with an erosion control measure. That's what is requested.

President Mourdock: You do have right-of-way access to that?

Jim Farney: Pardon me?

President Mourdock: You do have--

Dan Buck: Our property line goes out into the ditch.

Jim Farney: Yes.

President Mourdock: Okay.

Jim Farney: To the center. The way the original deed was written for the property it is to the center of the ditch.

President Mourdock: Okay, and where would the commitment for this be?

Bill Jeffers: On the street plans. Excavation, dirt removal and street plans.

President Mourdock: Okay, alright. Okay, Dan Buck doesn't need to come to the microphone, but I just want to make sure you heard your representative make these statements and you're in compliance that those things will be done?

Dan Buck: I'm Dan Buck. Yes.

President Mourdock: Okay, and if the mike didn't pick it up he answered yes.

Commissioner Tuley: I think this is the one last month where there were concerns raised by the neighbors about the pond, making sure it was secured. I don't know--

Bill Jeffers: Okay, he has shown a fence from the very south line of his project along the pond up to the SIGECO right-of-way. He does not have the ability to continue it through the SIGECO right-of-way. That would be something they wouldn't allow.

Commissioner Tuley: Right.

Bill Jeffers: But I think that would incorporate all of the persons who represented themselves as having a concern about small children.

Commissioner Tuley: Right, okay.

Bill Jeffers: It will stop right here because he can't go across the SIGECO right-of-way here. Were there any other concerns that you remember that we haven't addressed?

Kevin Korff: Just who is responsible--

President Mourdock: Okay, let me get--

Bill Jeffers: Who is responsible for the liability and the maintenance of the pond. Mr. Buck has already added that to the draft copy of his covenants and restrictions and the homeowners association will have to carry up to a million dollar liability policy for the pond.

President Mourdock: Okay. Kevin, do you have another question?

Kevin Korff: The maintenance of the fence. Who keeps that thing mowed? If something happens to that fence (inaudible).

Bill Jeffers: I'll have some representative or Mr. Buck answer that because I'm not positive on who will...the question is who will maintain the fence in perpetuity?

President Mourdock: It should be the homeowners association.

Bill Jeffers: Keep it repaired, keep the fence line mowed, etc.

President Mourdock: Jim. I think Mr. Buck is indicating it would be the homeowners association would have that as part of their duties.

Dan Buck: Correct.

President Mourdock: And he just affirmed that.

Kevin Korff: Is the homeowners association--

President Mourdock: You need to come to the mike, Kevin, please.

Kevin Korff: I'm sorry. You've told everybody 50 times tonight! My name is Kevin Korff. I live at 3530 Voigt Road. My only concern was--

Commissioner Tuley: What happens if it doesn't get done?

Kevin Korff: Right, if something doesn't who do we go to if that homeowners association doesn't take care of that fence? How are we assured that they do have some sort of...you know, they do show responsibility for the liability of that lake? How is that proven?

Joe Harrison, Jr.: Well, there is going to be an insurance policy, I believe. I didn't hear what the amount--

President Mourdock: Yes.

Bill Jeffers: It says in the restrictions.

Kevin Korff: It does say in the restrictions?

Joe Harrison, Jr.: Yeah. That's only one way.

President Mourdock: But let me--

Joe Harrison, Jr.: The homeowners association, I mean, as a group you can meet together and assess, I mean, if you have to.

President Mourdock: He's not part of that neighborhood.

Commissioner Tuley: He doesn't live in it.

President Mourdock: He is asking from the other point of view which is if he had to take action how would he do it? It would essentially be against all those people who live there--

Joe Harrison, Jr.: Yes.

President Mourdock: --who are part of the association.

Joe Harrison, Jr.: You'll have to hire an attorney.

Kevin Korff: What is this piece of paper called?

Bill Jeffers: This was brought to me by a representative of Mr. Buck and it's the conditions, reservations, restrictions and protective covenants affecting Ashton Park Subdivision located in Vanderburgh County, Indiana according to the recorded plat thereof. There is various things that were pertaining to other issues on this page and there is a note that says Farney said the fence and the requested easements were added to the plan. The only other item I know of was the insurance for the lake and that came from Chris Weil, so he included these two sheets and what the question seems to be about is this paragraph:

"The Board of Directors of the homeowners association shall obtain comprehensive public liability insurance with coverage no less than \$1 million combined single limit. Such insurance shall cover and inure to the benefit of the association, the Board of Director, all persons acting or who may come to act as agents or employees of the association or the Board of Directors, all lot members and all common property including lake, land, swimming facilities, streets, street lights, guard house, storage buildings and recreation facilities. The premium for such insurance shall be paid by the association as part of the commons expenses."

President Mourdock: Okay, so there it's...as they say of the spaghetti sauce, it's in there. Look for it, it's in there. Okay, any other comments or questions regarding this?

Jerry Korff: Jerry Korff at the same address. What is the fence going to be constructed of and how tall is it?

Kevin Korff: It's chain link. It's in the letter they sent. It's chain link--

Unidentified: And six feet.

Jerry Korff: That's all, thank you.

President Mourdock: Okay, you're quite welcome.

Commissioner Jerrel: Having answered all those questions I'll make a motion to approve the final plan for the Ashton Park.

Commissioner Tuley: Second.

President Mourdock: And I will say so ordered. We appreciate the fact that Mr. Farney and Mr. Buck worked with the landowners out there. I know Kevin has been concerned about this for some time, so we appreciate everybody's input.

Kevin Korff: I appreciate you working with us.

President Mourdock: You don't see that often in this room.

<b>Windemere Farms Section 3 - Final drainage plan</b>
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President Mourdock: Windemere Farms.

Bill Jeffers: Okay, this is a final plan for Windemere Farms Section 3. I have some displays that are all marked up. They don't look real great. Do you guys have anything? It's really nothing to look at. Out of the ordinary. That didn't come out right. Sorry, Mr. Buck.

President Mourdock: If you had made that comment an hour ago about some plans they would have hung you outside this building.

Bill Jeffers: I take that back. This guy has \$250 mailboxes in front of every house out there. They're beautiful. Cast aluminum ornate mailboxes. They're unreal.

Commissioner Jerrel: Will we knock them down when we snowplow?

Bill Jeffers: They're beautiful. My wife went out and bought one, I like to have killed her.

President Mourdock: Make sure Bill's wife gets a copy of these minutes.

Bill Jeffers: I still haven't got it leveled. Okay, Windemere 3 is located south of Kansas Road, west of State Road 57 and adjacent, of course, to Windemere Section 2. The County Surveyor and the County Engineer have devoted a substantial amount of review time to Windemere 3 final drainage plan and street plans. At this time there are still a few required adjustments to obtain compliance with county standards and manufacturer's recommendations for certain materials, mainly pipe. Rather than ask the Board to reconsider Windemere's final drainage plan again next month the Surveyor is willing to recommend approval of the final plan at this time conditioned on adjusted details added to the street plans and drainage plans submitted to the County Engineer for approval by the Board of County Commissioners. If that would be acceptable to the Drainage Board our office will review the street and drainage plans with the County Engineer's staff and sign off prior to the submittal of those street and drainage plans to the Board of County Commissioners and also prior to recording the plat. The street plans have to be

approved before the plat can be recorded and then again we get to see the plat, the actual mylar, that Area Plan Commission requires us to sign off to make sure all those things are reflected on the plat itself. Your other options include a special Drainage Board meeting or a 30 day delay for the developer until the regular July Board meeting. However, we are willing to go with that, work with John between now and say July 15, I think is what they are shooting for.

President Mourdock: Okay, any comments from the Board regarding that proposal?

Commissioner Jerrel: I mean, I am comfortable with him doing it.

President Mourdock: Anyone from the audience?

Bill Jeffers: It's a few areas that we're not satisfied that there is adequate cover of what they are proposing to use possibility if they went to a thicker walled pipe then the bell ends might peek out of the ground a little. We're not really sure, but we just want a little more time to work. Now there is one...Mr. Lasher, I believe, in the audience who has been working with the representatives of the developer to make some adjustments to the drainage plan to preserve some landscaping that he has installed in his backyard and we're asking that they eliminate a pipe. They have agreed to do that. They have submitted details to our office showing how they can eliminate this pipe coming through Mr. Lasher's landscaping and substitute a broader landscaped area leaving this new site using the same type of stone or similar type of stone that Mr. Lasher used and join up and match with his improvements that he has made to an existing home. That's Mr. Lasher and I believe his wife.

President Mourdock: Okay, do you have comments, Mr. Lasher, as far as what was proposed here that we do this on this interim basis?

Mike Lasher: I have a few general questions.

President Mourdock: Okay.

Mike Lasher: My name is Mike Lasher. I am a registered civil engineer. I reside at 2621 Waterstone which is also Lot 36 of Windemere Farms Northridge 1. There is a drainage easement along the east side of my property that includes an inlet, 15 inch pipe, back at the southeast corner of my property and that is the area of improvement that we're discussing here. I had a few general questions. To begin with is that the final plan, Bill, includes principal drainage to Camden Farms, is that correct?

Bill Jeffers: That's correct.

Mike Lasher: I'm trying to get a good handle to be sure I understand what the proposal is for drainage across my property.

Bill Jeffers: Okay...

Mike Lasher: Perhaps Chris could respond to some of this.

Bill Jeffers: Mine are real marked up, is what I was saying. I didn't want so show all this other stuff to everybody, but basically right now Mr. Lasher is getting several acres of natural off-site drainage running through his--

Mike Lasher: Inlet.

Bill Jeffers: --inlet in his backyard. And the inlet is about a 25 or 30 feet distance from the property line before you get that far in there. They were proposing to run 35 feet of concrete pipe through his landscaping, trench right through it, and connect up with that. We encouraged them to come up with a better plan. This shows Mr. Lasher's apron of rock out from his pipe as it now exists and then it says down here landscaping and stone to match existing on geotechnical fabric. A ditch for Mike Lasher. I checked with him and he said this was fine. That came from Chris Weil, I believe, but when this plan is finished as they show it just the back portions of Lots 1, 2, 3, 4, 5 and a little bit of 6 will go through Mr. Lasher's backyard rather than the several acres that goes through there now. I'm sure that will include some backyard downspout drainage and some patio surfaces and pool surfaces.

Mike Lasher: Which is very minor. I believe Section 3, Chris' calculation indicates there are about 5.9 acres that feed that inlet right now.

Bill Jeffers: Right now.

Mike Lasher: So we'll trade that for a half acre any old time, that's wonderful.

Bill Jeffers: And then Mr. Lasher has been through the entire set of plans in our office and looked at all the calculations in the book over here, which also Mr. Weil is holding here, and that is basically the net impact on Mr. Lasher is that the backyards of approximately five lots will go through his pipe rather than five acres. Those lots are about one quarter acre a piece.

Mike Lasher: Chris Weil--

Bill Jeffers: Here is the picture.

Mike Lasher: Okay, right. My question had to do with the swale along the north side of those properties. Does that begin to pitch from this point midway on the lot of Lot 1 and proceed onto the east to Camden? Is that a continuous pitch through there where the overflow into this inlet is in fact a 25 year storm or more so in fact it is even less of a flow or is that to be for any storm? When we talked previously I was a little confused over what that volume and what that flow really was. Does this drain here all the time or only...is most of this normally bypassing this?

Chris Weil: No.

Mike Lasher: Okay, normally this will flow here?

Chris Weil: That's correct. The back of these houses right here. That much will go into there. The new ditch will...this will probably be elevated here and then that will go on down that way.

Mike Lasher: Okay, but the things from Lot 6 and beyond will flow to the east?

Chris Weil: That's correct.

Mike Lasher: Okay, great.

Chris Weil: Just a portion of Lot 6.

Mike Lasher: Right, a very small portion of Lot 6, right, but that's a substantial cut back here that they've worked on--

Chris Weil: Yes.

Mike Lasher: --some today. Okay, good. Bill, are you confident that the retention pond in Camden Farms can handle the volume from this particular development in reviewing the calculations?

Bill Jeffers: Yes, I am because Mr. Poff designed Camden Farms and that pond in Camden Farms is over designed simply because they needed fill dirt to raise their building pad elevations above the 100 year floodplain, so it is actually over designed.

Mike Lasher: When can we hope to see some vegetation cover on Camden and then later on (inaudible)?

Chris Weil: As soon possible. On Camden we have worked in there and seeded, but the weather is not cooperating. It has been washing away. We have an erosion blanket down in there. Probably I would hope within...we can implement some more erosion control practices on Windemere 3 and hopefully in 30 days we can start to see it.

Mike Lasher: The reason I asked that question was that the pond at Camden was quite full after today's one and a half inch event because we currently have 20 acres bare in the number three development and we still have bare down in the Camden development, so we will fill that pond. I mean, it's not like we're seeing 25 year events in a final coverage and vegetation state so right now we're really throwing a lot of silt, a lot of sediment and we are really taxing these particular structures which leads me to the next deal is we're seeing currently during the construction phase a good...at least through today a good portion of that coming into Windemere 1 and 2 into that retention pond with significant settlement. I can bore you with pictures if you like, but it doesn't matter. We've all seen these things that have happened before during construction. There is a lot happening there. I know in Chris' calculations you indicated there was enough volume, residual volume, in the number one Windemere development's retention pond to handle this little bit that you were directing from three into that pond. My question relates to less how much sediment and will the developer remove the sediment at the completion or say one year from this point when all this has got vegetation on it and we're not pulling that sediment anymore? Are we going to clean that out again since the pond at...Windemere 3 doesn't have its own retention pond and erosion control sediment basin. It's now using one and it flows through one onto Camden and uses it as well. Are we going to clean out both of these ponds of sediment that happen through these things? My quick glance at your calculations there wasn't any notations about sediment allowances, just water.

Chris Weil: A great portion of the water out of Windemere Section 3 will not be going through the lake in Windemere Section 1 it's goes down to the regional detention that is on the east side of Camden, up closer to 57. We have pumped out the lake in Section 1 and typically we over dig those two or two and a half feet something to allow...I mean, it's tough to keep all the sediment out. We get sediment from farm fields even that run through there. We over dig these to allow some sediment to settle in there and use them as a big sediment trap. We've done that once already, but it will get a little more sediment in it and it will fill up a little bit, but we over dig it when we cleaned it out the last time we over dug it. But that won't affect the storage

volume. The storage that we have is basically from the normal pool up to whatever our storage elevation is so if we get...the amount of silt in the bottom of the lake is not going to affect that whatsoever.

President Mourdock: Dan Buck, did you have a comment?

Dan Buck: I was just going to say the same thing. We over dig the lakes to allow for some silt to settle back down in. During the heavy rains we've had the last couple of years we've been constructing homes we did have silt fill in in certain inlet areas of the pond in Windemere Farms and I, as the developer, came in at my expense and cleaned that out because I wanted the site to look good when people drive in so naturally I am going to take care of it.

President Mourdock: Okay.

Chris Weil: The lake if it is not dug for storage purposes is there, I guess, for aesthetics, maybe, because you could do the same storage with a dry basin and not have any water in there at all. It's just a matter of how much it fills up during a storm. If that answers your question.

President Mourdock: Okay.

Bill Jeffers: The other part of the question is generally we've seen it takes around three years to get your developed condition established (inaudible). Three years, so I mean how long has your yard been there?

Mike Lasher: A year and a half.

Bill Jeffers: A year and a half? You probably look at it and say, well, it's going to take me about another year and a half to get it the way I want it or get it close.

Mike Lasher: It's close.

Bill Jeffers: Oh, you've done a great job, but I'm saying it takes a while to get that turf really established.

Mike Lasher: But my question there really related to was there another cleaning or will the homeowners association take that over?

Dan Buck: It just depends on how much silt comes in there and what responsibility I have as a developer to make sure it is maintained properly. If it silts up the way that it did before even though the builders were building homes in there and that silt ran in there I'll clean it.

Mike Lasher: What is the developer's responsibility in monitoring--

President Mourdock: The developer's responsibility is to meet the volume of the structure that he presents, so if to use your example, if before all those houses were built the thing filled with sediment so that it lost two thirds of its volume or something then it would be out of compliance. It has to have the volume that is approved under this plan.

Bill Jeffers: I think you should be encouraged by the fact that Mr. Buck currently lives there, is that correct?

Dan Buck: Yeah, I'm not going to do anything that is going to upset the neighbors.

Bill Jeffers: I mean, even more so than that. Even if he was the kind of guy that didn't mind upsetting the neighborhood it's like he has to pay to have it done or as a homeowner he can go and he can activate the plat restrictions and the covenant restrictions to prevent himself from having to pay out of his pocket. He can make the homeowners association do it as a member of the homeowners association, so that would be encouraging to me. That's what I would do if I was living in a subdivision where the lake needed cleaning and it was my choice to pay for it out of my bank account or have the homeowners pay for it out of their dues.

President Mourdock: Any other questions, Mr. Lasher?

Mike Lasher: Several.

President Mourdock: Move quickly please.

Mike Lasher: The drainage easement does not abut my property line on that side. I assume the developer does need my cooperation to bring a drainage structure through there across private property?

Bill Jeffers: That is correct.

Mike Lasher: Okay. This plan has been in front of the Board in preliminary form and is now here in a final form?

President Mourdock: Right.

Mike Lasher: Is construction allowed prior to final drainage plan approval?

Bill Jeffers: On his own property, yes. On his property.

Mike Lasher: And an erosion control plan is on file with Soil & Water Conservation?

Commissioner Tuley: Has been.

President Mourdock: Yes.

Mike Lasher: Who is the responsible professional, is that you Chris, for monitoring the erosion control plan?

Chris Weil: I guess it will be from now on.

Mike Lasher: Shouldn't erosion control measures be in place prior to construction or commensurate with progress?

Chris Weil: (Inaudible.)

Mike Lasher: You've had some problems there?

Chris Weil: Yes.

Mike Lasher: We did have...we've had about three weeks of development and about six hours of measures prior to today, but the contractor with the developer was very

responsive in addressing today's problems when it blew out those structures. As far as inspections and enforcement, the drawings would relate to you and the erosion control would be Mike Wathen?

Bill Jeffers: That's correct.

Commissioner Tuley: Yeah.

Mike Lasher: Are as built drawings still required per ordinance?

Bill Jeffers: I hope to see as built drawings on anything that would be a change from what is submitted up front.

Mike Lasher: But not as a matter of course per ordinance?

Bill Jeffers: That would be a discretionary decision. If we thought that they were--

Mike Lasher: By the Board, by you, by the developers?

President Mourdock: The ordinance doesn't require as built, the ordinance requires the approval of the plans that are submitted.

Bill Jeffers: Well, they require as built.

Mike Lasher: They require as built within 30 days of completion.

President Mourdock: The ordinance does? I stand corrected, I didn't think it did.

Mike Lasher: Are there as built on file for Camden 1 and 2?

Bill Jeffers: Not yet.

Mike Lasher: Thank you, that's all.

President Mourdock: Okay. So going back to our point of beginning here--

Commissioner Jerrel: I started to make a motion--

President Mourdock: Okay.

Commissioner Jerrel: --to approve Windemere Farms Section 3 with the caveat that the street and drainage issues that the County Engineer is going to work on with you be accomplished. Does that take care of the issues, Bill?

Bill Jeffers: It takes care of the issues in our office. Mr. Lasher raised a couple of additional issues.

Commissioner Jerrel: Okay. I can add those to it if you would repeat those that you feel need to be.

Bill Jeffers: I believe he indicated that his permission will be required for the sliver of land between the north boundary of Windemere 3 and the drainage easement in his yard. Any transition between the two drainage systems will have to be with his permission since no easements touch one another there. And that they better plan

on having a nice set of as built to go along with the ones they already have in Sections 1 and 2.

Mike Lasher: Just a comment. I'm not so determined about that as I am the timing of the erosion control. I don't mind...this is a great improvement to my property and I understand, but we've got silt, mud and slop running everywhere.

Bill Jeffers: Right.

Mike Lasher: It's all a matter of sequence and the timing following their own construction sequences within their drainage plan.

Bill Jeffers: Okay--

Mike Lasher: So of all the plans that Bill has approved they're are going to follow them.

Commissioner Jerrel: Okay.

Bill Jeffers: So the Drainage Board can say thank you at this point in time for Mr. Brenner instructing me to separate erosion control from the drainage ordinance handing that strictly over to Mr. Wathen.

President Mourdock: Yes.

Commissioner Jerrel: Okay, these items will be addressed, that's the caveat to the final plan approval and the motion I am making.

Commissioner Tuley: I'll second.

President Mourdock: I wouldn't want to repeat the motion, but I will say so ordered.

Bill Jeffers: It's all in there.

President Mourdock: It's all in there, that's right, it's in there.

<b>Carrington Estates - Final drainage plan</b>
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President Mourdock: Okay, next item, Carrington Estates.

Bill Jeffers: Okay, what's good for one is good for all, so Carrington Estates is located on the west side of Old Petersburg Road about a half mile north of Earle. The preliminary plans were approved last month. Final plans demonstrate significant and almost total compliance with all of our requirements, however, there are a few minor details particularly showing erosion control measures at the outlet end of pipes and swales into the county highway side ditch and it would be beneficial to add some specific treatment to the final plans. Also, our office would like the opportunity to double-check easement widths with regard to the depth of the pipes and the diameters shown on the street plans. Are you getting the idea that we got it put to us recently, John and I? Someone submitted some plans and we didn't check every little inch of cover. We didn't check every little detail because they were submitted by a registered engineer, you know, and a comment was made to the excavation team out in the field, well, that's the way they approved them, let them

worry about it and we had to go out and fix it. So John and I are working together a little bit more closely now because we had it put to us and not by anyone here in this room, but we don't want to have the same regard for the fine people here in this room that we do for that other individual at this point in time. Having said that, the Surveyor recommends approval of the final drainage plans for Carrington Estates conditioned on our reviewing the street plans along with the County Engineer to guarantee that certain minor details have been added prior to the recording of the plat.

Commissioner Tuley: Comment. As of today we still haven't received the erosion control plan. When is that coming? Who is doing this one?

Bill Jeffers: That would be--

Commissioner Tuley: Keith?

Bill Jeffers: --Keith Poff. What they're going towards here, Keith, and you might not know just yet, but we're also trying to work together with the erosion control folks to make sure everything is meshed together about the same time. We're working towards that end.

Keith Poff: We expect...I'm sorry. Keith Poff, Sitecon, Incorporated. We expect to complete the construction plans for this project probably late this week. At that time we will have the erosion control plan and it will be filed.

President Mourdock: Have you started anything on the site yet?

Keith Poff: No.

President Mourdock: You won't be starting anything before you have the erosion control plan on file?

Commissioner Tuley: Better not.

Keith Poff: No.

President Mourdock: I just wanted to be sure. Anyone else to speak regarding Carrington Estates?

Commissioner Jerrel: I'd like to move approval of the final plan for Carrington Estates with the caveat regarding a specific erosion control treatment and the diameter of certain pipes and street plans.

Commissioner Tuley: Second.

President Mourdock: So ordered.

<b>Cambridge Subdivision - Final drainage plan</b>
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Bill Jeffers: Okay, this is the additional item, Number 4, that I inadvertently left off the menu, but it's in my notes here. Cambridge Subdivision is a huge golf, residential, small part commercial and condominium development located on Volkman Road east of US 41. It is within our impacted drainage area. The final plans submitted for

Cambridge are quite extensive and complicated. I would like to take a moment to thank Jim Josey and Carl Hansert, who is our consulting surveyor in the Surveyor's Office for spending approximately 14 hours of their time reviewing the plans as well as Jim Farney who came in today and went over several of the items with Mr. Josey and satisfy the review. As with the other final drainage plans we've gone through this month there are certain minor details requiring adjustment to come into absolute full compliance with county standards. Those items include drainage easement locations, the depths of some of the pipes, the inlet locations that John would like added to the streets and some amount of waterway construction that we would like to see in our office in greater detail. Again, I would ask the Board's indulgence to let this developer and his engineers add the required details to the street plans to avoid a 30 day delay. A lot of the confusion is caused by the fact that there is this huge golf course being developed in the middle of this and the golf course designer has different ideas about scheduling his design work around the lakes, make sure that the fairways...that the ball lands where it is supposed to land and all that kind of thing. We're looking at the drainage end of it and he is looking at making sure his golf course is absolutely picture perfect. So taking all that into consideration we would like to review the street plans again with the County Engineer prior to plat recording to make sure that the golf course plans have meshed satisfactorily into the residential development plans and we recommend approval of the final plan for Cambridge Sub.

President Mourdock: Anyone here wishing to speak to Cambridge Sub? Questions, comments, motions?

Commissioner Jerrel: Yeah, I would like to move--

President Mourdock: Excuse me.

Dan Buck: I would like to say something on the record here. My name is Dan Buck, and I'm the developer or one of the developers of Cambridge. I really want to thank Mr. Jeffers here and the engineers that have worked on that through the city. This is a different deal that we're putting together. I think that it will be something that the whole community can be proud of and I think hopefully it will be a draw for Toyota to make a decision that we'll choose Evansville's Cambridge instead of Cambridge, Ontario.

Commissioner Tuley: There you go.

Dan Buck: So I want to thank these guys for working with us real hard.

President Mourdock: Okay, I appreciate that.

Commissioner Jerrel: I'll move approval of the Cambridge final plans with the caveat regarding the street plans, drainage easements, depth of pipes, inlet locations and waterway construction.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Bill Jeffers: I think Mr. Buck was referring to the County Engineer, John Stoll, who spent way more hours on it than I have. Like I say, our guys spent about 14 man hours on it. I know John spent more than that looking at all the little details.

**Vacation of easement - 1301 Mortensen Lane**

Bill Jeffers: Okay, our next item under whatever we're doing here, Mr. Mortensen is requesting to vacate an easement on a lot in Waterford Subdivision. It's the Surveyor's understanding that the storm water pipe...that a storm water pipe currently is located in the drainage easement you're being ask to vacate. The Surveyor advises the Board to consider both the county's drainage ordinance and the county's subdivision ordinance which require storm water drainage pipes to be located within drainage easement. I believe Mr. Mortensen is present to pursue his request.

President Mourdock: Mr. Mortensen.

Lee Mortensen: Lee Mortensen.

President Mourdock: Any comments for us?

Lee Mortensen: We're looking to put a sign on property on one half of an easement going through at the end of the cul-de-sac in that area there.

Commissioner Jerrel: May I ask a question? What did you raise your concern about? Requiring storm water drainage pipes to be located within drainage easements?

Bill Jeffers: I guess I was under the understanding, which I hope is mistaken, that the sign was already there and the sign actually was on top of the drainage pipe and that the portion of the drainage easement that Mr. Mortensen is...is that the correct pronunciation, I'm sorry?

Lee Mortensen: Close enough.

Bill Jeffers: I get called Jeffries a lot and I don't like it. I'm sorry.

Lee Mortensen: That's alright.

Bill Jeffers: The gentleman is asking for a vacation of the drainage easement and I may be under the mistaken impression that the sign is already there and it was on top of the pipe. The subdivision code and the drainage ordinance both require drainage pipes to be within drainage easement. The pipe is already there, it's in the easement and I just wanted to alert you that is due to a requirement.

President Mourdock: Is that, in fact, the case? The sign is there?

Lee Mortensen: The pipe is actually there. This sign is not there yet. The concrete guy went ahead and put the foundation in a little prematurely.

Bill Jeffers: Oh, the foundation.

Lee Mortensen: But we're up on top of the pipe.

Commissioner Jerrel: So this isn't affecting--

Lee Mortensen: It really doesn't require vacating the easement necessarily because

we're not really affecting it. We're up above it, but that was what we--

President Mourdock: When the day the maintenance comes then you would have to conceivably move your sign for the maintenance work to be done within the easement.

Lee Mortensen: Yeah, right.

Bill Jeffers: Unlikely, but possible.

Lee Mortensen: Right, exactly.

President Mourdock: But if we vacate the easement are we basically having a drainage easement come to here and stop--

Commissioner Tuley: And start over again.

President Mourdock: --and then start over again?

Bill Jeffers: You would have a portion of the pipe that was not in an easement as required by ordinance.

Commissioner Tuley: And what happens if the pipe were to collapse?

Bill Jeffers: You wouldn't have the right to enter on there and fix it. Although I think in a commercial subdivision the landowner has to take care of the pipe.

Commissioner Tuley: So that won't be our problem anyway?

Lee Mortensen: Yeah, right.

Bill Jeffers: It wouldn't be the county's problem. It might be the next landowner's problem that buys this lot from whoever owns it right now and assumes that everything is copacetic and found out that it wasn't and that the Board was responsible for undoing a part of their previous ordinance.

President Mourdock: Would you be willing, Mr. Mortensen, to add a covenant to the deed for the property saying that responsibility to maintain that pipe--

Lee Mortensen: Sure, that would be no problem.

Bill Jeffers: Carries--

President Mourdock: Yeah, carries with it to the next owner?

Lee Mortensen: Yeah, certainly.

Commissioner Jerrel: Okay, with that additional restriction I would like to move approval of the vacation of the easement.

Commissioner Tuley: I'm reluctant, but I'll go ahead. I'll second.

President Mourdock: Okay, and just to go through this the way we need to we will need evidence of that before we can make a final action, I believe.

Bill Jeffers: I think the final action comes in the Commissioners. You all have already heard it the first time.

President Mourdock: Right, so we would need a copy of that covenant to come before us.

Lee Mortensen: Yeah, amended to the deed.

President Mourdock: Right.

Joe Harrison, Jr.: Would you do that?

Lee Mortensen: Yeah.

President Mourdock: Okay, and could you give me a date when you expect to have that?

Joe Harrison, Jr.: He'll probably do it before he comes back for approval by the Commissioners. He'll have to present that and then we can hear it.

Lee Mortensen: When is that? That's July 12th?

Joe Harrison, Jr.: Yes.

President Mourdock: So you would be able to have that by the 12th?

Lee Mortensen: Yeah, that shouldn't be a problem.

President Mourdock: Okay, a motion and a second so I will say so ordered. Okay, thank you.

**Regency (Golden Corral) - Request to relax easement**

President Mourdock: Tumbleweed, request to relax an easement.

Bill Jeffers: Is there anyone here from Tumbleweed? Okay, let's come back to that because the other folks have waited so long. The next one is Cross Pointe.

President Mourdock: Is that a.k.a. Golden Corral?

Bill Jeffers: Regency's request to relax a drainage easement. Okay, Regency is developing Cross Pointe Section 3. Golden Corral wants to locate on Lot B12 and Lot B14. They submitted this plan in front of you that shows a necessity to encroach into a small portion of a drainage easement which is for the existing detention lake that is already built on those two lots. The encroachment is in yellow and it's concrete and it's only to the edge of the top of the bank. The County Surveyor recommends allowing the request because the encroaching concrete does not touch any part of the normal pool of standing water and it still allows adequate storm water storage within that pond. It's a necessity and actually it's a beautification of the facility that is going to be there very similar to O'Charley's deck that goes out into the lake.

President Mourdock: Okay, so you said it's concrete, but it's not like a concrete curb,

it's not an obstruction of flow back into that?

Bill Jeffers: No, it's just a supporting part of the structure and the deck and everything.

Commissioner Jerrel: For the deck.

President Mourdock: Okay.

Bill Jeffers: It doesn't even go out into the lake, it just happens to go out into the easement itself.

President Mourdock: Okay, so in relaxing this easement do we have a legal description drawn up to detail that or are we doing it strictly off your drawing?

Bill Jeffers: I would do it per plan and allow the encroachment as shown on the plan that is a part of the Area Plan Commission's Site Review Committee.

President Mourdock: Okay.

Bill Jeffers: And files.

Commissioner Jerrel: I would like to move approval of the Regency request to relax the drainage easement for the Golden Corral Restaurant.

Commissioner Tuley: Second.

President Mourdock: So ordered. Just a quick question, Bill. Is this the permanent record for what we just did, is that what you're telling me? The question I asked a moment ago about the legal description, 40 years from now is somebody going to pull this piece of paper out and say that is the easement?

Commissioner Jerrel: And know what it is?

Bill Jeffers: They're going to pull a drawing that is identical to this out of Area Plan Commission's file that will show this site plan. They just colored it up for you.

President Mourdock: Okay, but will this be identified on the site plan? The easement that we just did.

Bill Jeffers: You wish it to be...okay, what he wants for you to do, I believe, is to show this on the site plan that is going to be approved by the Area Plan Commission and show it textured in and note that this--

President Mourdock: Exactly.

Bill Jeffers: --encroachment into this easement was approved on this date by this Board.

President Mourdock: Said differently, something other than a yellow highlighter that is going to fade out of there in 40 years.

Bill Jeffers: Something that will go into the permanent record with APC.

President Mourdock: Okay, thank you.

**Burkhardt Crossing LLC (Silverthorne) - Request to relax easement**

President Mourdock: Okay, Woodward request to relax an easement for Silverthorne.

Bill Jeffers: Is Silverthorne the name of it?

Unidentified: Yes, sir.

Bill Jeffers: When I was typing that I wasn't sure, but it is Silverthorne and it's a steakhouse. It's on Lot 24 of Burkhardt Crossing which has a 50 foot right-of-entry along the north line for Kelly Ditch. We recommend that you allow...what they want is they want to pave a portion of that for a parking lot because they require as much parking as they can. We have allowed parking lot construction within the maintenance right-of-entry based upon the state statute language quote:

"The owners of land over which the right-of-way runs may use the land in any manner consistent with this chapter and the proper operation of the drain. Permanent structures may not be placed on any right-of-way without the written consent of the Board."

Then it goes on so forth. We have always recommended that the Board be provided with a hold harmless document to protect the county from claims of damage in case our contractor's maintenance equipment were to damage a permitted construction, such as a parking lot in this case, or in case a claim of damage from an individual might come. Say someone who drove their vehicle off the parking lot and into the ditch. Okay, Mr. Woodward is here in the audience, Mr. Bob Woodward, Jr. He is asking the Board for permission to construct a parking lot within the 50 feet right up near the edge of the bank. Our recommendation to you is based upon the following conditions: that he use curbing to prevent vehicles running into the ditch and to control specific outlet points for storm water discharge into the ditch. B, provide whatever erosion control may be required to prevent ditch bank erosion or damage from the runoff coming from the parking lot. C, to provide a suitable hold harmless document that would be sufficient to get the approval of your legal counsel. D, to beef up the pavement within that 50 foot right-of-entry sufficient to withstand heavy equipment that will be brought in there in the future for us to maintain the drain. E, to not locate any signs, light poles, landscaping, above ground obstructions, that would interfere with our maintenance equipment access. In other words, just the curbing and the flat parking surface and lastly to be prepared to pull all the ditch maintenance on that Kelly Ditch that might be hindered by the development. I think Mr. Woodward is here. He does have a set of plans that shows most of this for Silverthorne which is Lot 24, correct?

Unidentified: Correct.

Bill Jeffers: Burkhardt Crossing and the ditch that he is asking for right to build a permanent paved surface in is Kelly Ditch.

Bob Woodward, Jr.: I'm Bob Woodward, Jr. representing Burkhardt Crossing, LLC which has made this request and I think we've complied on our plan with all of Bill's requests. The only one that he brought up that was new tonight was the no signs

out there for Silverthorne. I'm not sure whether they are going to come back in later and request to put a sign out there. I can't speak to them. We're building it to lease. If they do I'm sure, you know, that will be at a later date and you'll have some requirements for them. I don't know whether you normally allow signs in that 50 foot.

Bill Jeffers: Well, we have allowed one billboard on that property.

Bob Woodward, Jr.: Yeah.

Bill Jeffers: And we asked Tumbleweed not to put any signs, light poles, etc., just like this on their Lot 21. We're going to ask that here as soon as you get approval. They pulled all their signage and light poles back, but now we only relaxed...we relaxed them 35 feet. On this lot we held to 50 because we thought we might need some additional entry on Burkhardt Road. Yes, if they come back and want something within 35 feet we'll address that. We're trying to be equal with everyone.

Bob Woodward, Jr.: Well, that's the only thing I am asking is that whatever we allow in signs down through there you allow it for everybody.

Bill Jeffers: Right. No, we would not restrict anyone over someone else.

Bob Woodward, Jr.: Other than that those requirements are fine.

Commissioner Jerrel: I would like to move approval of the Woodward request to relax the easement.

Commissioner Tuley: Second.

Commissioner Jerrel: Called Silverthorne Steakhouse.

Commissioner Tuley: Sorry, second.

Commissioner Jerrel: That's alright.

President Mourdock: So ordered.

Bob Woodward, Jr.: Thank you.

President Mourdock: Before we go to the next one, Bill, Charlene raised the question going back one and it would apply to Silverthorne, too, I guess potentially regarding as that was recorded...or how that easement has been recorded previously and do we need to actually record with the...who...?

Charlene Timmons: It's a recorded plat, correct, that you're relaxing the easement on?

Bill Jeffers: That's correct.

Charlene Timmons: So if you don't go back and record it again if they don't go to Area Plan to check, if they go to the Recorder's Office to look at the plat--

Bill Jeffers: It will say 75, is that what you're saying?

Charlene Timmons: Yeah, that was my question. Normally there is an

encroachment agreement, is there not?

Bill Jeffers: Yes, we did that I believe in January or February. I'll look that up and see if I can't somehow tag that in Miscellaneous Records to this plat.

Charlene Timmons: That was my only concern.

Joe Harrison, Jr.: Yeah, both need to be rerecorded.

President Mourdock: Yeah.

Joe Harrison, Jr.: I mean, it's going to have to be recorded obviously and so will this one.

Charlene Timmons: I think they were thinking that it wasn't a recorded plat already.

Bill Jeffers: It is a recorded plat.

President Mourdock: Right.

Bill Jeffers: And then we relaxed it down.

Joe Harrison, Jr.: Right.

President Mourdock: So the amendment needs--

Bill Jeffers: Because they were in a hurry to record a couple of years ago.

President Mourdock: So if it was recorded it needs to be recorded--

Bill Jeffers: So we need to go back. I'll try to keep track of that. We need to go back and tag that somehow and get it in the Recorder's Office somehow.

President Mourdock: Okay.

Bill Jeffers: We have money to pay for that if it falls to us.

Joe Harrison, Jr.: The same thing would happen for this one as well.

Bill Jeffers: Right, every one of them along there.

Joe Harrison, Jr.: Yes, that's right.

Bill Jeffers: Because Eye World is going to come in next or somebody like that. I think that's what they're called.

<b>Tumbleweed - Request to relax easement</b>
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President Mourdock: Okay, are we back to Tumbleweed?

Bill Jeffers: Yes, and this is the very same situation. Mr. Terry Neiheisel, the Director of Construction for Tumbleweed was supposed to be here this morning. Apparently he got detained in Henderson where they are also opening a

Tumbleweed. The very same situation. Very same recommendations that he install...it's right there and it's the very same thing. A hold harmless document, installing curbs to prevent the car going into the ditch, providing necessary erosion control measures, beefing up the pavement which he already shows on his plans, not locating any above ground obstruction other than the curbing which he shows on his plans and being prepared to pull the necessary ditch maintenance if we're unable to get in there due to hindrances. We're required to notify him when we're coming in. If the cars aren't moved, I'm saying, well, heck what can we do about it and he'll have to mow the ditch.

President Mourdock: Okay, is there a motion to approve that request?

Commissioner Jerrel: I'll move approval of the Tumbleweed request to relax the easement.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **Blue claims**

Bill Jeffers: The last thing I have is some claims to approve. They've all been signed, the necessary paperwork is attached. I did have...I'll hand those to you while I'm talking. Those are for maintenance that has been completed on regulated drain projects in the year 1999.

President Mourdock: Okay, is there a motion to approve the claims as filed?

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

Commissioner Jerrel: So ordered.

### **Discussion regarding Harper Ditch cleaning**

Bill Jeffers: Okay, this is kind of something to think about and we can go ahead and do it if we wish. Behind Shoe Carnival Skinner-Broadbent in order to cover up Harper Ditch and build Shoe Carnival and all the other stuff, Best Buy and all that on top of it, agreed back in 1980 or so to perpetually clean out the grate that was installed on the front of that pipe. At that time everything east of them was pretty much agricultural so it was just corn stalks and stuff. Now this fellow has been bugging me for three or four years now that Wal-Mart and everybody else went out there that it's really costing him an arm and leg to clean the grate off every month or two and it's got shopping carts and pallets and people are dumping in the ditch. I got...you know, there are apartments out there and everything. I got to thinking about it, you know, well he signed the agreement, tough bananas. But we have built up a surplus in that account and he did clean it this spring twice already and now I went out there and the water is coming over the back parking lot, there are shopping carts, pallets, this, that and the other and I thought, well, just as a sign of good will or whatever you might want to call it I got an estimate from the ditch contractor that does the work on that ditch. He identified the trash on the grate, shopping carts, tree

limbs that were dumped in there back by the car wash that burnt down, roofing and wood from the fire that somebody pushed over in the ditch, all this will end up down on that grate together with the stuff that has already accumulated on the grate and blocking it, \$645 and we've got thousands of dollars in surplus. I thought by now we owe Skinner-Broadbent at least one, you know what I am saying?

Commissioner Jerrel: Does that need a motion?

Bill Jeffers: I would like a motion. We can do it and pay him 85 percent without a motion, but Bob has always asked us to bring everything in front of you.

President Mourdock: Do we raise the precedent here that we're going to either let this guy, that company, off the hook by doing that in the long-term?

Bill Jeffers: No.

President Mourdock: Okay, so this is--

Bill Jeffers: I'm going to send him a copy of these minutes showing him that this was out of the goodness of your hearts.

Commissioner Tuley: One time?

Bill Jeffers: One time this year we're going to try to get everything out of the ditch that might end up on his grate.

President Mourdock: Is...just to clarify it, is much of that in the ditch from the place that burned?

Bill Jeffers: Some of it is, yes. I don't know who did it. We didn't catch them doing it, you know what I am saying?

President Mourdock: Okay, well.

Bill Jeffers: There it is.

President Mourdock: Bettye Lou was starting to say something about a motion and my only concern would be to make sure that the minutes of this meeting, if you are presenting those to him, express at least my concern that this isn't anything long-term, this is a one time we'll help you out--

Bill Jeffers: I may ask you to do it once a year, but it would be up to you. Right now I am just saying, you know, I think we owe it to him because a lot of it he never anticipated when he signed that agreement in 1981.

President Mourdock: Okay. Is there a motion then to that effect?

Commissioner Jerrel: Yeah, I would like to make that motion that we do that this year and review future years independently.

Commissioner Tuley: I agree. Second.

President Mourdock: So ordered.

Bill Jeffers: Thank you.

President Mourdock: One item, Bill, I know we're about to wrap up here, but I just want to express I have some concern over what we did tonight with our four final plans where we had them conditional. There is just a pattern there that is of real concern to me because you know what is going to happen. At some point somebody is going to come in and they're going to want to do something and they're going to throw it back at us, well, you gave them a conditional to do this and this and give them a conditional to do this much and then this much and this much and I just want to express that concern. I know some of the developers you can say we need to work this out in the next two weeks and they're going to do it, but at some point another developer that we're going to have less faith in is going to come in and make an argument that we shouldn't...that we don't want to hear.

Bill Jeffers: You're exactly right.

Commissioner Jerrel: Didn't this happen--

Bill Jeffers: And I would like to talk to each of you individually at some point in time and tell you what happened. I think Mr. Stoll may have indicated to at least a couple of you what had happened and we just started looking at things a lot more closely after that happened and it just happened a few weeks ago and these were already lined up to come in front of you. We normally do not scour them quite that close, but something happened that is causing us to look very, very closely at them.

President Mourdock: But in making them conditional are we making it worse for ourselves as a Board? I mean, I understand what you're saying.

Bill Jeffers: In the long run, yes.

President Mourdock: Yeah.

Bill Jeffers: But I just...I mean, I had to get through this month and that's the only thing I could come up with.

Commissioner Jerrel: Well, this isn't a permanent thing. I mean, from what you described to us earlier it was a--

Bill Jeffers: I'm going to tell these guys...you know, I just don't want to say it on the microphone and I don't want to say it--

President Mourdock: Well, the microphone is still on.

Bill Jeffers: I know it is.

President Mourdock: Okay.

Bill Jeffers: I'll take all that, but I'm just saying I don't like to name names, you know what I am saying?

Commissioner Jerrel: Let's have a motion to adjourn and turn the mikes off.

President Mourdock: Okay, is there a motion?

Commissioner Jerrel: I did.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The meeting was adjourned at 9:12 p.m.

***Those in attendance:***

Richard E. Mourdock	Bettye Lou Jerrel	Patrick Tuley
Joe Harrison, Jr.	Tony Greubel	Charlene Timmons
Bill Jeffers	Jim Morley	David Schminke
Greg Hill	Jim Schmitt	John Stoll
Diane Speck	Linda Marcoccia	Ted Karger
Loren Zeller	Peggy Darney	Henry Nodarse
Jim Farney	Dan Buck	Kevin Korff
Jerry Korff	Mike Lasher	Chris Weil
Keith Poff	Lee Mortensen	Bob Woodward, Jr.
Others unidentified	Members of the media	

**Vanderburgh County  
Drainage Board**

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Drainage Board  
July 26, 1999**

The Vanderburgh County Drainage Board meeting was called to order at 6:42 p.m.

**Call to order**

President Mourdock: Good evening. We'll call the meeting to order, the meeting of the January...January! We wish it was January. July 26, 1999 Drainage Board. I see a lot of new faces in the audience, so let me explain our format very briefly. The County Commissioners also meet as the local Drainage Board. All of our minutes are kept verbatim which is to say that Charlene over here on my left types up all the notes from audio tapes, so if you wish to address the Board it is absolutely critical that you come to the microphone so that you can be heard. Please state your name and address when you do that. Also you'll see that we have an easel put up here so that everyone hopefully can see the same thing at the same time. We're trying to make it a little bit easier for you to understand some of the conversations that are taking place. Last but not least, if you're here as a remonstrator to any given project it isn't necessary that we hear the same thing from ten people ten different times. If someone else makes your point that the water is going to affect you in a certain way all you need to do is just go on record and say what that person said ditto and we'll understand that. Obviously there are a lot of people in the room tonight and if this is like most meetings most of you want to say a thing or two and that's fine. That's what this is for, but please try to keep your comments to the point. Also understand that we only in this Board deal with drainage issues. If you want to say that a new project is going to impact traffic save that for another meeting because that does not influence our decision making here tonight and will only kind of slow us down. So having said all that, the Chief Deputy for the County Surveyor's Office is Mr. Jeffers and he will basically run the meeting as our technical representative.

**Approval of minutes**

President Mourdock: Just before we get to Bill though we do have minutes of our previous meeting. The last one having been on June 28th. Is there a motion to approve those minutes?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: And I will say so ordered.

**Old business**

President Mourdock: In our agenda the second item we have scheduled is old business to come before the Board, if any. Do the members of the Board have any old business or, Bill, do you have any to bring to us this evening?

Bill Jeffers: I don't.

Commissioner Tuley: No.

**Vanderburgh Industrial Park - Preliminary drainage plans**

President Mourdock: Okay, in that case we will go on to new business for the preliminary drainage plans this evening. The first one on the agenda is the Vanderburgh Industrial Park.

Bill Jeffers: The Vanderburgh Industrial Park basically is the west half of the previous Phoenix Industrial Park. The Vanderburgh Industrial Park is bounded on the south by Ruston Lane, on the west by Old Petersburg Road, on the north by Baseline Road right here and then on the east by State Road 57. So it's the western half of what used to be known as the Phoenix Industrial Park which also included this area over here. Preliminary drainage plans submitted by Bernardin Lochmueller Associates on behalf of the Evansville Industrial Foundation is accompanied by a very detailed flood study for Big Blue Creek and other tributaries serving this project area. The flood study describes the extent of land within the project which will be affected by flooding from a 100 year storm. The preliminary drainage plan also is accompanied by another report describing the planned drainage improvements to address existing conditions. The plan includes details for storm water detention facilities to store post development runoff from a 100 year storm and release at the pre development ten year rate of discharge. The plan submitted for Vanderburgh Industrial Park exceeds the requirement for a preliminary drainage plan and the Vanderburgh County Surveyor recommends approval of the plan. I anticipate that Mr. Henry Nodarse from Bernardin Lochmueller & Associates may be here in the audience to offer additional displays or answer your questions.

President Mourdock: Okay, any questions of the Board to Mr. Jeffers or Mr. Nodarse? Any questions from the audience regarding this particular preliminary plan? For the record I see no one raising their hand. Is there a motion from the Board?

Commissioner Jerrel: I would recommend approval of the preliminary drainage plan for the Vanderburgh County Industrial Park.

Commissioner Tuley: Okay, I will second with the comment we have one, two, three preliminaries that require erosion control plans that have not been received yet that I just don't want you to forget that you do have to do that before you can remove any dirt, but I'll second your motion for approval.

President Mourdock: Okay. There being a motion and a second I will say so ordered.

**Woodgate Subdivision - Preliminary drainage plan**

Bill Jeffers: The second item is Woodgate Subdivision. Woodgate Subdivision is a proposed project located on the south side of Eissler Road. This is about half a mile east of Old State Road. It's at the east end of Eissler Road and immediately adjacent to Old State Subdivision. For example, here is Strawberry Hill Road where it dead-ends currently and then it shows the link up to the cul-de-sac that is proposed to be built for Woodgate Subdivision. The preliminary drainage plan prepared and presented by Morley and Associates for Sterchi Construction meets the requirements for a preliminary plan and the Vanderburgh County Surveyor recommends approval of the plan. There are representatives and the developer

here tonight available to answer questions from the audience or from the Board.

President Mourdock: Okay, any questions from the Board initially? Anyone wishing to speak to this plan? Yes, sir. Please come forward.

John Kessler: I'm John Kessler. Our home is at 600 Strawberry Hill Road. Our property is on the corner of Strawberry Hill and Dry Branch. We get drainage from both Dry Branch and Strawberry Hill Road. Many times after a hard rain our curbs at the intersection are covered with water. In fact, after the new subdivision just north of our subdivision was built we had a hard rain and water from the subdivision just north of us overflowed the bridge on Strawberry Hill and rushed down Strawberry Hill bringing firewood, old tires, dog houses floating down Strawberry. One dog house floated and came to rest about one quarter of a mile out in the field of the proposed subdivision property. Our home has a crawl space so we are built up some. Water was 18 inches deep at the barricade at the end of Strawberry Hill with water coming 18 feet up into our yard toward our house. Since this new bridge was built on Strawberry I'm sure it has helped us, but it leads us to know that streets, driveways and 132 roofs are going to keep a lot of water from seeping into the ground. This water is going to need somewhere to drain besides in people's homes and basements. Thank you.

Commissioner Jerrel: I have a question, Mr. Kessler.

John Kessler: Yes.

Commissioner Jerrel: And I am going to say it, but I would like for our County Engineer, when somebody goes out there, what kind of shape is under the bridge and is that becoming overgrown with growth?

John Kessler: I couldn't answer that. Now the last time I looked it looked clean underneath.

Commissioner Jerrel: Okay.

John Kessler: Underneath the bridge. But I certainly believe the bridge did help our area, but since then we still have water building up on an intersection at Strawberry and Dry Branch up over the curb sometimes.

Commissioner Jerrel: Thank you. John, would you just make a note to take a look at that to make sure that it's flowing correctly?

John Stoll: I was going to say since the bridge is only a couple of years old I would suspect that it's still in pretty good shape within the limits of the right-of-way.

Commissioner Jerrel: Oh, yeah.

John Stoll: Beyond that it would be privately maintained, so we can't really say.

Commissioner Jerrel: But it would mean...if there is a problem then we can talk about how we could solve it.

John Stoll: We could help define where it is, right.

Sudip Ghosh: I'm Sudip Ghosh from 640 Bob Court Drive. I came or we came here

in March of 1993 for the same reason. When Morley and Associates they were allowed that North Greens Subdivision. At that time it was Morley and Associates said or agreed that there would be no diversion of water in the Bob Court area. And finally they did not keep their promise. In fact, in I believe 1994 summertime it was a big news in the tv that there is flooding in the Bob Court area because the water from the North Greens Subdivision rushing, gushing through that gate and coming to the Bob Court Area. In fact, from that news Mr. Mourdock went there and saw himself and inspected that time how the water is coming and why the water is coming. So my question is Morley and Associates we cannot trust them anymore. Whatever they say is not right. They did not do a good job at the time and they're developing more subdivisions. Finally, we will be suffering more. Thank you very much.

Commissioner Jerrel: Did you get their names? I want to ask Mr. Jeffers a question, may I?

President Mourdock: Sure.

Sudip Ghosh: May I sit?

Commissioner Jerrel: Sure, I'm sorry. I went there and looked at that same area. On first reading it is typical to pass these and I think though before any work or second reading takes place could you arrange to have some of the neighbors that have expressed specifics--

Bill Jeffers: I can do that now.

Commissioner Jerrel: Okay, would you want to?

Bill Jeffers: The first gentleman's concern is very legitimate. In 1996 we had a rainstorm that generated a rainfall in excess of a 100 year storm. That rainfall which was greater than a 100 year storm fell on saturated soil on June 9, 1996. The soil had been saturated for the previous 45 days by 42 days of rainfall. It had nowhere to go but downstream. Some of the debris he named, firewood and so forth, came from a great distance away. A great distance farther away then the very small partially developed subdivision to the north of his. It came from as far away as Darmstadt Road up in Evergreen Acres. It did a lot of damage on its way downstream. The path of that debris was evident all the way through Evergreen Acres from Mt. Pleasant Road all the way down. It's about 395 square acres. It's not one little 40 acre subdivision that caused the problem. The difference in fall across that land is as much as 95 feet vertical elevation coming down through there and what it was was a gully washer and it washed the gullies clear of all debris. Sometimes the smallest stream no wider than your desktop had a moving stream of water 150 feet wide. It was taking out firewood piles from 150 feet away from the banks of the stream and washing them down through our pipes and culverts and clogged them up. The pipe that affected that man's house was on Strawberry Hill Road was 11 foot wide nine foot tall elliptical pipe clogged completely full of trees and other logs and debris. You can imagine how much it took to clog that pipe full. That all came from 395 square acres, not just from one 40 acre subdivision. That pipe was designed for a ten year storm. It was totally plugged. The water from that storm that exceeded a 100 year storm went over the top of the road and went down the road. The dog house that the man referred to came from the person's house who lived immediately adjacent to the pipe structure. It came out of his driveway and went down Strawberry Hill Road in front of this gentleman's house and out into the

field that Mr. Sterchi proposes to develop into a subdivision. That is all downstream of that gentleman's house. The water from Mr. Sterchi's proposed development will not flow uphill into this man's intersection. His intersection may have been flooded...I mean, I know it was flooded, but it may have been flooded by the fact that some of his neighbors have placed undersized pipes in a 30 foot wide drainage easement behind the houses in his subdivision, Old State Subdivision, which slows down the water leaving his intersection pipe. The inlets that drain his intersection drain into that swale. It clearly states on the plat that nothing shall be placed in that swale. Against the restrictions placed clearly on the plat his neighbor...at least one of his neighbors has piped the ditch with an undersized pipe and placed dirt fill over top of it. If he wishes to take a civil action against his neighbors for obstructing drainage he may or if he wishes to bring that matter to the Drainage Board in the form of a petition he may. We have plans dating from 1967, I believe, from Sam Biggerstaff clearly showing exactly how the entire...every lot in that subdivision is supposed to be graded and what elevation each house is supposed to be built at. There are many houses that are built below the elevation shown on those drainage plans. There are many houses which the yards are not graded properly according to that drainage plan. There are many houses that have basements. Several of those basements were flooded from the sanitary sewer, not from the water traveling across the ground. It backed up out of the sanitary sewers through the toilets and onto the floors of those homes. There were some homes and garages flooded by the rushing water that couldn't get through the small bridge opening. Since then the County Commissioners have replaced that with a greatly increased...or with a bridge that has a greatly increased capacity. Much greater than a ten year storm. I believe you all designed it for a 100 year storm. John Stoll could verify what size storm it was designed for. I don't anticipate that the water will go over the top of the road as frequently and hopefully never again. With regard to the second gentleman whose name I did not catch, I'm sorry, but he is the fellow that said you can't trust the Morleys. He called in a complaint during construction period on North Greens. I went out and investigated the complaint. It was a temporary drainage swale that was cut and later replaced with a permanent drainage swale at the correct location. When I inspected the gentleman's house I noticed that the ditch behind his house which has been in place since 1986 and when it was put in place in 1986 was the correct size according to the drainage plan has been severely obstructed by private foot bridges, riprap installations and in the case of the gentleman who came up to the microphone at the time I last inspected it it was totally obstructed with young willow trees which he chose to allow to grow in his ditch. The water again that affected Bob Court and Old Petersburg Place was not from North Greens. It came through North Greens, again, from the 400 or so square acres above North Greens. It came at a time when we had a rainstorm which Mother Nature chose to exceed the 100 year storm. When it traveled over land with all the debris it carried it had nowhere to go but down grade. It did not flood one home in North Greens because North Greens was designed by Jim Morley and Associates properly and all the homes including the garages were at an elevation that was protected against that storm. It did in fact put water into 11 garages in Old Petersburg Place and we're still attempting to explain the exact cause of that flooding, but there are several theories that have been put forth none of which have been totally confirmed. However, I would note that only garages were flooded during that storm and those garages were built at a time when the Building Commissioner did not require garages to be built to the same flood protected grade as the first floor of a home. Until some of us in the engineering and surveying departments pointed out that many garages are very quickly converted into living quarters or recreation quarters and then at that time...since that time they have required those to be elevated.

President Mourdock: Bill, I think I--

Bill Jeffers: I'm just trying to say...I mean, I know I am adding to your minutes, but I am saving my field time because I really don't have time to go out and inspect things every year over and over and over again and they're the very same complaints. Does that answer your question, Ms. Jerrel?

Commissioner Jerrel: Yes, and I appreciate hearing from you.

Bill Jeffers: Thank you.

Judy Wallace: My name is Judy Wallace. I live at 700 Bob Court. I don't know if this is the same rain or not, but we had water up to our front step, right at the top of our front step and at the top of our back step. I was afraid it was going to come into our house. Now the ditch overflowed and our ditch behind our house is cut deeper and wider and it is eroding our land. I would say since we've been there in 11 years we've probably lost two feet of our property because that ditch just keeps getting wider and wider and wider and deeper and deeper and deeper. It doesn't have anything to do with those bridges across there. It's just too much water coming down on that drainage ditch. It just can't take it all and we're losing our property and we could lose our house.

President Mourdock: Would you show us, Ms. Wallace, on the map where you are located relative to this?

Judy Wallace: It's 700 Bob Court. We're--

President Mourdock: That doesn't help me, I'm sorry. If you could show me on here.

Judy Wallace: Well, we're three lots off of Southport and I don't know where--

Bill Jeffers: They're not adjacent to that subdivision so it won't show on that map.

Commissioner Tuley: They're quite a bit south. They won't be on there. Do you guys have this?

Judy Wallace: Anyway, Northfield comes down here. We're one house around the corner on Bob Court. The gentleman who spoke earlier tonight is right next door to us straight down from the cornfield. We're the next house going east.

President Mourdock: Mr. Kessler or Mr. Ghosh?

Judy Wallace: The second gentleman at 640 Bob Court.

Bill Jeffers: I'll bring pictures of those two locations to the final hearing.

Judy Wallace: Well, we are losing our land.

(Inaudible comments from audience.)

Judy Wallace: I'm concerned because we are losing our backyard. We're losing our property to this drainage ditch.

President Mourdock: From Woodgate--

Judy Wallace: Pardon?

President Mourdock: Excuse me, I'm sorry.

Judy Wallace: Pardon? What were you going to say?

President Mourdock: I was just going to ask the question looking at the plat that I have here which is not topographic, it's just a planimetric, drainage is northwest to southeast, Bill, is that correct?

Bill Jeffers: Yes, sir.

President Mourdock: So Woodgate is downstream from Bob Court? I'm...yeah, downstream from Bob Court.

Bill Jeffers: No, sir. Water from Woodgate will enter Little Pigeon Creek.

President Mourdock: Right.

Bill Jeffers: Without going past the last two remonstrator's location.

Judy Wallace: Well, we've had Pigeon Creek back up into our ditch and back up into our lot.

Bill Jeffers: Yes, ma'am, you have.

Judy Wallace: Into our backyard.

Bill Jeffers: Yes, ma'am.

President Mourdock: And that's not the issue. The question is will this particular plan as presented to us impact that. I mean, I'm not arguing with you. I fully understand.

Judy Wallace: I think it will. I think it will.

President Mourdock: Okay, alright. Thank you.

Judy Wallace: Yeah, I see that it will.

President Mourdock: Okay.

(Inaudible comments made from audience.)

President Mourdock: Yes, sir.

Judy Wallace: You're welcome to come see our backyard.

Harold Guetling: My name is Harold Guetling. I live at 625 Hunters Green.

President Mourdock: I'm sorry, I didn't hear your name.

Harold Guetling: Harold Guetling of 625 Hunters Green. I would like to ask Mr. Jeffers' opinion on the problem we had three years ago which we all remember very vividly. In fact the wife looked out the patio window toward Bob Court and she saw

a man in a kayak going down there.

Judy Wallace: He was in our...he was in my front yard quite a ways up from our home.

Harold Guetling: Do you think in your professional opinion that since Jagoe has completed their grade lines on the west end of North Greens that that would impact the amount of water that we'll get down there on one of these gully washers as you described three years ago? Since they've got a holding tank down there now and they've got their grades such that it is supposed to drain into the holding tank as designed, do you think that we will have that confluence of water from North Greens, Greendale and from the upper hand of Greendale? I'm talking about the north end. I live right on that corner by it where that all came to a confluence and was trying to get away down this lady's creek back there. That is my question.

Bill Jeffers: If the gentleman's question is as I understand it if we have another event like we did three years ago where the rainfall exceeded a 100 year storm and fell onto ground that was totally saturated by 43 days out of 45 days of continuous rainfall will all the water from not just North Greens...from North Greens and other upstream developments follow the same drainage pattern and come to the same confluence at the same point the answer is yes it will in the same amount or greater.

Harold Guetling: In other words you feel that the grading that Jagoe did on the west end of North Greens won't have any correctional affect or however you choose to say it?

Bill Jeffers: No, I don't believe anything that Jagoe nor any other developer has done anywhere in that area upstream of the point at which the gentleman is concerned about will have any affect to change the direction that water will take when Mother Nature chooses to supply us with a storm exceeding a 100 year storm. The federal government does not plan for 100 year storms...for storms exceeding the 100 year storm and we are not required to plan for storms exceeding the 100 year storm. That was a very unusual storm and if it ever happens again identical to or similar to what happened on June 9, 1996 we have no control over that amount of water nor are any of the manmade drainage facilities installed in North Greens, Petersburg Place, Strawberry Hill, etc., etc. are not designed for nor will they handle that type of storm.

Commissioner Jerrel: Bill, point to North Greens for me on the map I am looking at. Can you show me? This is the mapping I'm looking at.

President Mourdock: Here is Bob Court.

Commissioner Jerrel: Bob Court is down here. I'm taking it this is the ditch that's being eroded away.

Bill Jeffers: This is North Greens.

Commissioner Jerrel: Right there? In there.

Bill Jeffers: Part of it. Now as this gentleman has pointed out there is Evergreen Road and it now connects to Evergreen and all this is filled up with North Greens. This is the area he is talking about.

Commissioner Jerrel: Okay, thank you.

President Mourdock: Alright, thank you. Yes, sir. Please come forward.

Millard Wilke: Hello. I'm Millard Wilke and I live at 505 Strawberry Hill Road. I want to talk about the one year storm. Since I've lived there every time it rains our street is flooded in the front and in the back. Like I said, this 100 year storm I know that was an exception thing, but if they don't do any better job on the drainage in this new subdivision than they did in this one they're going to be in serious trouble down there. Thank you.

Commissioner Jerrel: Mr. Wilke?

Millard Wilke: Yeah.

Commissioner Jerrel: Just on our map here there is Strawberry.

Millard Wilke: Right, you know the bridge right here. I live about right in here. I've got this ditch behind me which floods every time it rains hard. It don't have to be a 100 year rain. It gets really bad. As a matter of fact, the water runs this way for a while and then all at once you see the water start running this way running back because it can't go that way any further.

Bill Jeffers: That's exactly how it was designed to run.

Millard Wilke: I was afraid of that. It wasn't too great, you know. How about the front of the street, was it designed to flood every time it rains? I mean every time we have a heavy rain you could get in a boat and ride down it.

Bill Jeffers: We spent a considerable amount of time and we surveyed every house, every pipe, every street inlet and all the ditches behind those houses on Strawberry Hill Road and we identified several obstructions. We identified inlets that needed to be cleaned. We identified pipes that left the street and went back to the swale behind the houses on the south side of Strawberry Hill and they need to be cleaned.

President Mourdock: Excuse me one second, Bill, let me ask you the question. You just said you did that work. Has that work been transmitted or what did you do with it?

Bill Jeffers: Yeah. We're involved in a lawsuit. How much do you want me to talk about? They guy--

President Mourdock: I'm just ask--

Bill Jeffers: You know, Chapman has still got a lawsuit pending, doesn't he? He dropped it finally and realized it was his maintenance problem.

Joe Harrison, Jr.: It's done.

President Mourdock: But my question is, Bill, you have done that work. We've put it together--

Bill Jeffers: Right.

President Mourdock: --and you said have a series or a bunch of information--

Bill Jeffers: Right, the county acted on their part of it and there is some to be acted upon by private individuals who are supposed to maintain their portion of the drainage facility.

President Mourdock: And my question is that being the case how can we transmit that information? Apparently we have not yet done that. I guess we've had no reason to do that, obviously.

Bill Jeffers: The only time the folks come up here to bring this up is when there is another subdivision being built in their neighborhood.

Millard Wilke: I'll tell you what--

Bill Jeffers: That stuff has been available since 1996.

President Mourdock: Okay, but it seems to me, and I am not criticizing the Surveyor's Office here, if we've got that information and the results of the work that they did--

Bill Jeffers: I'll turn it over to you and you can disperse it as you wish.

President Mourdock: Okay.

Bill Jeffers: Okay.

President Mourdock: That would be fine.

Bill Jeffers: And this swale behind this gentleman's house is designed by Sam Biggerstaff to do just what he described it does. The natural path for that creek to take is as you said from the northwest to the southeast and when it is flood stage it goes down that swale in that direction. And then when the storm goes down it drains back this way and drains the streets back to where it enters the street.

Millard Wilke: That's not the way it works. When the storm is up is when it's running down. When it can't get in that drain anymore. That's when she starts backing up. This over here, this pipe--

Bill Jeffers: Whatever.

Millard Wilke: Your creek is so full it can't take the water so it runs back this way. I'm telling you, I've been there 21 years. Like I said, when I tell somebody I live on Strawberry Hill the first thing they say, oh it floods down there don't it. I said, yeah it sure does.

Bill Jeffers: You're in a floodplain.

Millard Wilke: That's right I am.

Bill Jeffers: And the best job that could be done to design that subdivision in the floodplain was done. Would you please tell the Board whether or not someone on your block has filled in that ditch.

Millard Wilke: I really don't know. I know that my part of the ditch is clean back there.

Bill Jeffers: You can see it from your yard. Do you know if they've done it?

Millard Wilke: I don't know. You know more than I do about it.

President Mourdock: Okay, let me interrupt here if I may.

Millard Wilke: You're the expert.

President Mourdock: That is correct, Mr. Jeffers is our expert.

Millard Wilke: Well, what I am saying--

President Mourdock: And I heard him say something which I was not aware of until this meeting which was the intensive survey was done out there with those points determined. The Board will act to make that information available. We'll get with him to do that. However, having said that I have worked with Bill long enough to know that he doesn't make statements that aren't accurate as far as what the observations are in the field. If he is here saying there are private properties that have in fact obstructed I'll go to the bank and say that's happened.

Millard Wilke: Well, uh--

President Mourdock: Understand that this Board and this county cannot go out on private people's property and clean out ditches. You don't want a government that has that much control of your property, believe me. That's your responsibility.

Millard Wilke: What I want--

President Mourdock: What we will do is make sure that the points that have been identified get transmitted to the landowners in question.

Millard Wilke: I understand that. What I am saying is after you put that bridge in did they clean the ditch out itself?

President Mourdock: But that's exactly my point. That is not, correct me if I am wrong Bill, that is not a county regulated drain.

Bill Jeffers: No, sir, it is not.

President Mourdock: Which means we have no authority to go on that ditch.

Millard Wilke: I see. And he talked about the drains from the street out to the ditch being cleaned out. I've never seen anybody clean that drain out since I've been living there.

Bill Jeffers: That's my point exactly. It's private--

President Mourdock: Again, that's private property.

Bill Jeffers: --property owner's responsibility.

Millard Wilke: For me to get under my house--

Bill Jeffers: If it hadn't been cleaned out in 21 years you can imagine--

Millard Wilke: You want me to crawl in that drain and then go up in there and clean that out? That's my responsibility? Well, what I am saying is that was a poor job out there. You know, that's all I wanted to let you know. Thank you.

President Mourdock: Okay, thank you Mr. Wilke. Yes, sir.

Carlos Wallace: I'll just be a short time. My wife done spoke. I live at 700 Bob Court. My name is Carlos Wallace. I'm not criticizing anything or anybody but we've got problems out there. Now he has been there. I've got a bridge. That much of that bridge raised across the ditch. There is nothing in the ditch. It raised completely across from one side to the other and I keep my ditch clean. Water runs under and over that bridge. That bridge is not obstructing no water. You know, I've had an engineering, a friend of mine, who come out there and looked at it. He said there ain't no way. Every bridge in this town water runs under it. You know, because my bridge ain't going to stop that water, but I guarantee if you put more water into Little Pigeon Creek it's going to come backing up into my property. I've got the deepest and the widest ditch on Bob Court and I'll guarantee you that. Water runs under and over it. I've been out there when it storms to watch it.

President Mourdock: Okay.

Commissioner Jerrel: I want to ask our Recording Secretary if she got the addresses and names of each...if not, why don't you get that now because when we get this--

Carlos Wallace: Did you get my wife a while ago? She was up here. I just wanted to, you know--

Commissioner Jerrel: When we get this information that Mr. Jeffers has, the fact that I went out there and saw the cave in and the debris, but we can't clean that out.

Carlos Wallace: Right.

Commissioner Jerrel: That is the property owner, so when we get this review that he did I would like to...we'll see to it that you all get this. You need to put some pressure--

Carlos Wallace: See I keep my ditch clean.

Commissioner Jerrel: But I know, but you need to put some pressure on your neighbors because you can do a wonderful job and so can the rest of them but it takes a few more and nothing--

Carlos Wallace: But see with the whole subdivision of Old Petersburg Place feeding into a ditch behind my house, and it does. The whole subdivision basically drains back down into that ditch. Well, he can shake it head--

Judy Wallace: It does. It does. Tell me where it goes if it doesn't go down it.

Bill Jeffers: I'll show the drainage plan and you can see all the various points that it discharges.

(Inaudible comments from the audience.)

Carlos Wallace: We went through this a few years back when Rick Bayer was down here. He was saying my bridge was stopping the water. It's not.

President Mourdock: Okay.

Judy Wallace: We're losing our backyard.

Carlos Wallace: I've got three foot behind that ditch that belongs to me. I've got to get over and clean that once in a while.

Sudip Ghosh: (Inaudible comments made from audience.)

Carlos Wallace: But we get flooded every year.

President Mourdock: Okay.

(Several inaudible comments made from audience.)

President Mourdock: Alright, thank you.

Sudip Ghosh: They did not do a good job (inaudible).

President Mourdock: Okay, thank you. Any other comments on this particular project?

Harold Guetling: Let me ask a question. Whose responsibility is it to clean the creek, the main creek that collects all this?

President Mourdock: Did you get that question, Charlene? You need to go to the microphone again. Please state your name again, Mr. Guetling.

Harold Guetling: Yeah, whose responsibility is it to clean the big ditch and see that the water gets down to Pigeon Creek at 41 and the bridges down there?

President Mourdock: That is all private, is it not? It is the private property owner. That is not considered a legal or regulated drain.

Harold Guetling: In other words, the people that own that land adjoining own that creek?

President Mourdock: Exactly.

Commissioner Jerrel: That's right.

President Mourdock: Exactly.

Commissioner Jerrel: And that's where...that is exactly what I was talking about. You can do a good job, but the people that don't are causing a lot of the problem.

Judy Wallace: With all due respect to you I think if everyone in that ditch weedeated, took everything out I still think we would still have a problem.

President Mourdock: And Mrs. Wallace I don't disagree with that because as someone acknowledged earlier you're living in a floodplain out there.

Judy Wallace: But when we bought our house in '88 they said it was not in a floodplain. We have that from Morley. It was put in a floodplain later and I don't know why they didn't tell us earlier why they built the house out of the floodplain and put the same house in the same place in a floodplain.

Bill Jeffers: I do want to apologize to these people for being rather short, but I do want them to understand that I have lived out there myself since 1981 and before their houses were ever built I hunted in their backyards. I've seen the ditch that is in their backyards when it was nothing more than a little rivulet clogged full of trees and I saw it when it was converted in 1986 into a nice ditch by the developer and I have seen it subsequently grow up and be partially obstructed by bridges and other objects. I've gone to the Department of Natural Resources who only has one inspector for the entire state and had him come down and meet with me and walk the big creek that the last gentleman referred to and shown him several obstructions that are illegally placed in the creek by various individuals whether they be low water crossings, dams, railroad cars used as golf crossing, on and on and on. We have color photographs submitted by us and by individuals who live along Bob Court and Southport. Been through this, done that and went before all the Commissioners since 1986 with it, Democrat and Republican, shown them all the...we've tried to turn it into a legal drain and met with resistance from the individual property owners who do not want to pay the assessment. It's not like this just happened, so I'm sorry I am being short with you, but I've seen it, I've dealt with it. I've had the state government say...take a letter from some contractor I've never heard that he put that dam there in 1977 when the concrete on top of the dam has 1990 and somebody's initials on it, you know what I am saying? So it's not like we haven't all been through this before. It's just getting really kind of tiresome that when we present all this information that we go out in the middle of summer and drag in here the hottest days of the summer, gather up all this information, make it available that we never hear from another person again until a new subdivision is coming in. That's the only time we hear about it.

Judy Wallace: Excuse me, we were never told that there was a chance that could be legal drain. Nothing was ever sent to us.

President Mourdock: Mr. Shively, you raised your hand.

Judy Wallace: We never received anything. How come?

Bill Jeffers: Because the people we turned it over to did not want to pay the postage to have the notices mailed out.

Judy Wallace: That's good.

President Mourdock: Okay, Mr. Shively.

Les Shively: President of the Drainage Board, members of the Drainage Board, my name is Les Shively. I represent Brad Sterchi, the developer. My comments will be very brief. It is unfortunate, but I guess this comes with the territory that whenever a developer comes before you with a drainage plan because we do send out notices to get input on specific problems with regard to this particular area and this particular plan and particular properties and invite those comments and unfortunately they

turn into discussions about what has my local government done for me lately type situation. All I can say to you is this, Vanderburgh County, the Board of Commissioners, took the lead I think four years ago and passed a comprehensive drainage ordinance. Every developer has to follow that. As far as I know the City of Evansville has not done that yet. You are ahead of the City of Evansville as far as that is concerned. No subdivision can go to the Area Plan Commission for approval and no developer can start selling lots until they present a plan, both for preliminary and final approval, that meets your ordinance, your specifications and the tough scrutiny of Mr. Jeffers. We have a plan that meets the preliminary level. We'll have to come back to you again before we start selling those lots. I don't discount anything these people have said, but the area that I understand where they are talking about is an area where there is a drainage problem which we are not going to utilize in removing surface water from this particular project. I would also note that Mr. Sterchi developed a project almost three times as large as this to the northeast, Clear Creek, which was started in 1994 and it has been there for five years and is substantially complete. The drainage system works. It covers a lot larger area, a lot larger watershed and Mr. Morley and his company designed that. It was designed...in fact, it was one of the first major projects to be designed under the county's drainage ordinance. What we are finally seeing is this ordinance that you had the wisdom to put in several years ago is preventing these problems. There have been some wonderful suggestions made to help out the neighbors here, but we're here for preliminary approval and we would like to have the analysis tonight focus on whether we will add to anything in this particular neighborhood, I don't think there is any evidence that shows that we will. Mr. Jeffers and his office has recommended that we be granted preliminary approval with the understanding that we come back to you again for final approval before we can start selling lots. We would ask for you to take that action here this evening. If you have specific questions the engineers from Morley and Associates are here and I would direct your questions to them because beyond what I have just said I don't know a lot more about drainage other than those comments.

President Mourdock: Okay, thank you Mr. Shively. We need to change an audio tape, so we'll take a quick moment to do that.

### **Tape change**

President Mourdock: Are you ready, Charlene? Okay, we are ready to resume. Any questions from the Board or comments from Board?

Commissioner Jerrel: No, I don't have any comments about the preliminary because I expect them to come back. I'm going to get the material that Mr. Jeffers spoke about, Ms. Wallace, and we may not be able to send everything to everybody, but we'll send it to you. Can you...you know your neighbors and will see to it because you do need to pick up the ball. You do. I mean--

Judy Wallace: We are losing our backyard.

Commissioner Jerrel: Sure, I know, but you do need to...if you're doing your share you need to put the pressure on other people to do theirs. Will you all be coming...when do you...if this...normally we approve preliminary, when will the final plan be prepared?

Les Shively: The final plan will have to be prepared before we record and before we start selling, so we are up for primary approval of the plat at the August 4th meeting

of the Plan Commission, but we will have to come to you...I don't know the exact time line, but before we can record the plat and start selling lots we have to come back to you so you will have one more shot at reviewing this.

Commissioner Jerrel: So you're talking about September?

Les Shively: Probably September. What do you think, Brad?

Unidentified: I was going to try to come back in one month.

Commissioner Tuley: Probably by the end of August, won't you?

Unidentified: I don't know how far along those plans are.

Commissioner Jerrel: Well, the point I am making is that is when the neighbors need to take a look at the plan, the final plan.

Les Shively: Right, I agree.

Commissioner Jerrel: And you can call our office, but if you think in terms of end of August sometime if you would call our office then we could alert you so you would be here for the final because you don't send out another notice do you?

Les Shively: No.

Joe Harrison, Jr.: The next Drainage Board meeting, I think, is August 23rd, is that right, Mr. Jeffers? And then the following Drainage Board meeting would be the 27th of September.

Les Shively: Let's say since everybody is here this evening let's say count on us tentatively being here on August 23rd. If there is any change on that they need to check with, I guess, the County Commissioners or they could call my office.

Commissioner Jerrel: Okay, but will you all...will you call and see if they are on there so that you can come and view this? Yes, August 23rd.

Joe Harrison, Jr.: In the Surveyor's Office.

Commissioner Jerrel: Or you can call the Surveyor. Well, either one. We'll have the agenda. With that I'm going to move approval of the preliminary plan for Woodgate.

Commissioner Tuley: Second on preliminary.

President Mourdock: With the motion and a second on a preliminary plan I will say so ordered. I expect we will see many of you again on August 23rd.

Les Shively: Thank you.

**Eagle Crossing North - Preliminary drainage plan**

President Mourdock: The next item, Bill, is Eagle Crossing North.

Bill Jeffers: Eagle Crossing North is located on the west side of Old Petersburg Road

about a half mile south of Boonville-New Harmony Road. The project is an extension and a completion, I believe, of the Eagle Crossing golf course and residential development located north of McCutchanville. The area proposed as Eagle Crossing North continues to be shown in the original overall development plan to drain into a large lake. It's on the lower margin of the drawing up there, a large central lake constructed in the middle of the golf course on the west side of Old Petersburg Road. The plan was prepared and is presented by Sitecon. It meets the requirements for a preliminary drainage plan and the County Surveyor recommends approval of the plan. Mr. Keith Poff from Sitecon is available and in the audience to make additional presentations or to answer your questions.

President Mourdock: Okay, questions from the Board for Bill?

Commissioner Jerrel: I went out and looked at it and drove up what I could see where there was some work, but this is a...you took the tour.

Commissioner Tuley: I took the tour, yes. I've been all over Scott Township.

Commissioner Jerrel: Yeah.

President Mourdock: Any questions or comments from those in the audience regarding Eagle Crossing North? Seeing none, any motion for approval?

Commissioner Jerrel: I'll move preliminary approval for Eagle Crossing.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **Amber Subdivision - Preliminary drainage plan**

President Mourdock: The next one we have is Amber Subdivision.

Bill Jeffers: Amber Subdivision is located on the east side of Green River Road. It's about a quarter mile or little more south of Boonville-New Harmony Road. It's a three lot commercial sub, Lot 1, Lot 2, Lot 3. The preliminary drainage plan was prepared and presented by Andy Easley Engineering. Mr. Easley is here in the audience to answer any questions. We did have one call from a neighbor on the west side of Green River Road. Here is the basin for storm water storage and it discharges into an existing ditch at the northeast corner of the subdivision. The preliminary plan for Amber Subdivision meets the requirements of the drainage ordinance and the County Surveyor recommends approval of the plan.

President Mourdock: Questions from the Board? Any question from those in the audience? Yes, ma'am, please come forward.

Ernestine Ziliak: I'm Ernestine Ziliak. I live at Petersburg Road, but my property is on Green River Road just across Green River west of this division. Now we have a problem with the drainage right there at the point on the...right next to this here driveway that goes back to Silver Dollar. That would be the southeast, is that right, corner? Oh, no it wouldn't either. It would be the north...

President Mourdock: Near what, Mrs. Ziliak? Silver Dollar something, you said.

Ernestine Ziliak: Yes, there is a Silver Dollar...are you familiar with that Silver Dollar Riding?

President Mourdock: Oh.

Commissioner Jerrel: Could you come over here just one minute?

President Mourdock: Yeah, it's north.

Commissioner Jerrel: Help me out. Here is the drawing. It's Amber.

Ernestine Ziliak: It's Amber. Oh, here it is right here.

Commissioner Jerrel: Yeah.

Ernestine Ziliak: Well, this is right here where mine is.

Commissioner Jerrel: This is where you are right here?

Ernestine Ziliak: Yeah, that is Green River Road there.

President Mourdock: Here is Boonville-New Harmony right here.

Ernestine Ziliak: Okay, now right here I can show you. Here is a driveway that we enter our fields. We have a 36 inch pipe to get into that. Now this ditch runs here. This goes back to a driveway to a stable and this is going to go down here to this subdivision and this goes north to Boonville-New Harmony Road. Now this ditch with a 36 inch pipe comes up here to this point and they've got a 16 inch pipe under there, so it's about 22 inches from the bottom of the ditch up to that 16 inch pipe. So when it rains you know what happens and our field is...well, it backed up into our field. Now I think we need a bigger pipe here and that will clear it out. And now the pipe that's going down here to this new subdivision that's big enough, but the ditch is not very big. It just sort of goes down between two fields.

President Mourdock: Okay, well as you heard us say before on this portion where the ditch is it's on private property so the maintenance of that ditch would appear on this plat anyway not to be a subject of this subdivision. The area you pointed on the, what would that be, the west side of Green River Road certainly that is county there. We can take a look at that and see what the maintenance status is on the west side of Green River, John.

John Stoll: (Inaudible.)

President Mourdock: It's from Boonville-New Harmony on the west side of the road going south about a half mile. She was saying there is a culvert in here that is undersized.

Commissioner Jerrel: It's 22 inches up here and it drops--

Ernestine Ziliak: It's 32 down here by this culvert.

Commissioner Tuley: And this is 16?

Ernestine Ziliak: And this is a 16, we was out there and measured it. Now--

John Stoll: On the west side of the road or east side?

President Mourdock: East side.

Ernestine Ziliak: No, sir. It's on the west side of Green River Road.

President Mourdock: Which way is the drainage line then?

Bill Jeffers: Oh, you're on the west side?

Ernestine Ziliak: Uh-huh.

Andy Easley: Okay, you were pointing on the east side, so you're saying the culverts that you're discussing are on the west side?

President Mourdock: Right, on the west side.

Ernestine Ziliak: Well, the one with the 16 inch is to this drive that goes up to that riding stable, but it's all on the west side of Green River Road.

Commissioner Jerrel: Now is that in our right-of-way?

Ernestine Ziliak: And our corner is down here on the northeast corner of it. Now...but I'm hoping when they put this subdivision in down here what we're talking about will they not have to open that ditch to drain it?

President Mourdock: The ditch that is not on that property will not be affected, no. Andy, go ahead.

Andy Easley: Well, we're not really putting any water in this ditch until we get down here at the corner. We're not dumping any water until right here.

Ernestine Ziliak: No.

Andy Easley: So there is not a good reason for this developer to clean that.

Ernestine Ziliak: But somebody should have to.

President Mourdock: And the water from here is going where, Andy?

Andy Easley: It's going north over to here. So our water is off entering this. This is Schlensker?

Bill Jeffers: Yes, sir.

Andy Easley: Entering Schlensker Ditch at the northeast corner of this property that's going to flow north over to here.

Commissioner Tuley: You're retaining it here and then it's draining into the--

Andy Easley: That's correct, yeah.

Commissioner Tuley: Yeah.

Ernestine Ziliak: As much as 25 years ago when they put this 16 inch pipe in here some of the neighbors and my husband said at that time that should have been a bigger pipe in there and this ditch should have been cleaned out a long time ago. Now that's got a big enough pipe under Green River Road, it's a big one, but the ditch is not big enough to carry the water.

President Mourdock: Okay, we can take a look at that from the county's point of view here and, John, if you would report back to us, but obviously with the drainage going that way off this subdivision that's really not going to affect your property over here.

Ernestine Ziliak: No, except that it's not letting that water get out of this little hole here.

President Mourdock: Right, but again that is not part of this subdivision per se, that's right there.

Ernestine Ziliak: No, it's up on the other side of the road.

President Mourdock: Okay, thank you.

Commissioner Jerrel: We'll, Ms. Ziliak, if you want to give her your address we'll let you know when he goes out and checks on that.

Ernestine Ziliak: Okay, at any time. If he wants to go out there and if he wants somebody to meet him out there to look at it.

Commissioner Jerrel: Okay, thank you.

Ernestine Ziliak: Thank you.

President Mourdock: Okay, thank you Mrs. Ziliak.

Joe Harrison, Jr.: Ma'am, write your name and address down there that Charlene has.

Bill Jeffers: I talked to Ms. Ziliak on the phone before the meeting this afternoon and it's my suspicion that, oh, back in the mid '70's there was a Green River Road two lane improvement or two lane widening that took place from Heckel to Daylight and it's my suspicion that her pipe for her field entrance was sized during that project and that's why it's a 36 inch and it's my suspicion that subsequent to that as recently as maybe 15 or 16 years ago someone came in and just rolled a pipe off in the ditch for this drive that she is talking about and it most likely is very much undersized, but it is in the county roadway right-of-way and those plans are available. They were done under the Surveyor, Mr. Nussmeier and the County Engineer was Mr. Eifler and he still works at Veach Nicholson, so I am sure those plans are available to find out what the proper size should be and what the proper flow line is. It may take a week or two to, you know, dig it all up.

President Mourdock: Any other comments from anyone in the audience on Amber Subdivision? Board members?

Commissioner Tuley: Motion to approve on preliminary.

Commissioner Jerrel: Second.

Commissioner Jerrel: So ordered.

**Kingsmont Subdivision - Final drainage plan**

President Mourdock: Our next one is, unless we have a change...that was the last of our prelims?

Bill Jeffers: That's correct.

President Mourdock: Okay.

Bill Jeffers: I'm not going to put up a display for Kingsmont because I think the Morley personnel have a...the engineers from Morley and Associates have a much more graphic display that they will use in our presentation.

President Mourdock: Wait a minute. Whoa, whoa.

Bill Jeffers: Oh, there is a microphone up there.

David Schminke: Is there a mike on it? I was just going to go ahead. Can I go ahead and take this down?

Joe Harrison, Jr.: No, hang on a second.

President Mourdock: Not until she gets the microphone.

Bill Jeffers: Kingsmont Subdivision is located on Old State Road immediately adjacent to Scott School. Last month at the hearing of the preliminary plan for Kingsmont a good number of neighbors addressed comments to the Board. Since that meeting our staff has visited all the sites downstream of and relative to the Kingsmont project which were brought to our attention by those neighbors. Our staff visited the sites with David Schminke of Morley and Associates. Mr. Schminke discussed with me all the items subject of the inspection visits that he made and that he made with our staff and our staff has confirmed to me their agreement with Mr. Schminke's conclusions from those inspection visits. Mr. Schminke is here available tonight to answer your questions and questions from the audience regarding those inspection visits and regarding any other item you or members of the audience wish to discuss relative to the Kingsmont Subdivision drainage. In many respects the final drainage plan which we reviewed for Kingsmont Subdivision exceeds to requirement for a final drainage plan. For example, the detention basin is designed to store a greater volume of storm runoff than is required and discharge storm water at a lower rate than required by the ordinance including the amendment for the impacted drainage area. Therefore, the County Surveyor recommends approval of the final drainage plan for Kingsmont Subdivision. I'll turn the rest of the discussion over to Mr. Schminke.

President Mourdock: Questions from the Board members before we get started?

David Schminke: Any questions? My name is David Schminke with Morley and Associates. As Bill said, we have performed some surveys and determined drainage runoff, sized basins and sized structures. We did meet with the Surveyor's Carl Hansert and Jim Josey and I do have some pictures and a small handout to let you look at up close. There is also a sheet inside of this, a recap. These are just a few

of the pictures that we took in the area that I wanted you to have a chance to look at. There are several things that struck me after looking into this situation a little bit further than what might seem obvious at first. First of all the size of this drainage basin overall that we're talking about here that drains underneath Korff Road is approximately 500 acres. That structure there alone is the one structure that stands out as being grossly undersized. Our calculations show that that 60 inch corrugated metal pipe roughly needs to be three 60 inch corrugated metal pipes to function properly. So one of our recommendations being at the top of the list would be to replace that structure. As you see on our recap sheet here we're recommending something on the order of a ten foot by five foot box culvert. The other thing that we determined that was surprising to me was that when you compare that structure that I just mentioned with the combined or the addition or let's say you take all the drainage structures that cross Baseline Road which are taking runoff south of Baseline Road across to the north, if you add all those up in that basin those add up to be 27...excuse me, 47 square foot of opening which if you compare that with the opening for the 60 inch you find that the opening that is there underneath Baseline Road, if it could be utilized, appears adequate. So I guess what I am...to put it in simpler terms roughly what you're trying to do here is drain 250 acres across Baseline Road, you're combining another 250 acres that is north of Baseline Road and run it through that 60 inch culvert. That 60 inch culvert roughly has a square opening of 19 square feet compared to 47 square feet that is underneath Baseline Road which is trying to drain half as much. Now the problem with Baseline Road that I see is that we can't utilize that 47 square feet. Between the culverts that don't exist underneath driveways, the culverts that are silted in, the culverts that are undersized, and the ditches along the south side of Baseline Road which are silted in prohibit that water from equalizing out through that ditch and going across Baseline Road. If you look at the recap sheet there, if you'll notice down at structure number three we're draining 140 acres through a 24 inch pipe. Then you start looking at the other ones around it. Structure number two which is a five by four concrete box is only receiving 18 acres. So what this told me was that the drainage patterns out there have been changed through the years and that the water that is coming down through there can no longer get to that larger box culvert. It has been cut off from people building out there and filling in their side ditches or their roadside ditches and putting in undersized culverts. I guess what this all boils down to is if we're going to make a recommendation there is basically two ways to head. You either go back in and try to reestablish the original drainage flow patterns by opening up the ditches and putting much larger sized culverts underneath people's driveways and taking the water back down to the larger box culverts, the larger box culvert that I am speaking of being structure number two. That would be one possibility. Then the alternative that I guess we have presumed would be more desirable would be to replace the one structure that drains the 140 acres which is referred to as structure number three which we have recommended to be a six foot by four foot box culvert. Basically, on our recap sheet here we have recommended that two structures be replaced. We would also recommend that the entire ditch along the south side of Baseline Road be cleaned out. There are numerous obstructions, a lot of silt and a lot of other things that are causing the frustrations out there. Just roughly the recommendation here for these two culverts we tried to do a takeoff and estimate construction of these to run from \$45,000 to \$50,000. That's sort of the magnitude of the dollars that we're talking here. I guess this is not really the end of it, it's just the beginning as far as the study that needs to be done and the work that needs to be done to correct this situation. I'll step forward and volunteer Morley and Associates to assist in anything that the county might wish to do preliminarily or whatever else. We have tried to gather a little information and, you know, we would be glad to try to help out and get this thing headed in the right direction. If I recall,

there was some question about the ditch which drains from the northwest corner of the subdivision across the field to Baseline Road and there was a comment made that the ditch shallowed up somewhat. We did inspect this ditch and we do feel comfortable that this ditch is big enough to handle what we're preparing to do. The ditch is still on the order of six foot deep as it approaches Baseline Road and we definitely feel that the problems are with the culverts crossing the roads and the roadside ditches along Baseline Road. And like I said, the biggest problem is that 60 inch culvert underneath Korff Road.

President Mourdock: Okay.

David Schminke: I guess I would be glad to entertain any questions that anyone might have.

President Mourdock: Anyone in the audience wishing to ask a question of Mr. Schminke?

Commissioner Jerrel: I don't have a question of you, but I do have a question for our engineer. Is that our ditch?

John Stoll: Which ditch? The roadside ditches along--

Commissioner Jerrel: On Baseline.

John Stoll: Yes and no. We could only find documented right-of-way on some parcels. The right-of-way we found was 25 feet so parts of the ditch would be ours. Parts of it it depends on whether or not we could find documented right-of-way.

Commissioner Jerrel: Uh-huh. Okay, but the structures that...do you have this same information?

John Stoll: The structures across the road would definitely be ours.

Commissioner Jerrel: Okay, so those would definitely be ours.

John Stoll: Right, all these numbered culverts are the county's.

Commissioner Jerrel: And it would help probably if you would have the Garage go out there. I mean, just the debris--

John Stoll: Like David said, the ditch could be opened up some. That would probably help. The culverts, it just depends on how much money we could put into it. As far as opening up ditches substantially nobody wants a ditch in their front yard. It's common everywhere that people go buy a plastic pipe and roll it in a ditch and it's generally too small. So there may be locations out there where we couldn't go open up the ditch where there used to be a ditch without stirring up all kinds of trouble, but where there are existing ditches the county could take the gradall and may at least clean out the flow line on those ditches that still exist.

President Mourdock: Well, I would certainly like to see the county highway folks do that. The question I have from looking at these photos, and I'll ask this of Dave, I recognize the culvert under Korff Road in your photographs. The rest of those photographs, is any of that on county right-of-way as you know it? In other words, the one where the tires have got the culverts blocked and all that is that county?

David Schminke: Yes, that is right immediately to a roadside--

President Mourdock: Okay, it's in our right-of-way?

David Schminke: Yes.

President Mourdock: That's the kind of stuff we need to fix.

Commissioner Jerrel: Why don't you take this and send this to the garage. That would be easier for them to follow.

Commissioner Tuley: Let me ask something else here too. John, where we don't feel the people would want a ditch opened up how much trouble would it be to try to put together a letter where we have right-of-way, clean out the parts where we have the right-of-way on, but on the areas that we don't have right-of-way or that would require ditching in front of someone's house putting it in a letter asking them for their permission because they're not done developing out there and we're going to hear the same thing time in and time out.

President Mourdock: Let me take that one step further. Is there any way that eminent domain can be used to get existing right-of-way along something like Baseline, Joe, to get us the ditches we need?

Joe Harrison, Jr.: Sure. But you may want to at least initially speak with Mr. Schminke and take a look to see what can be unclogged. I mean, it looks like there is a lot of debris that may alleviate some of the problem if that debris could be removed. But sure eminent domain could be utilized. That's not your computer is it?

President Mourdock: Pardon?

Joe Harrison, Jr.: That's not your computer in the picture there is it?

President Mourdock: My hard drive crashed on me and I lost five years of notes from all these meetings, so that is the only thing I've laughed at all day about my computer. It might be there soon actually. I haven't thrown it that far yet.

Commissioner Tuley: I guess what I am trying to get at is if we go the effort to replace the culverts and we don't do the ditching I don't think one...I mean, they go hand in hand and they're both going to have to be done. So either we make the commitment to replace the culverts and then we either get permission or dedicate a right-of-way or we through eminent domain take it.

President Mourdock: Yeah, on the one hand I think from other things I've heard Joe say and even Alan Kissinger prior to Joe's appointment here, once you get in there if you started doing the maintenance and it wasn't the county right-of-way you're almost forcing it into that anyway.

Commissioner Tuley: It's just that there is so much development down there.

President Mourdock: Yeah.

Commissioner Tuley: You might as well address it once and for all and try to deal with it if we can, assuming we have the \$50,000 in rough numbers.

Commissioner Jerrel: Well, you're talking about \$100,000.

David Schminke: Yeah, that's the problem we was just stating. Two drainage structures, I mean you get into it and the first thing you want to do is widen out the section along the box culvert and make it nice and pretty so it will meet future needs and future standards and so on and so forth, so I don't know where you draw the line. I mean, like you say \$100,000 is probably what is needed in that area to do some other things too.

Commissioner Jerrel: Let us...you know, you can have the Garage go out and do that first of all. That's something we should be doing and if we can't ditch did you say you have that identified as to what is ours and what is not clearly ours?

John Stoll: We don't have all parcels identified as far as what our right-of-way is. We could do that. Where we were finding right-of-way was closer to the intersection of Baseline and Peck and we've got 25 feet on the south side of the road there. No other right-of-way was found as of yet, so it's very minimal what we have found as of yet, but that is something that we could put together parcel by parcel kind of like what we got stuck with out there on Ward Road and just see what we could--

Commissioner Jerrel: Well, we're going to have to do that anyway if we're going to consider doing anything--

John Stoll: Right.

Commissioner Jerrel: --we're going to have to know--

Commissioner Tuley: What we have and what we don't.

Commissioner Jerrel: Yeah, what belongs and what we don't have.

President Mourdock: Well, John, if you'll get us that information and talk to the county highway folks.

John Stoll: Okay.

President Mourdock: In the meantime regarding this specific drainage plan that we have before us on final are there any other comments from anyone in the audience or members of the Board? Seeing none from the audience--

Bill Jeffers: Before you close action on this one I know I don't speak...I'm not authorized to speak for the Board, but I'm sure that some of you may share my sentiments on this. I want to get it on the record that the Surveyor's Office certainly appreciates the work performed by Mr. Schminke which work was paid for by the developers of Kingsmont, but was actually done on behalf of Vanderburgh County in extensive research and all the handouts that were developed was not done free. Someone paid for that and I would like to thank the developer who I have on numerous occasions said is one of the finest developers I have ever met in this county and he continues to work on behalf of the people of Vanderburgh County when developing these projects.

Commissioner Jerrel: Okay, if it's appropriate for a motion I would like to move that we do the final approval of the Kingsmont Subdivision.

Commissioner Tuley: Second.

President Mourdock: And I will say so ordered.

**Basden RV Sales - Request to expand basin in ditch easement**

President Mourdock: Okay, other drainage plans we have before us this evening, Basden RV Sales. You may as well leave the map up there. Basden RV Sales on Baseline/US 41 request to expand the basin into a ditch easement.

Bill Jeffers: The drainage plan previously approved by your Board for this project is satisfactorily completed. The developer now wishes to expand his operation by paving additional areas and that would require additional storage volume in the completed basin. This project is within the North 41 impacted drainage area. In order to achieve the additional storage capacity the basin must be enlarged to handle that 100 year flow and discharge at a ten year rate and it must be enlarged to the north and will therefore be within 40 feet from the top of the bank at Pond Flat Lateral A which has a 75 foot maintenance setback. Mr. Lee McClellan from Morley and Associates has prepared some drawings to show this proposed basin enlargement. The Board is capable under a state statute of allowing permanent structures within that 75 feet if they do not interfere with the maintenance off proper drainage for Pond Flat Lateral A. The County Surveyor recommends the Board approve the location of parts of the basin within 40 feet of the south bank of Pond Flat Lateral A as shown on the site plan for Basden RV Sales which Lee McClellan will show you because the County Surveyor finds that there will still be a sufficient flat maintenance pathway wide enough to maintain Pond Flat Lateral A through that area.

President Mourdock: Okay, Mr. McClellan.

Bill Jeffers: Mr. McClellan has some drawings.

Lee McClellan: My name is Lee McClellan with Morley and Associates. We did some calculations on the existing basin that was constructed by Basden RV. I can route you some photographs. Based off of those calculations we went back and looked at the 1996 and the 1997 drainage calcs. that were prepared for that original development and at that time you were dealing with the 25 year storm event and since that period we're now looking at the 100 year impacted area and we've determined that the existing basin with the configuration that Mr. Strassweg has developed, the existing basin could handle the 100 year storm event in its present condition. What he would like to do is since he is going to be developing an area to the north of what he is presently using he will have to raise that area up to the base flood elevation. The area we are talking about is the area right here bounded by 41 on the west, Boyle Lane on the east, Baseline Road on the south and Pond Flat Ditch here on the north. Presently he has one single structure up here and this end is all paved. The county several years ago relaxed or vacated a 20 foot strip along the west side of Boyle Lane. He now has a proposal in front of Site Review to construct this building which will be a showroom and service bays on this, a total of 5.18 acre tract. This north area which is approximately six acres, or the remainder of the tract, is going to be developed into a sales area for modular or manufactured homes. These will sit on foundations here. They will be permanently mounted and he'll have a sales office down here. This is the detention basin that presently exists that is presently constructed. On this line right here is the floodway boundary as

defined by DNR and then we've also plotted on here the 75 foot legal setback along with the 25 foot sanitary sewer easement that falls within there and Mr. Strassweg is requesting a 35 foot relaxation in the 75 foot setback. I'll show you photographs of that area. The whole purpose is since the basin is adequately sized to handle a 100 year runoff he is basically requesting that the basin be enlarged to obtain borrow for raising the future manufactured area, this area right in here, to the base flood elevation. He will be going to the Department of Natural Resources with a request for an encroachment or construction within a floodway and that encroachment will be strictly to excavate. It will not be to fill within the floodway.

President Mourdock: You haven't done that yet or your client hasn't?

Lee McClellan: We were waiting for approval from this Board to file with DNR.

President Mourdock: You've already dug the hole.

Lee McClellan: The hole is dug...the hole does not encroach.

President Mourdock: Okay, it doesn't encroach on the...?

Lee McClellan: It does not encroach on the floodway which is about 160 feet from the ditch nor does it encroach on the 75 foot legal setback. This is the photograph here of the Flat Pond Ditch and you can see the flat level spot that would be necessary (inaudible), but it would be needed for Bill or the county to maintain that ditch. Also within that 40 foot we would also have the primary discharge structure which is a 12 inch pipe that allows the basin to discharge into Pond Flat Ditch along with a riprap overflow or emergency channel which does not exist today. Mr. Strassweg did not finish this plan to here because he is waiting for approval to finish the additions. What we're asking for tonight is relaxation of the 75 foot legal setback to 40 foot to allow for the excavation of the detention basin.

President Mourdock: Okay, questions from the Board?

Commissioner Jerrel: The pictures were very helpful.

Lee McClellan: Thank you.

President Mourdock: Bill, you are recommending, correct?

Bill Jeffers: Yes, sir.

President Mourdock: Okay, any questions from the audience?

Commissioner Jerrel: I'd like to move approval of the Basden RV Sales' request to expand the basin into the ditch easement.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Lee McClellan: Thank you.

**Cherokee Windows - Request for AC placement in easement**

Bill Jeffers: The next item is Cherokee Windows located on Lot 25, Corressell Court Commercial Subdivision. They are requesting the Board allow the location of two outdoor heating and air conditioning units within 25 feet of the west top of the bank of the reconstructed Stockfleth Ditch. The ditch has been relocated as approved by the Board. The requirement to raise finished floor elevations in this subdivision to 387 feet above sea level caused the regrading of the ditch bank in such a way as to put the two proposed heating and air conditioning units within 25 feet of the top of the west ditch bank. I visited the site earlier this week and I do not believe that the air conditioning units will interfere with our ability to maintain Stockfleth Ditch. There is still sufficient room for large equipment on the east side and I talked to a representative of Cherokee Windows about them mowing the west bank and keeping it in a good lawn condition which is to their advantage and I am sure they would want to do it because their showroom windows face Vogel Road and without them performing that maintenance on a weekly basis their showroom...the view into their showroom windows would be obstructed by high weeds. This is a very late request, but a very necessary request because of construction timing and good weather and I did ask that fellow to bring a drawing and a letter from the developer...or from the owner of Cherokee Windows. He hasn't had time to bring that to me, so our recommendation is that you allow this semi permanent installation of two outdoor air conditioning units within 25 feet of the top of the bank of Stockfleth Ditch. Our recommendation to do so is made based on our receipt of a letter from the building owner stating he understands that he'll have to mow his own yard down to the toe of the ditch bank and that the Board will not be held responsible for damage to the air conditioning units by any representatives of the Board performing statutory requirements.

President Mourdock: Okay.

Bill Jeffers: That's understood in the telephone conversation, but he has not had time to transmit that to me.

President Mourdock: Joe.

Joe Harrison, Jr.: In addition, in the letter you might want to also state in there that he will indemnify and hold the county harmless for any and all liability associated with the installation, use, maintenance or removal of the units in case someone runs into the units.

Bill Jeffers: A tractor, a mowing tractor.

Joe Harrison, Jr.: Or cars. I mean, I guess someone could fly off the road and go in there. I'm always thinking of the worst scenario, but something along those lines so again it would be that he would mow the yard...or mow the property as requested and then indemnify and hold the county harmless for any and all liability associated with the installation, use, maintenance or removal of the requested units.

Commissioner Jerrel: Would it be appropriate to move approval of this request to place these units in the easement based upon the caveats described?

Joe Harrison, Jr.: Sure.

President Mourdock: Contingent upon that.

Commissioner Jerrel: Yes, on those being completed satisfactorily.

Bill Jeffers: Right, because he'll be ready to open before the next meeting and he has got a pending site plan.

Commissioner Jerrel: I'll make that part of that motion that those be completed.

Bill Jeffers: Thank you.

Commissioner Tuley: Second.

President Mourdock: So ordered.

<b>Breckenridge Subdivision - Request to relax easement</b>
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Bill Jeffers: Okay, the next item is a request to relax a lake maintenance easement. The final drainage plan for Breckenridge Subdivision showed a lake maintenance easement sufficient to encompass the entire lake as required by ordinance, but this plan did not anticipate final residential yard grading along rather steeply sloping banks. In other words, Mr. Poff made the easement overly large to take into account anything that might happen when individual lot owners started grading their yards so that we would still have enough maintenance area. In fact, the final yard grading has created a situation where there is a whole lot of usable yard area now falling within the lake easement which will never be needed by the county or by the individual landowners to perform lake maintenance. And now the lot owners wish to put this yard area into better use without violating the plat restrictions and the covenants and restrictions recorded for that sub relative to maintenance easements. In order to do this Keith Poff has prepared a proposed relaxation of the drainage maintenance easements for the portion of Breckenridge Sub affected by this issue. The County Surveyor has studied Mr. Poff's drawings and his methods of attaching these drawings to the chain of title for the parcels affected and the County Surveyor recommends approval of this request. Mr. Poff is available and has handed the drawings to you. Other than approval of...excuse me, that's it.

Commissioner Jerrel: Are these identified by the A, B, C, is that the--

Keith Poff: If I may?

Commissioner Jerrel: Sure.

Keith Poff: Keith Poff of Sitecon. I'm afraid the links and lines weren't able to have us bearing the distance so there is a table for some of the shorter lines.

Commissioner Jerrel: Right, okay.

Keith Poff: Some of the lines do have a bearing in distance. If I may, we're showing on this particular exhibit the position of the lake maintenance easement that was created by the subdivision plat. The relaxation we're looking for only affects the Section 2 subdivision. Within the Section 1 boundary it is going to be unaltered. The developer, Benchmark Properties, are providing this work at the request of two landowners, Lot 56 and Lot 65, who have some plans to work into areas that are

past where the platted easement line was. Therefore, he felt it would be in his best interest and we will have to have execution points. All lot owners along this line will have this executed. This will be referenced to the subdivision plat in a similar manner that the restrictions and covenants and easements are referenced to the plat. That will be referenced therefore anybody looking at title work will see this relaxation.

President Mourdock: And where do we have access? In other words, to get to it. Is it still maintained here?

Keith Poff: You can see that these extension of the drainage easements have been made to the edge on each one and there is also access that is coming from this cul-de-sac up through this way. This is actually the dam location at the south.

President Mourdock: Okay, let me reword the question better. I recognize this is a drainage easement coming through here and just for the sake of argument I picture that as a fairly steep, sloping--

Keith Poff: Essentially from this line down is a grade.

President Mourdock: Right, okay. Can we bring mowing equipment down here?

Keith Poff: You have access for maintenance equipment down through this.

President Mourdock: Okay.

Keith Poff: These are only ten feet wide here.

President Mourdock: Okay.

Keith Poff: The position that you see, this is the normal pool location. We've allowed for approximately six feet horizontally for the storage pool to act. It is only a temporary pool. There is 12 feet beyond that so if it were at storage there still would be room to access.

President Mourdock: Okay, questions of the Board? Any questions from the audience? Is there a motion?

Commissioner Jerrel: I'd move approval to relax the oversize lake maintenance easement in Breckenridge Subdivision with the recording of this for each plat with the drawing and the description.

Commissioner Tuley: Second.

President Mourdock: So ordered.

<b>Vacation of easement - 5115 University Drive</b>
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President Mourdock: We have some blue claims, Bill?

Bill Jeffers: We have one other item of other business which is an ordinance to vacate a 15 foot public utility and drainage easements between Lot 1 and Lot 2 of Expressway Commercial Subdivision Section 1A within Vanderburgh County,

Indiana which has been through the first reading of the Vanderburgh County Board of County Commissioners. There is a drawing here attached from Morley and Associates that shows the easement which they will be substituting for the one they wish to have abandoned. The one that they're asking to be abandoned does not have any drainage facilities within it and to my knowledge does not have any other utility facilities within it and the one that they propose to replace...use as a replacement easement is sufficient and placed in a usable space that will be sufficient for the purposes of the one they wish to have abandoned and the County Surveyor concurs with Mr. Morley and recommends that you...that the County Drainage Board also approve of this relocation of the easement.

President Mourdock: And that was for Expressway Subdivision?

Bill Jeffers: It's for the--

Jim Morley: The Lowe's Store.

Bill Jeffers: --Lowe's Store located on--

President Mourdock: Ah, 5115 University Drive.

Bill Jeffers: Correct.

President Mourdock: Is there a motion?

Commissioner Jerrel: I'd like to move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

<b>Blue claims</b>
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President Mourdock: Now, Bill, you have some blue claims?

Bill Jeffers: Yes, sir. The blue claims are for ditch maintenance in the year 1999. The contractors have accurately filled out the forms and the necessary paperwork signed by the County Surveyor and the various inspectors is attached. The work is sufficient and the County Surveyor recommends that you pay the claims.

Commissioner Jerrel: And I'd like to move approval of the claims.

Commissioner Tuley: Second.

President Mourdock: So ordered. Anyone else wishing to address the Board tonight? I didn't think so.

Commissioner Jerrel: I'd like to move a motion to adjourn.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The meeting was adjourned at 8:12 p.m.

***Those in attendance:***

Richard E. Mourdock  
Joe Harrison, Jr.  
John Kessler  
Judy Wallace  
Carlos Wallace  
Andy Easley  
Keith Poff  
Members of the media

Betty Lou Jerrel  
Charlene Timmons  
John Stoll  
Harold Guetling  
Les Shively  
David Schminke  
Jim Morley

Patrick Tuley  
Bill Jeffers  
Sudip Ghosh  
Millard Wilke  
Ernestine Ziliak  
Lee McClellan  
Others unidentified

**Vanderburgh County  
Drainage Board**

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Richard E. Mourdock, President

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Betty Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Special Drainage Board Meeting  
August 2, 1999**

The Vanderburgh County Drainage Board held a special meeting on August 2, 1999 at 6:30 p.m. in Room 307 of the Civic Center Complex with President Richard E. Mourdock presiding.

**Call to order**

President Mourdock: We'll now call the special meeting of the Drainage Board to order for August 2, 1999. Because this is a special Drainage Board meeting we can discuss only one issue and that issue this evening is the petition brought by Amy V. Gamble of 2609 Swinging Way Court regarding an obstruction of drainage, so we'll turn to the Chief Deputy Surveyor, Mr. Jeffers, for an update.

**Public hearing regarding petition to remove obstruction  
Petitioner: Amy V. Gamble, 2609 Swinging Way Court**

Bill Jeffers: Okay, as you said the petitioner is Amy V. Gamble of 2609 Swinging Way Court. Ms. Gamble is sitting on your left. The respondents are Jerry H. and Maurine N. Cohoon, 2619 Swinging Way Court. The Cohoons are sitting on your right. Ms. Gamble alleged that there existed an obstruction to a natural surface watercourse and all the particulars. The Surveyor went out and immediately inspected the site and confirmed the allegation and filed a report with you on June 28, 1999. You have the report in hand. Both the petitioner and the respondent were sent copies of the report along with a notification of this hearing by Mr. Joe H. Harrison, Jr. in a packet that I assume everyone has. Since that time it is my understanding from the respondents that they have initiated certain work to remove the materials placed along the fence line that represented the obstruction. They're here tonight and have pictures to verify their statement. Ms. Gamble is here to view the pictures and, of course, as they exist in her backyard she has already seen the work that has been accomplished. The statute that governs this proceeding, Indiana Code 36-9-27.4, in part states under Section 13 of that code that:

"Before or on the date of a hearing held under this chapter the Drainage Board may postpone and reschedule the hearing if under item two the interest of fairness otherwise compel a postponement."

It may be the case that in the interest of fairness the petitioner, Ms. Gamble, may ask you for a period of time to view the improvements that have been made under, let's say, a condition of a heavy rainfall over the next 30 or so days or maybe 60 days and if she is satisfied that the watercourse is no longer obstructed would come to you either in person or in writing and verify that she is satisfied with the restoration of the watercourse and to determine that I'll turn the meeting back over to you.

President Mourdock: Okay, do you have--

Commissioner Jerrel: Can we see the pictures?

President Mourdock: Yeah, do you have the pictures?

Bill Jeffers: I have viewed the site and do confirm that the landscape timbers along the fence line were removed.

President Mourdock: Okay.

Commissioner Jerrel: Can we see the pictures? Do you have pictures?

Bill Jeffers: Mrs. Cohoon has the pictures of the completed work, I believe.

President Mourdock: Okay.

Maurine Cohoon: I have the whole history which you probably are not interested in, but this is a picture--

President Mourdock: Just the three of us here.

Maurine Cohoon: That is a picture of the timbers. They have been removed. This is a picture of the...this was the site in here that was in question. Mrs. Gamble has done that to the yard.

President Mourdock: This is on her side of the yard?

Maurine Cohoon: Yes. I would like to show you, if I may, the whole history of the problem.

Commissioner Jerrel: Sure.

Maurine Cohoon: The neighbors next to her piped all the water from all their downspouts and drains into her yard. She subsequently built or placed a pipe, unperforated black pipe probably four or six inches, I don't know, PVC. This is where she did it. It doesn't show the pipe, but this is a picture of what it did to our land. Here is a picture of the pipe underneath her fence on our property. Morley--

President Mourdock: Let me ask you, is this the same fence that we saw a moment ago or the same the location?

Maurine Cohoon: Yes.

President Mourdock: So this fence was there, it's no longer there and replaced by your fence?

Maurine Cohoon: Yes, because she had part of her fence on our property. She piped it, the water, see what she did to our land? She said that we had created problems for her property. She created a little problem for ours too. I have many, many pictures, but these I think represent...but you can see that it created quite a problem. We installed this fence a year ago. As I say, Morley did the surveying. I did not bring his report, but her fence was in certain places on our property. This is a picture of what evidently she called obstruction. My husband had put sod all along the fence and here and then strawed it because we wanted grass and she maliciously dug underneath the sod.

President Mourdock: How did she get underneath the fence?

Maurine Cohoon: She got underneath the timber somehow. Well, you can see it.

Joe Harrison, Jr.: As far as the fence is concerned though have you removed the portion of it?

Maurine Cohoon: Yes, they are gone.

Commissioner Tuley: Some of her earlier pictures shows they're clean.

Maurine Cohoon: But nonetheless, it didn't...they did not obstruct the flow. We do now have some grass. She has...the timbers were put there with her knowledge because she had two dogs, here is a picture of one of them, that ran up and down the fence. Actually, she has done damage to our fence. This is a PVC fence. We paid \$11,000 for this fence. There is mud all over it on her side. I don't know whether...this is a picture of our fence. This, of course, is not what is the matter at hand. This is what our yard looked like before.

President Mourdock: Okay, the matter at hand is the drainage.

Maurine Cohoon: The drainage problem which has been corrected.

President Mourdock: Let me just ask the question then to Ms. Gamble, if I may.

Maurine Cohoon: Sure.

President Mourdock: The Chief Deputy Surveyor has suggested or inferred, Ms. Gamble, that you're willing to accept or offer a postponement on this to see if the removal of those timbers has in fact rectified the problem, is that right?

Amy Gamble: Yes.

President Mourdock: Right, okay.

Joe Harrison, Jr.: Could you come up to the mike.

President Mourdock: Yeah, since we tape record all our minutes here.

Amy Gamble: Amy Gamble.

President Mourdock: Okay, and just asking the question--

Amy Gamble: Yes, I am in agreement with that.

President Mourdock: Okay, Bill, do you have a suggested time period then for the postponement of reviewing this?

Bill Jeffers: I spoke with Ms. Gamble earlier and she said she thought by the end of September she would have a pretty good idea whether or not the landscaping on both sides of the fences would work to her satisfaction and then that would put it up around our regular Drainage Board meeting in September, the 27th I believe.

Joe Harrison, Jr.: Yeah, September 27th. It could be on the agenda for that regular meeting.

President Mourdock: Okay.

Joe Harrison, Jr.: And if by that time Ms. Gamble is satisfied with the changes she could notify the Surveyor's Office either to dismiss the petition or she may want to come and have the hearing continued at that time for a final determination.

Bill Jeffers: But that would be the hearing, is that correct?

Joe Harrison, Jr.: Yes.

Bill Jeffers: You would be taking an action now to postpone the hearing to September 27th and then either receive notification by letter or by Ms. Gamble in person that that would be a satisfactory date to continue the hearing.

President Mourdock: Well, since the petitioner has put that request forward, and again, Ms. Gamble, I'll ask if that date is okay with you since Bill--

Amy Gamble: Yes.

President Mourdock: Okay. I would look for a motion then that we postpone this hearing this evening until our--

Maurine Cohoon: (Inaudible.)

President Mourdock: Let me just go ahead and state it and then we'll have a comment here. Until the Drainage Board hearing meeting of September 27th. Is there a motion to that effect?

Commissioner Jerrel: I'll move for the purpose of getting this on the floor, yes.

President Mourdock: Okay, now please.

Maurine Cohoon: We will not be in town on September 27th.

President Mourdock: Step to the mike.

Maurine Cohoon: We're going to be California.

Commissioner Jerrel: Well, when will you be back?

Maurine Cohoon: We will be back...we will be there eight days. So is there another time that we could meet either prior or--

Commissioner Jerrel: After? Could we do it when you get back?

Maurine Cohoon: Sure.

President Mourdock: What is the following Monday if we had another special?

Joe Harrison, Jr.: The following Monday would be October 4th.

Maurine Cohoon: We will be back. We're flying from San Diego on October 4th.

Joe Harrison, Jr.: Oh, you are.

Maurine Cohoon: Yes.

President Mourdock: So the following Monday would be the 11th?

Joe Harrison, Jr.: Yeah, the following after that would be the 11th.

Commissioner Jerrel: Well, we could do that. Is the 11th...I'm not looking right, that's not right.

Joe Harrison, Jr.: Yeah, that would be Solid Waste.

Commissioner Jerrel: Yeah, but I'm not looking at the September calendar.

Joe Harrison, Jr.: No, you're looking at October now.

Commissioner Jerrel: Oh, I'm not looking at that either. I am right, the 11th.

President Mourdock: You have 31 to choose from!

Commissioner Jerrel: Well, July 11th is on Monday, too. Okay, then I'll just include that in my motion if that's alright with you, Ms. Gamble? Alright, the 11th.

Joe Harrison, Jr.: If we're going to have to have a special meeting then we will advertise in September and it would be October 11th and we probably ought to say at 6:30.

President Mourdock: Okay.

Maurine Cohoon: That's fine.

Joe Harrison, Jr.: Unless notified otherwise that there is no reason to have it.

Commissioner Jerrel: Okay.

Commissioner Tuley: Second.

President Mourdock: Okay, so with that I will say so ordered and we will have that special meeting along with the advertising.

Commissioner Jerrel: Okay, we'll see you all.

President Mourdock: Hopefully, we'll get not overwhelming rains because none of us need those, but hopefully we'll get sufficient rains to prove the system works.

Charlene Timmons: Did we adjourn?

(Several inaudible conversations at one time.)

Maurine Cohoon: We both have watered and watered and watered. I hate to see my water bill.

Charlene Timmons: Did we adjourn?

Commissioner Tuley: And sewer.

President Mourdock: Yeah, and sewer bill, they get you twice.

Maurine Cohoon: And sewage is--

Charlene Timmons: Did we ever adjourn?

President Mourdock: Oh, we need a motion for adjournment.

Commissioner Jerrel: Oh, wait a minute.

Maurine Cohoon: What happened to the pictures, are you going to keep them?

Charlene Timmons: Uh-huh.

Commissioner Jerrel: Oh, wait a minute. We'll keep them.

Maurine Cohoon: I have beaucoup pictures if you want more.

Bill Jeffers: Well, those were very helpful.

Commissioner Jerrel: Yeah, and they are good. I'd like to move...make a motion to adjourn.

Commissioner Tuley: Second.

President Mourdock: So ordered. We're adjourned.

The meeting was adjourned at 6:48 p.m.

***Those in attendance:***

Richard E. Mourdock  
Joe Harrison, Jr.  
Amy Gamble  
Members of the media

Betty Lou Jerrel  
Charlene Timmons  
Maurine Cohoon

Patrick Tuley  
Bill Jeffers  
Others unidentified

**Vanderburgh County  
Drainage Board**

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Richard E. Mourdock, President

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Betty Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Drainage Board Meeting  
August 23, 1999**

The meeting was called to order at 6:28 p.m.

**Call to order**

President Mourdock: Okay, we'll call the meeting for the August 23, 1999 Drainage Board to order. I apologize to all of you for the extended discussion there. Obviously, the County Commission also functions as the Drainage Board and we were chasing after some ongoing Commission business. We have agendas that should be on the table over there. As you can see there are a number of items on here this evening for discussion and a number of people in attendance. For that reason if you do choose to make a statement we ask for you to please be brief. If someone gets up and basically says what you intended to say it's not necessary for you to come forward and repeat the whole thing. You can simply say ditto and we'll understand that there is support for that position. The Chief Deputy County Surveyor kind of runs our meeting for us as our technical advisor.

**Approval of minutes**

President Mourdock: The first thing we have tonight to do as a Board is to approve the minutes of two meetings. We had a meeting on July 26th and then we had a Special Drainage Board Meeting on August 2nd.

Commissioner Jerrel: I'd like to move approval of those two previous minutes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Old business**

President Mourdock: First of all, as far as old business, I don't see any on the docket. Bill, has anything come up regarding old business?

Bill Jeffers: Not to my knowledge.

**Petition to vacate easement - 5014 and 5030 Earl Avenue**

President Mourdock: We did have under other business the suggestion that one item be moved forward. Did Charlene speak with you about that one, Bill?

Bill Jeffers: Yes, sir.

President Mourdock: Okay, are you comfortable with that?

Bill Jeffers: Yes.

President Mourdock: Okay, we'll deal first then with Item B under IV, petition to vacate the platted drainage easement. Bill, if you would I know we've got a letter in our packet on that as well.

Bill Jeffers: Right, this is a situation where the developer first acquired two lots.

Supid Ghosh: Did you identify yourself first?

President Mourdock: Mr. Jeffers was asked to come to the microphone, so I think that identified him.

Bill Jeffers: My name is Bill Jeffers. I'm the Chief Deputy Surveyor for the Vanderburgh County Surveyor's Office. I live at 6608 Kimball Drive and my phone number is in the phone book under William R. Jeffers. The developer of that minor subdivision had first acquired enough land for two lots and he platted a drainage easement around the east side of Lot 2 and along the north side of Lot 2 and Lot 1. He was taking all the storm runoff from the two rooftops that would have been in those two lots and routing it to the northwest and into a lake alongside the mini storage buildings on Pollack Avenue. Subsequently he was able to purchase another lot immediately adjacent to the two lots and he did the same thing. He platted an easement along the east line of the easternmost lot, ran it up to the north line and ran it along the north line to the west and joined it with the previous northern drainage easements so that all the water from all three lots would go to the lake. He sold Lot 1 to an individual who built a house and finished the small detention basin that intercepted the water and discharged it to the north into the standing body of water next to the mini storage facilities. That left him with Lot 2 of the first minor sub, plus the entire one lot of the second minor sub with a drainage easement separating those two lots which was a vestige of the first...or a function of the first platting. The lady identified in the petition and the lady who has filed the petition bought both the second lot and the third lot and wishes to construct a house that will straddle the line.

President Mourdock: And that's Ms. Henry?

Bill Jeffers: That's Ms. Henry and she is in attendance in the audience, I believe, back here in this corner. I believe that is Ms. Henry. In order for her to build the house as it shows on the site plan that she turned into Area Plan Commission she would have to build it across the drainage easement and after examining her request we discovered that her lot grading plan would make that easement unnecessary because she would be using the easement on the east line of her second lot and the north line of both the lots and that renders the one that the house would straddle totally useless and we have already recommended to the Area Plan Commission that they accept her site plan and issue her a permit and, of course, your legal counsel always advises you to go through a vacation hearing for that easement and there is no longer any use for the easement. There are, to my knowledge, no utilities in that easement and no need for it as a drainage easement and our office recommends that you vacate the entire easement between Lot 2 and the lot immediately to the east of Lot 2, both of which lots are owned by the same person, the petitioner Ms. Henry.

President Mourdock: Okay, is there anyone here wishing to speak to this issue? Ms. Henry, do you have any comments to add? Okay. Joe, do you have any? County Attorney, Joe Harrison, do you have any comments?

Joe Harrison, Jr.: No, other than this will then be...assuming it's approved it would be considered at two readings by the County Commissioners. I guess...is it Monday, next Monday? And then two weeks from Monday would be the final reading.

President Mourdock: So we cannot formally do the advertisement issue?

Joe Harrison, Jr.: It's already been done.

President Mourdock: Ah.

Joe Harrison, Jr.: It was needed...or it was recommended that it also come to Drainage Board and we're just making sure that we cover that base now so that it will be covered.

President Mourdock: So is there a motion?

Commissioner Jerrel: Let me get this. Let me make sure I'm correct on this. The motion is to approve the petition or to advertise? It has been advertised, so this is the first hearing and I would recommend the petition to vacate platted drainage easement for Samuel C. and Brenda Henry.

Commissioner Tuley: Second.

Joe Harrison, Jr.: It's really the only hearing at the Drainage Board stage, but we'll have two hearings at the Commissioners' stage.

Commissioner Jerrel: Right.

President Mourdock: So there being a motion and a second, I will say so ordered.

<b>Helfrich Hills - Preliminary drainage plan</b>
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President Mourdock: And now back to Bill. New business. We have some preliminary drainage plans.

Bill Jeffers: The second item on your agenda is Helfrich Hills Subdivision which is a preliminary plan and this subdivision will be going to Area Plan Commission on the first Wednesday of September. It's located out here on St. Joe Road west of St. Joe Church which is in St. Joe, Indiana. This is St. Wendel Road right here I am sketching in. It's a little over half mile west of St. Wendel Road. It's immediately west of Neu Road. This is the area that we're talking about. It starts out here on St. Joe Road and the subdivision actually is, I might miss a corner, but basically like that. Like I said, this is a preliminary plan. It has been submitted by Billy Nicholson, an engineer from Veach Nicholson Associates, Evansville, Indiana. The only problem we foresee is that right in here this Lot 2 may have to be divided between Lot 1 and Lot 3. They haven't come to that conclusion at this time, it's still preliminary, but after the Health Department designates the area for the field bed because these are two and a half acre lots, they are not on the city sanitary sewer, so they have to be two and a half acres, but yet they still have to find a suitable place for a field bed. After that is done, that's a function of the Health Department, the only change we foresee is that there may be a new drainage easement right through the middle of Lot 2 to handle that creek if they're not able to find a suitable building site in this valley. Other than that, the preliminary plans have been reviewed. Everything seems in order. They're asking that they not be required to provide detention facilities because basically they're converting rough pasture and woodland into lawns that will be densely thatched with your typical lawn grasses. When you run the calculations according to our drainage ordinance they are right at or slightly above rainfall discharge off existing ground, so all we're talking about to Mr. Nicholson at this point is keeping the downspouts of the homes back from the property line ten

to 20 feet and this yellow area down through here we're suggesting that Mr. Nicholson take the handbook, Indiana Handbook for Erosion Control, and find some methods along in these areas that border...everything drains this way, especially these areas where there are pipes coming down and find methods to intercept concentrated flows of water, run them across some sort of rumble strip from the Indiana Handbook of Erosion Control and then fan that water back out into a broad sheet before it leaves his project and crosses over into adjacent land. Right now the adjacent land is farmland. He has left the farm road entrance for the farmer who are the Helfrichs. It looks like it's jointly owned by Sara J. Green and Susan K. Helfrich. I think they're sisters of Mr. Helfrich. This land, while it is farmland, would be adequately protected by these erosion control measures and other than that if there is some particular problem found between now and final review we'll incorporate that. Unless there is someone on the Board who has a question or a comment or someone in the audience the Vanderburgh County Surveyor's Office is prepared to make a positive recommendation for the preliminary plan for Helfrich Hills Subdivision.

President Mourdock: Questions from the Board? Are there any questions from members of the audience regarding Helfrich Hills? Seeing none, is there a motion for preliminary approval?

Commissioner Jerrel: I'd like to make a motion for preliminary approval of Helfrich Hills for preliminary drainage.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **North Greens Phase 7 - Preliminary drainage plan**

Bill Jeffers: The next item on your agenda, I believe, is North Greens Phase 7 Subdivision. I believe this may represent all the land that is left on the south and southwest side of a branch of Little Pigeon Creek. The branch of Little Pigeon Creek can already be seen because it's right through here. It forms the northern and northeastern and eastern boundaries of this subdivision. The other boundary of the subdivision along the south all the way over and the entire southern boundary of this project is Old Petersburg Estates which was developed prior to North Greens. The western boundary of this Phase 7 is the eastern boundary of Phase 1 and 2 of the same North Greens Subdivision also done by Mr. Jagoe. It's complete. I have...I think most of the folks interested here are behind me here so this will probably cause a catastrophe if I turn it this way a little bit so they can see.

President Mourdock: Yeah, right there is fine.

Bill Jeffers: Okay. There is that catastrophe I was awaiting.

President Mourdock: Except for the microphone!

Commissioner Jerrel: That got Charlene's attention.

Charlene Timmons: It will tomorrow, too!

President Mourdock: I can picture you there with the headset on, Charlene. Okay,

are there any questions from the Board regarding North Greens?

Bill Jeffers: The red line is the floodway for the creek and as you can see it leaves adequate room for houses to be built outside the floodway. The green line is the floodplain which up in here the houses have to be built above that floodplain by two feet and the flood protective grade is given on every lot that is affected, so these come from the Building Commissioner. Those houses will be just like the other houses in North Greens, they will be two feet above the 100 year flood. None of these houses were flooded in North Greens during our heavy rainfall event in '96, so we know they're adequately elevated. The permit for the detention basin which I have outlined in blue will have to come from the Department of Natural Resources and that is being acquired at this time. It's called a permit to construct in the floodway. We anticipate that will be allowed. Here is the drainage plan itself. The only thing I would assume would be of concern to folks in the audience here tonight would be the boundary ditch is actually a shallow swale along the west boundary of the proposed project and along the south boundary of the proposed project which separates Section 7 from Petersburg Estates, so there will be some water that is gathered from the backyard areas of Lot 126 down through Lot 118. The front of the houses drains to the street and it is carried over to the detention basin. However, the backyards are intercepted by this swale and they are carried all the way down to the creek, discharged into the creek without any water coming across the property line for those folks living on Bob Court. If you're in the audience and you have a Bob Court address that water will be intercepted before it crosses your tree line on your north line and it will not get into the ditch that's in your subdivision because the ditch in your subdivision which I have marked in pink here is totally within your property and even though the easement touches the joint subdivision lines the developer has instructed his engineer to intercept that water before it crosses your line and carry it in the same direction as your ditch is flowing and empty it into this branch of Little Pigeon Creek in such a way that it will not be carried in your ditch as it currently is now. This is agricultural now, so you get the picture. I'm sure there are people in the audience wanting to speak to this. After they have spoken to it I will make a positive recommendation for the preliminary plan for North Greens Phase 7.

President Mourdock: Okay, before we go to the audience, members of the Board, Pat?

Commissioner Tuley: Bill, the only question I had I want to make sure I understood what you said a minute ago. Currently that undeveloped portion that you're talking about right now, Phase 7--

Bill Jeffers: Right.

Commissioner Tuley: --the water does drain down and crosses over and goes into the ditch which is part of--

Bill Jeffers: Not uniformly, but every once in a while the farmer who had farmed this for years had little bleeders cut out of his farm field here and there to get the water into the ditch that is in these people's backyard. Those will be filled in and there will be a new swale graded on the north side of the tree line. There is a definite hardwood tree line that has been there for a century at least. It will be left intact. Any place where that water has been allowed to cross over will be reconstructed in such a way that this ditch will carry all the water intercepted at the west line and south line of this sub and carry it out to the creek and not allow it to cross over into Petersburg.

President Mourdock: And what will the profile of that swale be in the sense of what event are we talking?

Bill Jeffers: It is currently designed for a 25 year storm event after construction is completed, after these are houses, because you know that the backs of those houses, the downspouts, will most likely go that way. So it's designed to take into account that there is going to be houses and patios in the backyard and that additional rainfall that runs off of them will be intercepted by this swale which will be designed...it is currently shown as being designed and it will be in the final drainage plan definitely adequate to handle a minimum 25 year flow.

President Mourdock: Okay.

Bill Jeffers: Which is the requirement of the ordinance.

President Mourdock: Right. Questions from members of the audience?

Supid Ghosh: I have a question and then I will go to the board.

President Mourdock: Please come to the microphone and state your name.

Supid Ghosh: First of all--

President Mourdock: What is your name, sir?

Supid Ghosh: I'm Supid Ghosh. I live at 640 Bob Court, that's in Evansville.

President Mourdock: Thank you.

Supid Ghosh: I have a display which I will explain and give you some background why we are having water problem or drainage problem or flooding in our area especially Bob Court and Southport area and Crystal Court. I'll explain that at the board. This is just a rough sketch, it is not on scale or anything. Anyone else want this? Can you see it, sir?

Commissioner Tuley: Yeah, I can see it. I'm fine.

Supid Ghosh: Okay. This is Bob Court. This is Petersburg Subdivision. This is Old Petersburg Road and this is 41 Highway. Bob Court is the end of the subdivision of Petersburg Subdivision, okay. Petersburg Subdivision was built around 15 years ago. The water was sloped down to this corner, but the problem is there is no way out. The water cannot go anywhere. This is a drainage problem and it was not done proper.

President Mourdock: Okay, let me interrupt you for a second to ask a question.

Supid Ghosh: Yes, sir.

President Mourdock: If you're saying the water is not going out of there now I just heard Mr. Jeffers say that there is going to be a swale across there to keep water from coming from the north to the south, is that right, Bill?

Bill Jeffers: Yes, sir.

Supid Ghosh: North to the south, yes, coming from there.

President Mourdock: Right, so with this petition or this--

Supid Ghosh: This will come later, sir. What I am trying to do one of the problems is the water going from south to the north.

President Mourdock: Right, but my point is, and I hope you understand, that what we will vote on will be everything in there.

Supid Ghosh: Oh this, I know. I know that.

President Mourdock: Okay, alright.

Supid Ghosh: Okay, why I am saying this, this was built 15 years ago. Builder is out of business, but the Morley and Associates was the planner. They did the planning of this thing. They are not the developer, they are the planner. Okay, 1970...1993, March 1st. This North Greens was developed. At that time we came in the same room, March 1st of 1993, Mr. Morley was here. We had the suspicion that the water from this division will go down this way to that way. He agreed that we will not have it, but time and time again it is in the record, it is in the t.v., we know that, and our Commissioner was witness one time at least but it happened more than that, water was coming to these main gates, which is Glendale, coming through here going back to this direction again. What kind of (inaudible) they do? They promised us water is not coming through there, but it did. It's not one time, it happened a few times.

President Mourdock: And let me interrupt to ask Bill Jeffers a question. Bill, when this subdivision was designed, and I know I've heard it with several other subdivisions--

Supid Ghosh: Designed by...I'm sorry.

President Mourdock: I've heard it with several other subdivisions where kind of the emergency drainage is set up to be the street itself for some high events. I'm thinking of the one off Mt. Pleasant Road. Was this done that way, do you know?

Bill Jeffers: Uh--

President Mourdock: Do you understand my question?

Bill Jeffers: Yes, yes, that's correct.

President Mourdock: Okay, and it was done for them that way?

Bill Jeffers: Uh, yes. The street acts as a 50 or 100 year overflow when you have an excessive event.

President Mourdock: Right, okay.

Supid Ghosh: However, he was reluctant. Mr. Morley was very reluctant and at that meeting I said it can be done, the only thing it's a matter of cost. It's expensive to do it, I know that, but if you are willing to spend the money you can do it and ought to bring the water this direction, but he didn't do it. He might have done some, but not one hundred percent through. Now we're going back up our house...I mean,

back up Bob Court now. There is no provision for emergency already. Water will come through there, through there and there or it will come straight back here. What he...I mean, how do I trust these people when he has done in the front of our house, on the side of...on the right side of our house and now in the back? There has to be some kind of explanation what he is going to do. Another problem, there is a creek behind here now you're changing from the family farm, it was a family farm, zoned to residential zone. What is the creek...what is the significance of creek now? That's a legal...that is the county's legal department to think about or explain that thing. It's not my job anyway, but creek was before mainly for the purpose of the farm. When you are changing that zone there should not be any creek.

President Mourdock: Are you asking does the county have a legal obligation--

Supid Ghosh: Yeah, I want the county's opinion.

President Mourdock: Okay, I can answer that question.

Supid Ghosh: Yes.

President Mourdock: That is private property and the county does not have any legal means to deal with the ditch. I mean, it's not our legal responsibility to keep the ditch clean and likewise--

Supid Ghosh: What the ditch will be? There will be no ditch then. There should not be any ditch. The change of zoning changes this to drainage. That's my simple explanation. I'm not a lawyer, I don't know about it, but that is my...I like county to look at it. County lawyer explain. So Morley and Associates is involved on the side and now in the back. What assurance do we have the water will not come more from that side, this side and this side and flood our street? That's all I have to say.

President Mourdock: Okay, thank you. Other folks wishing to speak to the issue?

Bill Jeffers: Well, just briefly I want to outline what is the subdivision that is under review right now, which is Section 7. I would like to outline that so that you might understand a little more clearly what Supid Ghosh has just explained to you. Outlined in orange is the subdivision that is under review today. This area over here is North Greens 1, 2, 3, 4, 5 and 6. When we first received a complaint from Mr. Ghosh who just spoke, and I apologize if I'm not pronouncing that--

Supid Ghosh: That's fine.

Bill Jeffers: G-h-o-s-h. His first complaint was that when these houses right in here in this section, which were built around '93 or '94, the water...a couple of the homebuilders cut a trench out through what was a cornfield and dumped that water from those backyards right into Mr. Ghosh's ditch at 640 Bob Court. I didn't think that...I thought he had a legitimate concern about that because that water previously had been sheet drainage across here as an agricultural field and now they had kind of just a trench cut over there and dumped it right into his backyard. So I went to Mr. Jagoe and he corrected that. The water that Mr. Ghosh is talking about--

President Mourdock: How did he correct it, Bill?

Bill Jeffers: He ran it back through his system as it was shown on the plan that was approved.

President Mourdock: Just brought it straight south to that ditch?

Bill Jeffers: To the ditch. Brought it straight south to the same ditch.

President Mourdock: Okay.

Bill Jeffers: But he did it in such a way it was handled better than just a temporary construction trench. Okay, now Mr. Ghosh's contention is that all this water comes across and into Bob Court, but in fact the ditch that runs behind Mr. Ghosh's house and continues all the way up here to where there are some duplexes and R-2 zoning there, this Greendale is what comes off of Petersburg Road at the infamous turn there at Hamilton's and it used to come back here and terminate right at that ditch, but that's the entrance into the first phases of North Greens and there is a huge lake right here that takes the majority of the water from all of the streets and interior drainage of Phases 1, 2, 3, 4, and 5 I'm sure and I think part of 6, but some of 6 goes over here to another lake. Okay, the drainage that now goes into this ditch that was dug, it was not a natural creek. It did not exist as a natural creek prior to '84. During the development of Petersburg Place the developer dug this ditch. When I used to go back there hunting, and I have lived there since '81, I would walk down this tree line and there is a hardwood tree line that is shown clearly on the plan that divided the property that became Petersburg Estates from the property that became North Greens. It's on a section line and it's a hardwood tree line that had barbed wire growing through the trees and that clearly marked the fence line that separated the two properties. Then there was a marshy low area that the farmer had just wallowed out with agricultural equipment to get the water to drain down to Little Pigeon Creek. It was not a ditch because I could walk back and forth across it. Then on the south side of that swale or what have you that this farmer created, it was not a natural creek because it was a due east and west straight line. There was a growth of willow trees and softwood maples and so forth and in between the willow trees and the hardwood tree line was just a low area that carried the water down through here. As a matter of fact, during dry periods like we're experiencing now you could drive a truck down through there. It is not a ditch. And then when Mr. Garrison turned this into Petersburg Place he submitted a plan that set aside an easement in which to dig a substantial ditch that would handle a 25 year storm. He did so and he routed all his water from Greendale and now there is another developer over here. This is Evergreen...not Evergreen, it's Greenbriar Section 1, 2 and 3 and so forth.

President Mourdock: Garrison did the work south of--

Bill Jeffers: Okay, Garrison is over here.

President Mourdock: Okay.

Bill Jeffers: And another developer is over here.

President Mourdock: Okay, so Garrison put in a ditch then where previously--

Bill Jeffers: Garrison put in a ditch from here to here. This developer extended that ditch on up here to where it turns into apartments and duplexes.

President Mourdock: Is there a pipe then under where that--

Bill Jeffers: There is a pipe under here. It was an open ditch when they dug it. Mr.

Jagoe put a properly sized pipe in there and accessed through here. All of his interior water is routed, rooftops and streets, is routed through this lake. It's got a flag...if you want to know which one it is it's got a flagpole here and a flagpole here. During that 300 year event in '96, the infamous event, I went out there and the top of the berm around the entire lake was out of the water which means it was holding a 100 year rainfall. It wasn't designed for it, but it was holding it. No water crossed from out here over into that basin and no water left that basin except out through the release structure to the creek, so I know it operates. There was water up to and within three or four feet of every garage door around here. No houses were flooded. However, a huge amount of water came across here and flooded several garages especially the one right here at this corner. Raise your hand.

President Mourdock: Do we have a winner?

Bill Jeffers: We have a winner. So, yes, what Mr. Ghosh is saying is absolutely true and if you have these exceedingly heavy rainfalls all this is out of the question, it just starts coming, but during your regular...what it is designed for it is all captured and it runs down through here.

President Mourdock: You refer to--

Bill Jeffers: What Mr. Jagoe has decided to do he could access that drainage easement behind Mr. Ghosh's house, but he has chosen to dig another ditch because of Mr. Ghosh and other people's concern and capture the water from within his project that cannot physically be routed to this lake here and he is routing it straight out to the creek and preventing it from crossing the line during a 25 year event and getting into this other ditch.

President Mourdock: Okay, you said a moment ago and I just want to make sure it wasn't a slip, you said during a 300 year event.

Bill Jeffers: That's what it charted out according to the Weather Service, June 9, 1996. That's the event that has caused a great deal of concern on the part of the people who are speaking. I share that concern. There was 11 garages in Petersburg Place that had water in the garage, 11.

President Mourdock: Okay, this gentleman started to rise to speak. I don't know if you still care to.

Unidentified: May I?

President Mourdock: Sure.

Tom Bocock: My name is Tom Bocock. My wife Bev and I live at 716 Bob Court, which if I may go over here to the easel.

President Mourdock: Sure, go right ahead.

Tom Bocock: It's the far east home right there. I would like to address a couple of things to Bill if I could please. We've lived there since late '94 and I agree with you, '96 was a very bad year for a number of people in here including ourselves. It had flooded up and come up to our house three times during that spring. Since then we have not seen any flooding come up to the house, if I am correct, but we have seen multiple sewage problems draining out of that corner, that low corner right there

where we live and where Monica lives, right around Monica Weiss right here turning into Southport. My question to you, Bill, if I might is have there been any plans of sewage improvement in that area, number one and number two, regarding Little Pigeon Creek it seems to me that there is just way too much water running in there and it seems like it is backing up in Pigeon Creek and bringing it all back into our area here. After walking down there a number of times it is a very, very dirty, a lot of trash in that creek area.

President Mourdock: Let me clarify, when you say sewage you are talking sanitary sewer?

Tom Bocock: Correct, I am talking about the drainage. The drainage, excuse me, in the street.

Bill Jeffers: The storm sewer.

Tom Bocock: The storm sewer, that's a good word for it.

President Mourdock: Okay, storm sewer not sanitary sewer?

Tom Bocock: Yes.

Bill Jeffers: Right.

Tom Bocock: So those are my concerns. Thank you.

Bill Jeffers: Is this microphone still working up here or did I destroy it? Mr. Bocock, everything he said is absolutely true. The storm sewer or storm drainage facilities, as we try to call them because we don't like that sewer word, when they become overloaded they spill out of the banks of Little Pigeon Creek, they spill out of the banks of this ditch that was created by Mr. Garrison behind both gentleman who have got up to the microphone so far. Their backyard has that ditch running in it out to Little Pigeon Creek. What we have found is that there are numerous obstructions in Little Pigeon Creek from wherever, but we have studied it from this point down because that is where all the concern has come from, from these people here tonight as well as their neighbors. It's from this point down where we've found low water crossings of concrete that was placed there by the farmer crossing back and forth. A large number of trees that were blown over in various windstorms and still lay across there. We've found beaver dams with beavers actively maintaining those dams and then as you know when you get down into the golf course there were three golf cart crossings that were placed down within the channel of this creek. This creek down at the golf course has 600 to 700 foot wide floodway which means there is a huge amount of floodwater traveling through this creek if it takes 700 horizontal feet to pass it during a 100 year flood.

President Mourdock: Bill--

Bill Jeffers: I understand this summer the Hamilton's have cleaned out all the problems underneath their golf cart crossings. As you know, there is a dam down at the very lower end of the golf course where Little Pigeon Creek leaves the Hamilton...the property that Mr. Hamilton is leasing for the golf course. That creek has been placed there and added to over the years starting back in the early '70's and up to 1993. As late as 1993 more concrete was added to it to raise the elevation and the purpose of that dam is to hold enough water in Little Pigeon Creek

to irrigate the golf course because if it were irrigated with city water his sewer bill would be astronomical and consequently the golf fees would put him out of competition with other golf course.

President Mourdock: Bill, do you know roughly how many property owners you're talking about? I mean, you've just said the farmer and Hamilton. Do you have an idea as to how many owners there are?

Bill Jeffers: We did back in the very early '90's we were asked by the Board, by your Board, to do a study of everything from up here at Strawberry Hill Road all the way down including the creek that these...or the ditch that these folks have in their backyard all the way up to Pinehurst and we have photographs still in our office and we had identified every obstruction and we were proceeding to turn that over to the individual property owners who were interested in forming a committee of their own, a citizens committee, to pursue turning all this into a legal drain so it could be maintained by the county as other legal drains. I believe when they discovered that they would be responsible for notifying every single property owner in this watershed which is in the thousands with a registered letter, say \$2.50 or \$3.00 per letter the cost to that group of concerned citizens who were well intended became so astronomical that I believe they...the ones at least who had approached us originally balked at that. We called down at Mr. Schminke's request...Mr. Schminke had some photographs of the obstructions down at the golf course. We called...he notified the Department of Natural Resources, our office notified the Department of Natural Resources. The inspector came down and visited that site with me during a heavy rainfall event and he turned that over through his chain of referral in the Department of Natural Resources and they concluded that the obstructions had been placed there prior to the 1979 act which would have enabled them to order that removed.

President Mourdock: Which brings me to the question for our County Attorney, Joe, since then I think it was 1995 there was the new drainage act enacted in Indiana that allows an affected property owner to basically come before the Drainage Board to try to resolve the types of problems that Bill Jeffers just said exist on Little Pigeon Creek. Although the county is not directly affected, I don't know that we could be the petitioner. Yeah, I guess that's the question. Can the county be the petitioner in such an act at this point or would it take an affected property owner to be a petitioner?

Joe Harrison, Jr.: Well, we could but that property is owned--

Bill Jeffers: It's under lease.

President Mourdock: Some of the property is under lease. You said some of it is farmed as well.

Joe Harrison, Jr.: A lot of that property is under lease and it's the county's property.

Bill Jeffers: The property that you own as a property owner whereby you could file the petition is under lease.

President Mourdock: I understand, but I thought you said that the farm that exists between here and there is also--

Bill Jeffers: Oh, yeah, absolutely. Yeah, there is a huge farm over here that is a property owner who is responsible for keeping that ditch cleaned out or that creek.

President Mourdock: Okay, well, my point is this. Our technical expert is telling us, and don't let me put words in your mouth, you're telling us that there are true obstructions in the drainage way south of this property that are real and that are affecting this property?

Bill Jeffers: Absolutely.

President Mourdock: Okay. So the question I put before this Board is do we want to act to deal with those realizing that is not necessarily going to solve every problem of the people in this room?

Joe Harrison, Jr.: The only thing that I do not believe that we can take advantage of that statute simply because this Board would be deciding it's own petition.

President Mourdock: Okay, alright.

Joe Harrison, Jr.: Which would be nice, but I don't think you--

President Mourdock: Do we not have the right as lessor under that other property, under the property we lease, to manage it?

Bill Jeffers: If you wait until 2003 you could cure a lot of problems.

Commissioner Jerrel: I don't think so. I think they had an automatic renewal.

President Mourdock: But renewal or no renewal as lessor we have certain rights to maintain the property...that the lessee maintain that property, do we not?

Joe Harrison, Jr.: Yes.

Bill Jeffers: The problem I see with that though is when you have the Department of Natural Resources--

Joe Harrison, Jr.: Right, that's the problem.

Bill Jeffers: --saying that the obstruction is not a jurisdictional obstruction and he has a definite use for it which is to irrigate his leased property and you arbitrarily tear it out.

President Mourdock: It wouldn't be arbitrary, it would be deliberate. Joe will some day regret that I said that into the record.

Bill Jeffers: It would be like...I don't know. The problem I really see with what is happening down at this corner, and I may be wrong, but I've lived in areas that I saw this happen and I took geology in college and they explained this phenomenon. Any time you have a creek, and sandy soil especially, that creek...along that creek every time it floods it's laden with sediment that is made up of silt, sand and clay. When the sand and clay separates from the kind of soils you have here all the way back up into McCutchanville there is a particular type of soil that separates immediately when it's thrown into water into sand and clay and they can tell you the name of that, but it's up there at Browning Estates and all that. There has been a huge amount of development up there that was not controlled by the erosion control acts until very recently. That put a lot of muddy water into this creek and when the water spills out of its channel at the bank it slows down. Anytime water spreads out immediately it

slows down and the first thing it deposits is sand.

President Mourdock: It creates a new berm.

Bill Jeffers: It creates a berm of sand and then the silt is still suspended, but there is a heck of a lot of sand and, like I say, you may ask Mr. Schminke, he owns the backyard and the creek runs through it, but when I was first called out to look at Hamilton's Golf Course there was two to three feet of sand, it looked like play sand. You could have scooped it up. They were...after every flood they were scooping that sand off their golf cart paths and I have seen it that deep after one flood. When we approved this ditch that runs through these folk's backyard, two of them have already got up and I'm sure there are others here, but the two that have gotten up, that's the ditch I am talking about. When we approved that ditch, and I'll tell you who has a problem here that hasn't got up yet is Monica Weiss, we went back to the developer and had him dig another channel out from where Bob Court turns and goes into Southport. It was flooding there and we had him dig a new overflow channel out to the creek at that point and put a new inlet here and that got the flooding back down to curb height. All of a sudden it's starting to get deeper and deeper again. We went in Mr. Schminke's backyard and discovered that the creek bank, it turns here and kind of goes like that, the creek bank, this natural levee of sand that continues to build up so the water traveling in the creek is two or three feet higher today than it was in 1986 because of the huge amount of uncontrolled erosion that has deposited this natural levee on both sides of the creek. It's just like if you've lived in Mississippi or even farther down the Ohio, well, Paducah, you can be standing in the parking lot at the Executive Inn and the dam towboats are ten feet above your head. That's how the water is traveling here, so when it does that and all these are open drainage facilities, this water stands out here in Bob Court four feet deep, five feet deep, waiting to get into the creek where ten years ago it only got two feet deep.

President Mourdock: Okay--

Bill Jeffers: So that's the problem that these folks are having and it's a legitimate problem. In order for us to do anything about it we've got to clear out all the obstructions all the way down to Pigeon Creek and then go back in here and regrade these banks down to what they were in 1986 when this plan was approved for Petersburg.

President Mourdock: Okay, other comments from the audience if there are any?

Carlos Wallace: I'm Carlos Wallace. I live at 700 Bob Court and I think what he is saying makes good sense, you know.

Bill Jeffers: Okay, this is Mr. Wallace, is that correct?

Carlos Wallace: Right.

Bill Jeffers: Carlos and Judy Wallace. So they have the ditch in their backyard just like--

Carlos Wallace: Like all the rest of them do.

Bill Jeffers: --the first fellow and the second fellow that spoke.

Carlos Wallace: Now, if they're going to build this new subdivision they're going to

put a swale, you say, behind the ditch we've got now?

Bill Jeffers: Yes, sir. On their side of the property.

Carlos Wallace: On their side of the property line there?

Bill Jeffers: Yes, sir.

Carlos Wallace: How deep will that be, do you have any idea?

Bill Jeffers: Oh, it will probably be about two feet deep. It's one to two feet deep. It doesn't have to be very deep because it is only picking up the drainage from these backyards right here.

President Mourdock: And it's only intended to pick up the amount of drainage that would be generated in a 25 year storm not a 300 year event like you had in 1996.

Bill Jeffers: Well, we're calling it 300. It exceeded the 100 year event by a substantial amount.

Carlos Wallace: I mean, I kind of agree with him. If we can get some of this problem solved down the road there...I've got sand in my ditch, you know. I clean it out. It's a deep ditch.

Bill Jeffers: And it comes every time it rains, too, doesn't it?

Carlos Wallace: Right, every time it rains. I never even thought of it before until you mentioned that sand building up in there.

Bill Jeffers: Well, it drops out first because it's heavy.

Carlos Wallace: Our backyard keeps washing away, disappearing. My backyard... right now that ditch has taken over another two foot of my yard.

Bill Jeffers: I'm sure that's the case. I mean, It has been eroding for ten years or more.

Carlos Wallace: When it's a hard rain you just can't hardly...I wouldn't want to get near that ditch.

Bill Jeffers: Oh, there is a lot of water in that ditch during a hard rain, yes sir.

Carlos Wallace: No, that's what I was wanting to see is how that swale would work. I'll tell you, I was there in '96 and that big storm we had and the water had started to go down a little bit and all of a sudden it come across that field you would have thought an ocean would go through there.

Bill Jeffers: It's a large watershed area that goes way on back up to Mt. Pleasant Road and over to Darmstadt and what came out of the Highlands...what you saw first was just this concentrated area here.

Carlos Wallace: Right, right.

Bill Jeffers: And it was out in the creek and then all sudden everything from

McCutchanville down--

Carlos Wallace: It just come across.

Bill Jeffers: --and it was like a wall of water.

Carlos Wallace: My whole backyard...that was the first and only time my whole backyard got covered that time.

Bill Jeffers: This may have been the fellow who called me. He had water over a transformer and up around his air conditioning unit. That's pretty scary.

Carlos Wallace: Yeah, that was in '96, I was there. I was heading out and I thought the water was going to go down. All of a sudden...okay.

President Mourdock: Thank you, Mr. Wallace. Any other comments? Yes, sir.

Harold Guetling: My name is Harold Guetling. I live at 625 Hunters Green. I'll show you where it is on the layout. This is my wife and my property right here that will adjoin the new subdivision. In line with what Mr. Jeffers is saying in the five years that we've lived there this creek as it comes on up behind our property I can verify its erosion problem on my neighbor. The creek is not on our property, it's on the far side, the south side here. It is eroding noticeably. The wife and I have talked about that guy's yard is being eaten up there or starting to. The question I have, we've got a 12 foot drainage easement on this side and Mr. Jagoe told me out in the hall that there is going to be a 12 foot drainage and public utility easement on the east side of the property. I guess I would request somebody who will know just what will be done in that area to control the water that comes down there? Will it be a form of a swale and how deep will it be controlling the water to flow into the creek to keep it from coming over on these folks here as well as myself? So whoever can answer that I would appreciate hearing it.

President Mourdock: Bill.

Bill Jeffers: I think what we'll have to do in his case is to take a closer look at the area that could be a joint easement here, his plus the new one, but we don't want to take it straight down into Petersburg. We want to turn it, and like I said, go out parallel to the one in Petersburg out to the ditch at the same exit point so the final drainage plan we should take into account what Mr. Guetling just said and make sure that if there is a problem existing in his backyard that it could be jointly handled over here. I don't imagine that problem would extend too far up this line and possibly Mr. Jagoe...as a matter of fact, I have already talked to Daryl Helfert about the possibility that this 12 foot easement may have to be increased in order to avoid the trees that are in it. The big hardwood trees we don't want to cut down because everybody wants to have those between the two subdivisions. We may have to widen this easement to account for that.

President Mourdock: How far west does that go then, Bill? Does that come across that road where you are drawing or will it swing north to go to--

Bill Jeffers: This isn't a road.

President Mourdock: I'm sorry, it's a drainage easement.

Bill Jeffers: This is Phase 1 or 2, I can't remember. I think it's Phase 1 of Greenbriar that Mr. Guetling's lot lies within. He is saying if he has a problem in his backyard can't we solve it by joining the two easements together and making sure the swale is sufficiently deep and wide enough to handle this problem and get it to run this way without continuing...I think he is saying I'm a good neighbor and I don't want to see my water continue to go across here and adversely affect Mr. Vaughn, Mr. Young and possibly Laura and Thomas Wolf. Is that what you're saying? Wolf is the one that has the problem.

Harold Guetling: Wolf is the one who has the problem.

Bill Jeffers: Okay, Wolf is the one that is experiencing a bad erosion control problem and I am getting the idea that Mr. Guetling would like to see any water from his side of the line join with this water and go east without affecting those folks.

Harold Guetling: Incidentally, there is a storm sewer right at the corner of our property line between Mr. Young and Mr. Wolf. I'd say an 18 inch tile that comes from Bob Court.

Bill Jeffers: Right, right, it comes up that--

Harold Guetling: So that puts a lot of water in there when you have this thing like '96.

Bill Jeffers: But that was approved as a part of the plan for Bob Court, yes.

President Mourdock: Okay, very good. We appreciate any act at being a good neighbor, especially at this Board. Any other comments? Members of the Board, you have before you a preliminary plan that the County Surveyor's Office is recommending approval. Go ahead.

Commissioner Jerrel: Bill, I am intrigued by your...I mean, I know this is preliminary and there is a lot more that could be done, so that's not the greatest issue, but I am intrigued by the problem that you've described and that sand is coming principally from the farming area?

Bill Jeffers: It's actually coming from the upland area. What was that subdivision we had? Hunter Hill?

Commissioner Tuley: Hunters Ridge.

Bill Jeffers: Hunters Ridge. That's where I first noticed that type of soil and I went to Darrell Rice and he explained to me what it is. It's a conglomeration of silt and sand. He had a name for it, a fancy name, and I forgot it.

President Mourdock: Loess, I would guess.

Bill Jeffers: Yeah, it's kind of like that. Some of it is blown in, but it mixes with sand and as soon as it gets into a moving body of water it separates in to sand and clay silt. The clay silt winds up all the way down the Ohio River. It goes into permanent suspension until it gets in a floodplain that spreads way out and has time to settle out. But the sand--

Commissioner Jerrel: Well, have you thought though--

Bill Jeffers: Remember when we had to go shovel all that sand up?

Commissioner Jerrel: Yes, I remember.

Bill Jeffers: I mean, they thought that somebody had dumped loads of construction sand up there.

Commissioner Jerrel: Well, have you thought it all through...just think with me a little bit. This is a recognizable problem. I mean, the county has some responsibility, I think.

Bill Jeffers: For enforcement of the erosion control.

Commissioner Jerrel: Right, and I know we can't go on private property or property that is not under our control, but I do think we ought to try to address this because it isn't going to get any better. We may not solve it, but what could we do? What could be done either as...I mean, what authority do we have?

Bill Jeffers: What authority we have is that every new subdivision that comes in now is operating in...some portion of that subdivision has this type of soil in it from the airport north to, you know, all through this watershed. The authority you have comes under the erosion control ordinance that is enforced by the Building Commissioner and by the Water & Soil Conservation District. They're aware of this problem especially at the Water & Soil Conservation District. They're aware of it in Browning Road Estates and Hunters Ridge, but also you have new subdivisions coming in by Mr. Sterchi and others that are operating in the same kind of soil and I would say that the first thing you could do is to make sure that the erosion control plan is strictly enforced and possibly upgraded to handle whatever it takes, not just a 25. You know, its cutoff point is a 25 year storm as well. Maybe like an impacted erosion area could be created under that ordinance to make those developers maintain a staunch...you know.

Commissioner Jerrel: Let me ask your opinion on this. Would it be appropriate...we've done this in the Commissioners' meeting with developers for Burkhardt Road, for instance. We called all the developers in and talked to them about how we wanted to see that traffic flow so we eliminated left turn lanes and extra access cuts. Okay, Highway 41 we did the same thing. What do you all think about bringing the developers in that feed into this area?

President Mourdock: Frankly, I see two different problems. I mean, that is one and the idea of having impacted erosion, I am certainly agreeable to that, but when push comes to shove the problem that affects this subdivision that we're looking at tonight isn't directly what is above it. It's what has already come from above it and would now be located below it. When I hear our technical rep stand here and tell us that there are blockages south of this that are major contributors, which again I think is what Bill said--

Bill Jeffers: That's correct.

President Mourdock: --then I think it presses us to face the issue of why don't we deal with that particularly when our technical representative tells us on a property that we own that is the scene of one of those problems. I think we have to look at that, too. I know Joe is getting a little nervous stomach there as I say that, but we own some property that is affecting this and I think the other property owners that are

farming in there also need to play a role. Now, we may not be able to be a petitioner with them pursuant to the drainage act that the state passed, but we can certainly deal with our own.

Commissioner Tuley: Everything I've heard so far is the drainage plans that have been designed are doing what they're designed to do. The problem is once it tries to get in that little tributary or tributary, or whatever you want to call it, to Pigeon Creek is where the problems begin. Once it gets there then that is where it backs up again because up until that point it's done everything it is supposed to do, so I think we need to pursue the angle you're talking about. We've already got erosion control under Rule 5 if we just enforce it. We've got a drainage ordinance that wasn't here when I got here in '93. We have that now. The builders and everybody understands what they're supposed to be doing, or at least until I see every one of these tonight just about that the ECP has not been filed yet. You know, they can't turn the dirt until it is filed, so that will happen. I think we need to find a way, just as you're suggesting, we own that property and there may be a lease to somebody else, but somehow there has got to be a legal way for us to get that unblocked so that water can continue on and do like it is supposed to. I don't know, the Bob Court one there wasn't I'm sure a drainage ordinance 15 years ago because we just did it in '95, I think, or '94.

Bill Jeffers: The drainage ordinance...any drainage ordinance that was in effect that was after November of '86 and he came in with his plan prior to that because Mr. Garrison completed his construction in Christmas of '86. Okay, I'm going to withdraw what I said about impacted erosion because I got to thinking we don't need layer after layer after layer of rules and enforcement. You're right. Rule 5 says that the problem shall be addressed until the problem is under control regardless of the event. So any time you have one bust out as soon as that storm is over they have to be right back out there fixing it. They have to do that according to Rule 5, which is a state and federal mandated thing, they have to make those repairs and keep that erosion control system operating no matter what and no matter what it takes, so I don't think you really need to go above and beyond what you've already done there.

President Mourdock: Let me make a suggestion to the Board and the president of the Board doesn't make motions here, but I see several things. Number one, I think we ought to have the County Attorney contact our lessee out there on that property and see what can be done regarding the removal of potential barriers or obstructions to flow on the property that we own. That's number one, and, Joe, perhaps you could report back to us next month. The second thing that also I would like to see is if, Bill, you could bring us a map with names and addresses of the property owners that are south of here, primary the large property owners that are farming so we can see who they are, how we can contact them and just get a feel for how many of them there are. Everyone in this room, and I say this every now and then, there are a lot of times people come before this Board and say why don't you make those people do this? Why don't you go on their property and clean that up? You don't want a county government so big that it can walk on everybody's property with impunity. I mean, we've got to work...we've got to be good neighbors, too. We can at least try to work at it that way. I think this has been a very good discussion and I appreciate the points of view that everyone has made. We understand when there is water coming in your garage and in your house you don't feel like being a good neighbor, but you've been very civil with your points tonight and I appreciate it. I made two suggestions there.

Bill Jeffers: Are you saying you don't think we should have a dictatorship?

Commissioner Jerrel: No.

President Mourdock: I do believe in property rights, but any government big enough to give you everything you want is big enough to take away everything you have. I put two suggestions out there, would either of you care to make those into a motion?

Commissioner Jerrel: Yes, I would be glad to make a motion that the attorney follow through on those two items.

Commissioner Tuley: Second.

President Mourdock: Okay, so ordered. Now we still have before us a specific preliminary plan.

Commissioner Jerrel: You know, I don't know what to do about the preliminary. I don't know how much this North Green phase is going to mess any more than is already out there. I don't know whether the Phase 1 is something that we ought to say don't do because I'm not sure that that's the problem. I think the problem is what we've had described to us. I think to help you all...I mean, I really think that swale will do what he says it will do, but that isn't going to stop the water flowing down. We didn't hear a recommendation from you.

Commissioner Tuley: Yeah, he did.

President Mourdock: Yeah, we did. It was positive.

Bill Jeffers: I said I was going to make one.

Commissioner Jerrel: Okay.

Bill Jeffers: Tried to slip that past, but it's not going to work! Too sharp for me once again. I used to could get away with that, see.

Commissioner Tuley: Why do you look at me when you say that? I've been here longer.

Bill Jeffers: You're the only one who has been here long enough to remember when I used to do that. Anyway, I'm going to say something good and then I'm going to say something controversial. I would like to go back to the representatives for Mr. Jagoe and ask them to consider going back over into a phase that has already been approved and seeing what we can do since there is going to be a swale down through here and it's going to be designed for a 25 year storm. If there is only going to be a slight increase in the percentage of work that has to be done to pick up some problems that exist back in this area that Mr. Guetling is pointing to and possibly some of his neighbors we can pick those up and prevent this erosion occurring over here on Mrs. Wolf's property, I believe it is. I would also say that I would be more than happy to approach the developer about increasing the size of swale number two, increasing the capacity to greater than 25 years if the property owners in Petersburg Estates along Bob Court would commit to bringing their own waterway into compliance with the plans that were approved back in '85 or any plan that would show the channel capacity could be made sufficient to the 25 year storm. I'm going to say, and that's the controversial part and I'm not pointing a finger to anyone here

in the audience because they moved into this problem, but this ditch when I signed the inspection report saying that ditch had been completed satisfactory to the plan, when I signed that in December of 1986 after Linda and I made the inspection, and we're both still working there today, this ditch was in sufficient confirmation with the drainage plans--

President Mourdock: Wait a minute. It was insufficient?

Bill Jeffers: No, it was in compliance and it was sufficient to handle a 25 year storm and since that time there has been manholes, bridges, growth allowed, you know, trees allowed to grow up in it. I'm just saying if these folks along Bob Court would be willing to make a real commitment to cleaning that back up to the kind of shape it was in before...I'm not saying remove the bridges, but set the footers back off the bank a little ways and get the bridges arched up so they don't trap debris. If they would be willing just to bring it to a 25 year I would be willing to go to Mr. Jagoe and say, hey, is there any way we can go just a little bit more towards a Cadillac. I'm not willing to go to him now and say you have to do more than what the people to the south of you are doing. I'm not willing to do that. I'm not pointing fingers. It's just something that has happened over a 12 year period.

Tom Bocock: May I ask a question?

President Mourdock: Sure.

Tom Bocock: How do we get to that point? Will you come out and get together with the members of the neighborhood? How do we get--

Bill Jeffers: I think there is a plan that exists that you would see that the ditch was designed quite a bit bigger than it is now. It was dug that way. You know the people that have put riprap in the ditch, inside the ditch. You know what is going on out there. I'm sure we could come up with a very quick plan to show how it should be and how it used to be.

President Mourdock: How many property owners are we talking about there, half a dozen?

Bill Jeffers: We're talking about probably...well, I know we're talking about one, two, three, four, five, six adjacent to this subdivision, plus one, two, three more adjacent until you get back to the entrance.

Commissioner Jerrel: There are nine showing here on this map.

Bill Jeffers: Okay, at least nine. Most likely, not more than nine.

President Mourdock: And, Mr. Bocock, to answer your question as to how that would come to be I would suggest that those of you who are property owners along that line just need to get together. I know Bill is often available to go out and visit with people and inspect properties, and I suspect he is willing to do that here. Okay.

Bill Jeffers: The only hard feelings I have in the whole deal is they took away the best dove hunting field that ever existed in Vanderburgh County and built houses.

Commissioner Jerrel: Okay, but let's say...if I make a motion for the preliminary approval--

Commissioner Tuley: You're not catching me this time. You still haven't made a positive recommendation.

Bill Jeffers: The Vanderburgh County Surveyor's Office has reviewed the preliminary plan for North Greens Phase 7 and recommends approval.

Commissioner Jerrel: Okay, but I'm going to change that to this degree. I'm going to recommend approval of the preliminary plan based upon your recommendations to have Mr. Jagoe and the neighbors that live south of that area, is that correct, examine that ditch to have it changed back to its original condition before any final plan comes before us and the easement corrections that were in Mr. Jeffers' discussion.

Commissioner Tuley: Okay, is that Mr. Jagoe?

President Mourdock: Please, come forward. You need to get to a mike here.

Unidentified: I appreciate the comments that have been made on that.

President Mourdock: State your name, please.

Tom Hansen: Tom Hansen with Jagoe. If we could put some sort of a time limit or some sort of a constraint on it so we have a guideline. We wouldn't want it to last for six months while they're reviewing whether or not they want it.

President Mourdock: Sure, we can make that real easy because typically from the preliminary to final approval is 30 days.

Bill Jeffers: Oh, I wasn't suggesting any greater than 30 and when I say commitment I'm talking about--

President Mourdock: Doing it.

Commissioner Jerrel: Doing it.

Bill Jeffers: --let's see the plan and let's see how you can raise the--

Commissioner Tuley: But let's just make sure. We've talked about a lot of different things, but I think what you're saying is you're recommending approval based on what was submitted.

Bill Jeffers: On what's submitted.

Commissioner Tuley: Which is a 25 year event.

Bill Jeffers: Right.

Commissioner Tuley: With the understanding that you would approach Jagoe in the event that the homeowners on Bob Court that we talked about would make that commitment to go back and do that.

Bill Jeffers: If they come to us with any kind of document that shows good faith commitment to move forward with improving their waterway and bringing it into compliance with what it used to be, what it was approved at, yes, then I would go to

Jagoe and say, hey, isn't there something else we could do here.

Commissioner Jerrel: For the easement.

Commissioner Tuley: And if they do not then you would not need to go to him and ask for him to do anything any more than what the ordinance requires.

Bill Jeffers: If I don't see that by September twenty something, the fourth Monday in September, my recommendation for final approval, if all things are correct on the plan that is submitted, will be for the 25 year event.

Commissioner Jerrel: Would you have the information available, though, so these neighbors who are in that area can see them?

Bill Jeffers: Yes, ma'am. That should be available by the end of the week. It should be on file in our office from back in the '80's.

Commissioner Jerrel: Yeah, because, you know, it's easy to forget what someone said that was going to happen, so let's get that material.

Bill Jeffers: We still have pictures of our inspections down there. I'm sure we still have a copy of the plan that was drawn up by Morley and Associates.

Commissioner Tuley: There was a motion and all the discussion. I'll second.

President Mourdock: Okay, with a motion and a second I will say so ordered. We presume the preliminary plan will probably be back next month for final. That's usually the way it works. Okay. Now we go to final drainage plans. Thank you all for your patience.

Bill Jeffers: Thanks, Tom.

Tom Bocock: Thank you.

Bill Jeffers: Sure, nice to meet you. I tried to shoot a deer in his backyard while they were still building the house. That didn't work either. Boy that was nice out there at one time.

President Mourdock: And the deer was slowed down because it was stuck in standing water!

Bill Jeffers: No, he knew where the carpenters were. He ran straight to the house they were roofing and stood there in the backyard and looked at me. They must have fed them, I don't know.

**Vanderburgh Industrial Park - Final drainage plan**

Bill Jeffers: Okay, this is Vanderburgh Industrial Park. I have outlined the boundary of that park in orange. You've got Petersburg Road up here over to Baseline Road. Here is the intersection of Baseline and 57. This is 57 running down this way and the south boundary is Ruston Lane. You're all familiar with this. This is the previous Phoenix project. This plan, I must say, is superior to the one that we had approved for Phoenix. There is a couple of items that I am taking a look at. If this were a

normal industrial subdivision where the developer was paying for and maintaining all facilities and there were no tax dollars being used to subsidize that I would say, bam, approve it. But he has a connecting pipe from retention basin six running several hundred feet over to retention basin seven. Everything is fine, however when it comes to tax dollars I am only asking him to examine the possibility of this being piped out a short distance, run through an open channel, constructed to county standards and then picked back up in a pipe where it's discharged or whatever, discharged into retention basin seven saving substantial tax dollars on that pipe run.

President Mourdock: Have the developers agreed to that?

Bill Jeffers: Well, it's going to be on the street plans as an option. It will be on the street plans as an option and the street plans are coming to you next week at your Commissioners' meeting. I'm just asking them to look at that. Let's see if we can save the county several thousand dollars there, okay. The only other questions that I have and John Stoll shares those questions, is when they build this railroad bed that is outlined in pink they may have to have some special details of how they are going to punch drainage pipes back and forth under the field bed. We wouldn't want that...I mean, under the road bed. We wouldn't want that railroad dug up to put a culvert under it, so they're going to have to think in terms of punching drainage pipes under there if it becomes necessary. Other than that, and these are not even things that would be put upon another developer, it's just I am looking at county money in this thing. Having said all that everything in here is fine and the street plans are looking good. I have already notified the engineer for Bernardin Lochmueller & Associates of some very, very minor things that need to be examined and the Vanderburgh County Surveyor's Office has otherwise extensively reviewed this and recommends approval of the final drainage plan for Vanderburgh Industrial Park.

President Mourdock: Okay, any comments or questions from the Board?

Commissioner Tuley: The only comment is we've got our report here from Soil & Water Conservation that says they still have not received their EPC yet. They say they sent a letter on 6/3 so you can't turn any dirt until you get your erosion control plan.

President Mourdock: Any other comments? Okay, is there a motion for final approval?

Joe Harrison, Jr.: The audience?

President Mourdock: Yeah, I asked. Is there anyone from the audience wishing to address it?

Commissioner Tuley: Based on the comments and recommendations of the County Surveyor's Office I would move approval of the final drainage plan for Vanderburgh Industrial Park.

Commissioner Jerrel: I'll second.

President Mourdock: And I will say so ordered and I'll echo Pat's concern about the erosion control plan. Do make sure that thing is on file and approved.

Bill Jeffers: The person who the Board was addressing with regard to the erosion control plan necessity is Henry Nodarse who appeared here last month on the same

plan and he works with Bernardin Lochmueller & Associates and he acknowledged that he understood your comment from the Board.

**Eagle Crossing North - Final drainage plan**

President Mourdock: Okay, next we have Eagle Crossing North.

Bill Jeffers: I'm going to put the erosion control plan up because it includes the drainage plan and it's a lot easier to look at.

Commissioner Tuley: Do what now?

Bill Jeffers: This is Eagle Crossing North.

Commissioner Tuley: Right. You have an erosion control plan?

Bill Jeffers: There is an erosion control plan that came to my office with the drainage plan.

Commissioner Tuley: Did it not get to Soil & Water yet?

Bill Jeffers: I don't know. Maybe it's hidden on that tall nail he has got down there.

Keith Poff: Keith Poff, Sitecon.

Bill Jeffers: He said he couldn't find it in his computer and I apologize because I did not fax him a copy of the agenda until after 2:30 today, so really he is under the gun to get that back to you and he couldn't find it.

Commissioner Tuley: Okay, well Keith is going to explain it.

Keith Poff: Yes, that's true. We have prepared a draft of our erosion control plan and submitted it with our final drainage plan. Although it has not been submitted yet we were awaiting approval of that plan prior to completing our construction plans and having all the particulars in place to file it.

Commissioner Tuley: Okay.

Bill Jeffers: Okay, basically this is the northernmost portion of Eagle Crossing on the west side of Petersburg. Now you're up to land that is owned by other people north of this, so this completes the development of Eagle Crossing Subdivision on both sides of Petersburg Road insofar as I have any knowledge of land owned by the development corporation. What they may have optioned is not privy to me and I'm not asking for them to tell me. Then there is an extension road which ties up, here is your match line, and this road goes on out to Petersburg. So here is your north entrance along the north line and then you're coming into here. Here is each home on the lot listed. All the pipes plus the inlets with the erosion control shown around each inlet and outlet. Basically, all the water except for a very minute percentage that may sheet off to adjacent land from the backyards. The rest of the developed water is all gathered up from the subdivision and routed to a central pipe system of outlets and taken off-site out into the golf course, which is also owned by the same development corporation, as far as I know, and this is run through an off-site easement over to a lake which was approved and constructed under a previous plan

for, I believe, Section 3, 4--

Unidentified: Three A.

Bill Jeffers: Three A? There is an off-site easement that carries the water from the portion on the south side of the golf course to the same lake. That lake is constructed according to the plan you approved a couple of years ago, then it discharges into Furlick Creek and travels over there through the School Corporation's property where they propose to build a school and on down under Kansas Road. We have reviewed the final drainage plan. It conforms to your approval of the preliminary drainage plan plus it has the additional details and as I said, it came with the erosion control plan which completed everything we needed to make a recommendation to approve the final drainage plan for Eagle Crossing North.

President Mourdock: Questions from the Board? Audience? Is there a motion?

Commissioner Jerrel: I'd like to move approval of the final drainage plan for Eagle Crossing North.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **Amber Subdivision - Final drainage plan**

President Mourdock: Amber Subdivision.

Bill Jeffers: I have not received a final drainage plan for Amber or if I received it it was not put in my in box. I have no indication that the developer or the engineer for the developer is here tonight. If they are, please stand up and make your presentation.

President Mourdock: Seeing none, the next one.

### **Lakeside Manor - Final drainage plan**

President Mourdock: Lakeside Manor, Phase 3.

Bill Jeffers: Lakeside Manor, Phase 3 is the eastern extension of Lakeside Manor Apartments and I believe there is an elderly retirement village associated with it to the south here. The lakes are all in place from the previous development. They're building a new lake over here for additional storage capacity. The entire project was approved originally and the County Engineer and myself have gone over this in Site Review. I just wanted to bring it to you to show you that it is under completion now. We had a little discussion about this pipe that just cut the corner of this sidewalk and they have moved it out just far enough away from the sidewalk that they can do maintenance work on it. However, the whole interior drainage system will be maintained by the apartment development, not by the county. We just made that suggestion. We thought it benefitted them. All the water is routed through the lake as was originally planned. As I said, they added a new lake when they found they needed a little bit more detention capability and then they come out of these two

lakes and run along their eastern boundary and off-site...no, it goes this way and off-site over to Crawford Brandeis Ditch which is a legal drain in Vanderburgh County so we have taken a very close look at this. We approved it under our authority that was given to us to approve commercial sites on behalf of the Drainage Board at Site Review since it had already come under a previously approved plan. There were enough modifications in here that it required new street plans. John Stoll, I believe, recommended those to you already, hasn't he? There are a couple of low spots we asked them to raise. That's about all it was.

Commissioner Jerrel: Yeah.

Bill Jeffers: A travel lane during a 100 year rain. Maybe that will ring a bell.

Commissioner Tuley: Yeah.

Commissioner Jerrel: Yeah, they did.

Bill Jeffers: Everything else looked pretty good to us. Since John brought it to you as a street plan I just wanted to bring it to you with a recommendation to approve it in Drainage Board as an overall drainage plan for that part of it.

President Mourdock: Okay, questions from the Board for Lakeside Manor, Phase 3?

Bill Jeffers: Did they give you everything you wanted?

John Stoll: They changed everything I asked for.

Bill Jeffers: Okay.

President Mourdock: Any questions from the Board?

Commissioner Jerrel: On final approval I'll recommend that we approve Lakeside Manor, Phase 3.

Commissioner Tuley: Second.

President Mourdock: So ordered. Now under the mysterious title consider other drainage plans, what do you have for us, Bill? Keystone, Section 5, off-site lake. Okay, we'll change tapes.

### **Tape change**

<b>Keystone, Section 5 - Off-site lake modification</b>
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President Mourdock: These are not final plans?

Bill Jeffers: Oh, they're usually modifications of something you've already approved or they're finalizations of something that you were awaiting. In other words, in this case I don't know if you recall, you've seen hundreds of these subdivisions the last few years. This particular subdivision had an older lake adjacent to it in another subdivision that was not under our control in any way and there were about four lots that we were afraid existed below an unstable dam on Heckel Road and we put special provisions onto our approval of the final plan that they couldn't get building

permits on those four lots until this was resolved and there would not be any danger of a dam collapsing and flooding those people's backyards. They had already taken care of it not flooding their homes, but you know that would be pretty traumatic if you saw a dam break loose. The people who own the dam had blocked its previous flow out to Heckel Road so the only way that the overflow from this lake could go was through Keystone and they had upsized their drainage facilities to account for that. Mr. Biggerstaff is in the audience and he can tell you basically the extent of the improvements to the dam, but they under dug the previous keyway down to stable dirt, constructed a new keyway, rebuilt the dam, put in the drainage improvements that Jim Farney had previously brought here, oh, last year and you approved those tentatively to this coming in. Now this is coming in under Sitecon...no, this is David Schminke. It's back over at Morley and Associates. Basically, it's just what they've done to satisfy all the conditions that have ever been put on them.

President Mourdock: Do we need to take action?

Bill Jeffers: Yes, because this is what you've been awaiting. They had to go into legal negotiations with the neighbors. The neighbors had lawyers.

Commissioner Jerrel: The lake owners, is that who you are talking about?

Bill Jeffers: The lake owners had their lawyers who had to speak with Mr. Biggerstaff's and Mr. Bussing's lawyers and work out all the details of maintenance and construction responsibilities. They did all that. The only reason I'm bringing it to you is this water had not been accounted for as going through Keystone and over to Keystone's detention facilities and Mr. Schminke upsized some pipes, upsized some drainage swales and upsized some emergency overflows to handle the discharge from this lake which used to go out to Heckel Road, but that way has been blocked.

President Mourdock: And all the parties are now in agreement?

Bill Jeffers: As far as I know all the parties are in agreement and there are some parties back here that can confirm that. I'm just getting real leery any more of not bringing you back modified plans because people are calling Tony, they're calling me, they're calling people and saying--

President Mourdock: That's fine. Okay, Dave.

David Schminke: I want to make one comment. My name is David Schminke. Bill, we did anticipate the worst case scenario when we originally designed here and what we felt that would be would be in this negotiation if they just decided that they didn't want have that lake any more, so what we did was considered that sub basin in our original design so in the case scenario that we had right now it's actually a better situation than what that would have been because you can take advantage of the storage capabilities of the lake. So we actually have the pipe in the ground which is oversized at this point to handle this spillway. It wasn't necessarily an afterthought.

Commissioner Jerrel: Well, with that in mind I don't know if this is the motion that you're wanting, but--

Bill Jeffers: Well, we recommend approval.

Commissioner Jerrel: Right, but you listen to the motion. I would like to move approval of the modifications that were part of the Keystone, Section 5 off-site lake issue and they have been successfully negotiated and achieved.

Bill Jeffers: Right, so this is actually an as-built plan.

Commissioner Jerrel: Yes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Bill Jeffers: We just thought with all the legal discussion that took place we wanted it to be a part of the permanent record.

<b>Bridlewood Subdivision - Plan modifications</b>
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President Mourdock: We're showing next, Bridlewood, plan modifications. Is that the one you have, Bill?

Bill Jeffers: Yes, sir. That's the old plan. Okay, this is a modification of the final plan for Bridlewood Subdivision. The modification of the plan is a requirement of the drainage ordinance if you make any significant modifications we would like to see them. Here is your...this is Boonville-New Harmony Road. This is Fisher Road going north. This is the northern limit of Bridlewood development and north of that is still agricultural and this is the western boundary and most of this is still agricultural. Everything inside here is copacetic. We're not dealing with any of that, but this old ditch that used to cut across the corner like that in order to take advantage of this land as lots if you'll remember they rerouted it around to the best of their ability the outside edge of the subdivision to gain one, two, three, four, five, six good lots that way. This is Boonville-New Harmony Road again. The entrance to Fisher Road is here and we have a gentleman, I believe, who lives in this house who, if you'll recall, expressed a concern about not having enough water to cross over through this existing county culvert to keep his ditch flushed out of various debris. When we looked at the plan we thought it would be much better because there were at least three driveway culverts that were grossly undersized and we didn't want to take any responsibility ourselves, nor did the developer want to have any responsibility for directing this huge flow in this ditch through these grossly undersized culverts and potentially causing a problem if the water were to go into that garage or go into this home, etc. So the developer came up with a plan to route the entire ditch, and you'll understand why I have it shaded different colors here in a second, but the entire ditch route for this huge bypass ditch is straight up the west side of Fisher no longer crossing to the east side, straight up the west side of his development all the way, here is the detention basin. He is going on the outside of the detention basin and through a culvert right here because this is the entrance to the farmhouse. That's a driveway culvert and then off-site across Fisher Road's right-of-way which is a nonexistent road at this time, just a strip of dedicated right-of-way, and off over here into Schlensker Ditch. Okay, originally we approved this plan there is a very shallow ditch right up against the edge of Fisher Road that gets a little bit deeper as it gets up this way to where it crossed under here, joined with this big ditch across under here and went past these folk's houses. Since we've already had this plan approved and since this culvert is no longer needed and no one wants to maintain an unnecessary culvert when those bridge funds can be used to better avail

on other structures that need attention we got back together with the developer and his plan now is to incorporate this side ditch alongside Fisher Road into his large ditch and provide a six foot minimum, six foot shoulder, from any edge of pavement on that traveled way there will be a six foot shoulder over to the closest part of the top of that bank. That provides safety if the county were to want to build decel lanes and so forth because our anticipation is that a lot of folks coming out here the first road they see turning off here they're going to use that thinking that's a subdivision street, so you're going to have some traffic for a while going up this unimproved road, turning around and coming back out. Since there is a ditch over here we want a six foot shoulder separation between the pavement and the ditch which technically eliminates the need for guardrail because the ditch isn't deep enough to require guardrail so long as there is a six foot shoulder. This will work. It will take care of the drainage. If the county wants to install a guardrail for safety purposes that they feel is necessary even though it's not technically necessary to INDOT you would have six foot shoulder in which you could install that guardrail. It also provides you with adequate roadbed if you want to widen this area with a decel lane. So we thought it was a good plan. I had this outlined in orange to show that area of the ditch that was moved over slightly in order to do this. It goes up to right here. The main remonstrator lives right here. He doesn't like the idea because somewhere down the line we said there would be two ditches. One would be the county roadside ditch, one would be the new ditch. He has a beef that the ditches aren't being maintained. I said that can be solved through a different Board and a different agency if you don't feel your roadside ditches or your roadway is being maintained please address them. When you get up here there is a tree line growing. I shaded that in green. Some of the other neighbors expressed a desire to have a tree line separation between what they had as country living and this new subdivision so the developer then at this point started veering over farther to the west with his ditch to accommodate that request of the neighbors which made him have to move his basin over this way and crowd some lots, but he did that even though that, you know, cost him some area where the detention capacity was offset by him doing that, he had to take it up over here, he did that to be a good neighbor to the folks that wanted to see trees between them and the backyard of these houses. So that's what this green shows. Now, from that point on north this yellow indicates that is exactly the same as what you approved before. There will be a ditch right next to Fisher Road, then there will be a flat area, then there will be another ditch which is this bypass ditch. As this ditch comes up the little-bitty roadside ditch comes up closer and closer here the developer will spill it over into his ditch and route it through this pipe that he is putting in. I had originally approved a twin corrugated metal pipe for that even though I hate them, but I knew it was coming out later because I can't say too much about it, but this guy here is working some swaps for land over here. He may get a new house over here. This pipe will come out.

President Mourdock: Bill, let me summarize some of that. The area to the bottom, the red that you're showing, the main difference...no, clear at the bottom, the southeast. Okay, the variance or the variation between the original final plan and what you're showing tonight is that we've added six foot of shoulder in there?

Bill Jeffers: And we've eliminated the roadside ditch that this fellow wanted to see stay there because we don't think it's a good idea to have it. The roadside ditch carried the water up and through this culvert. It's not going to go through that culvert anymore, so really it's just a rut to get stuck in. And he has moved some of his ditch into the right-of-way which he himself dedicated to you as a part of this. He dedicated 25 foot of right-of-way that didn't exist so he's...the whole thing is an improvement. I went through that long-winded thing because Tony has had to listen

to this fellow out here--

President Mourdock: Okay--

Bill Jeffers: --and I've had to listen to him.

President Mourdock: And the difference in the green area is what?

Bill Jeffers: He moved the ditch away from the Fisher--

President Mourdock: Okay, I got it.

Bill Jeffers: --Road to save those trees--

President Mourdock: Okay.

Bill Jeffers: --for the lady...a couple of ladies over here really liked them and he was...we're recommending approval of this modification. We think it's a vast improvement. We have been able to successfully convince everyone but one person of it and you may ask if he is in the audience tonight, otherwise Tony will get a call from him tomorrow.

President Mourdock: Okay, questions from the Board? Questions from the audience? Is there a motion then on the final? Pat, do you have something?

Commissioner Tuley: I'll move approval of the modifications to the Bridlewood plan as outlined and recommended by the County Surveyor.

Commissioner Jerrel: And I'll second.

President Mourdock: And I will say so ordered.

<b>Blue claims</b>
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Bill Jeffers: Okay, I have the maintenance...the claims from the vendors who do our ditch mowing, the blue maintenance claims, before you to sign. They do have attached the necessary paperwork and signatures and the County Surveyor's recommendation is to approve those claims.

President Mourdock: Is there a motion?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Bill Jeffers: We've handled item B.

President Mourdock: Yes, we have.

**Any group or individual wishing to address the Drainage Board**

Bill Jeffers: And now we're down to others wishing to address the Board and I believe I may recognize someone here from Audubon Estates.

President Mourdock: Anyone here wishing to address the Board? Okay. First of all you get an award for patience.

Commissioner Jerrel: Yes.

Roger Feightner: Ah, well, life goes on. My name is Roger Feightner. I'm at 1950 Plaza Drive. Actually, our contention is just the opposite of what everybody else is talking about. We want the water, give it to us.

President Mourdock: Can we schedule your appearance at all Drainage Board meetings? We'll get you water, you want water?

Roger Feightner: We have a lake on the backside of Audubon Estates. I happen to be a member of the Lake Committee. Our contention is according to the pool elevation it's supposed to be at 378 feet per design. As of the design and the dam that was presumably built it won't hold even 378 feet. If it were to come up to 378 feet and then go down due to evaporation, due to seepage down through the bottom, we wouldn't have such a low lake as it's basically called. I think Bill was out there one time and talked with one of the members, which I believe was my wife, there was one point when it was first designed and built it was 45 feet deep.

President Mourdock: Is the elevation now set by an overflow pipe or how do we get to 378?

Roger Feightner: The 378 is by the...all your maps.

President Mourdock: But why is the water maintained at 378, is there a pipe at that elevation?

Roger Feightner: There is nothing there. It's just...there is nothing.

President Mourdock: So is this an incised lake?

Commissioner Tuley: This is a borrow pit.

Bill Jeffers: Borrow pit.

Roger Feightner: Yeah, they say they took some of the land or dug it up to put on where our lot is located to get us out of a 100 floodplain. Also, we've been told some of it was used for the interstate, but we was never told that. It was basically just to take our whole subdivision and build it up out of the 100 year floodplain.

President Mourdock: Okay, so this lake was not created by putting a dam across a drainage area? It's dug down in the ground.

Roger Feightner: Dug down in the ground. There was no dam even put in to hold. It was basically like water retention, too.

President Mourdock: Okay.

Roger Feightner: I mean, it will hold a lot of water, but the problem is it doesn't hold it. It just keeps right on going, right underneath the interstate is the way it's designed and you look at the culvert underneath the interstate and it looks like it is getting underneath there too.

President Mourdock: There is a drainage pipe then?

Roger Feightner: That goes from the interstate beyond, not from our property to beyond.

President Mourdock: Okay.

Roger Feightner: I don't have a map. I didn't realize I could bring one, but it shows it in there. The county maps and everything like that.

President Mourdock: Okay, Bill, are you familiar with the area?

Bill Jeffers: Yes, sir. I can't take credit for everything that is screwed up out there, but I'll show you what I can take credit for. I didn't bring a map either because I didn't expect this, but I did recognize the folks. I thought it was going to be talked about next month. However, that's okay. This is Covert Avenue, Fuquay Road, Pollack Avenue and whatever. Okay, this is your new ballpark here and Shoshoni Drive goes through like this and the Park's Department just built a new ballpark here. The beginning of Kolb Ditch is right here. Basically it ran like this and under the intersection of Fuquay and Pollack. It started at Covert. Okay, Mr. Bussing came in and optioned a bunch of land here. He came in with Eastland Estates from Pollack and he developed Eastland Estates. When he developed Eastland Estates we declared Kolb drain to be an urban drain because you have to declare it to be an urban drain in order to conduct reconstructions. His first reconstruction is right here where it exits the ballpark. He reconstructed it like this so that he could get his lots in here right and then he went back over to its original channel, came down through Eastland Estates. When he got to Audubon by the time he got into the development, this is Audubon and this is Eastland Estates here, okay, by the time he got over into what he is calling Audubon the I-164, I believe, comes in like this more or less. I-164 had a previous right-of-way agreement to come in here and dig out a huge borrow pit right here and to fill the roadbed of I-164 so it could go up over Pollack. You know you have it elevated up over Pollack before it comes back down. When they did that they cut Chickasaw Subdivision in half, you'll remember. So now...actually it is something like that. So now they have Ridgeway coming in. I'll go to a different color, this is getting kind of confusing here. I brought my Keith Lochmueller kit with me.

President Mourdock: The borrow pit that you just showed, you said that's proposed?

Bill Jeffers: No, that was dug long before Audubon Estates. It was after Eastland Estates was in, before Audubon Estates was built they dug a huge borrow pit. We got several complaints from residents in Eastland Estates saying that their kids were unprotected from a borrow pit. We went out there. That borrow pit was 44 feet deep, okay. It's huge. They took all the sand out of there, it's pretty sandy soil, and they built this overpass here. When they built this they came in from Chickasaw...they came in from Ridgeway. You know your Ridgeway issue.

Commissioner Jerrel: Yes.

Bill Jeffers: Here is Ridgeway where it goes in Audubon, okay. Then Mr. Bussing came back and said, okay, I got a great idea. So that I can come down here with a cul-de-sac and built a cul-de-sac and some other streets and I can have lake frontage on all these lots and make something beautiful out of something that is awful and in order to do that what I would like to do is come in here and reroute Kolb Ditch again. See, he had already done this and so he wants to reroute Kolb Ditch through the lake and out the other side and under I-164. That way he can fill all this and build his lots across it. We had a reconstruction hearing, everything was published accordingly and the design was approved and the Commissioners at that time said, okay, how are you going to maintain this lake? We said, we're not going to maintain the lake as a legal drain because we don't want to take heavy equipment around these people's lake twice or three times a year. We mow this ditch two or three times a year because it goes through residential. What we will do is we'll come down to a certain point and we will stop and that point will be dictated by the water elevation. So we drew out the water elevation which is where the fellow is getting his 3...

President Mourdock: Seventy-eight.

Bill Jeffers: Usually under normal rainfall conditions that water elevation comes back up this constructed channel to a certain point and that's where we stop maintaining it, according to the Surveyor's Office, and then we didn't pick up the maintenance of it again until it left the lake out of a structure built by Mr. Bussing under the approved plan and that structure goes right through a short channel into a pipe that was put under I-164 by the state. So this outlet structure was a concrete and rubble rock dam that held it up to 378 which was higher than the elevation of the pipe going underneath I-164, you know, about three feet higher, I think, but I'll have to check my figures. Okay, so the folks here in the audience who are talking right now have a lot right about here and they enjoyed a lake shore that was at 378. They built a pier out in there and here is where the catch is. We knew they would build piers, we knew they would build boathouses. We knew this, that and the other and we like to see that because they're using something that has got natural beauty. Their lot lines go out into the middle of the lake, so they're responsible for all that. So rather than taking heavy equipment around and mowing their ornamental garden and so forth we stopped wherever the water was originally because that's where it starts getting mucky. We didn't want to leave ugly trench marks. However, the Commissioners at that time said well, we want more protection than that. So in the restrictions, the covenants and on the plat that they received that is recorded and the in the covenants and restrictions that they signed in order to get their deed and their signature constitutes acceptance of the conditions of every covenant and restriction and it's in there every lot along this ditch all the way back up to where it previously existed on both sides of the ditch in Audubon Estates is responsible for the maintenance of this part of Kolb Ditch from this point to the lake. There is a five foot maintenance path or a ten foot maintenance path around the lake which we put there in case we had to take small equipment through here. It's around this side, too, for small equipment to do anything we might be able to help them with with the funds that they pay in annual assessments. We're willing to help them on that and this outlet structure is covered by the 50¢ a lineal foot assessment for the subdivision portion of that that's held in an account somewhere. This has collapsed, okay. So now the water never, never goes back up to 378 because this structure has been undermined by muskrats, etc., and it has collapsed.

President Mourdock: Was it at something higher than 378 and now it's collapsed down to 378?

Bill Jeffers: No, it was at the control elevation and now it's undermined and the water goes straight out at probably about 374 so they never get 378 any more.

President Mourdock: But I thought you said, Mr. Feightner, that your water was at 378?

Roger Feightner: That's what it is designed to.

President Mourdock: Okay.

Bill Jeffers: It doesn't achieve that any longer. Okay, so they have a grassy lawn up to 378 and then all of a sudden it just falls off and it's an ugly, muddy...okay, now that together with the evaporation that has occurred during our drought has taken it down three or four feet lower than that and it's just a mess.

President Mourdock: But the question here, the structure that has collapsed, whose responsibility is that?

Bill Jeffers: I think we can help them with that.

President Mourdock: Is that ours?

Bill Jeffers: I'm looking for the documentation that they did submit the 50¢ a lineal foot. If I can find the documentation I'll be more than willing to go in there and design or construct a new overflow structure and try to make it so it's more stable.

President Mourdock: So that's on a county easement?

Bill Jeffers: It's in a county easement. It's adjacent to the county...see, the county...I haven't drawn this just right, but it's within the 75 foot drainage easement for the legal drain. It's within the easement for the lake maintenance easement. The catch I came up with I told these folks that I would have a report to file tonight with the Board, but there is a state highway easement that comes off of Ridgeway and it's like 65 feet wide or something and it was dedicated to the State of Indiana by Mr. Bussing. It was dedicated to the State of Indiana Highway Department and to Vanderburgh County for maintenance of and reconstruction of this legal drain, so when they went to reconstructing it they had a huge wide easement to get off of Ridgeway Drive with big equipment and come back here and do this reconstruction, okay? The only catch is, and are there still any Morley boys here? They all flew the coop. They put down the microfilm card number and drawer number and when I went there it's the wrong description, so that's what has held it up. I cannot find the description that has dedicated this. I know it's there and I will find it.

President Mourdock: Okay, the bottom line to all this though is that we--

Bill Jeffers: Can help them.

President Mourdock: --can help them. You'll check to see that the structure is on county easement that we can otherwise get to and if in fact the fees have been paid then we're obligated?

Bill Jeffers: We're going to design a structure to bring that up. I can't do anything about the fact that this is sitting in a sand boil and when you get this dry weather it is soaking back into ground water.

President Mourdock: I thought that was where this discussion was starting and going to end because that sand out there has been--

Bill Jeffers: Well, you remember?

President Mourdock: Oh, yeah, I remember it was sandy.

Bill Jeffers: You remember when that was dug out?

President Mourdock: We didn't do that.

Bill Jeffers: It's nothing but sand.

President Mourdock: We did not dig that pit, by the way, if that's what you were saying.

Bill Jeffers: Okay, but it is a sand--

President Mourdock: Just to make that point for the record. That's right, someone else did that.

Bill Jeffers: It preceded your place on this Board in other words.

President Mourdock: Yes.

Bill Jeffers: When that was dug out you were not a Commissioner.

President Mourdock: I'm innocent for two reasons, that's right.

Bill Jeffers: But you know what I am talking about. This was a sand boil from the river. Everything they took out there is sand and the sand has taken that water down in this drought.

President Mourdock: Okay.

Bill Jeffers: So I've got to find this easement--

President Mourdock: And report back.

Bill Jeffers: --and the only other catch is that since she called me out for a visit one of her neighbors has a fence across that easement and now it has turned into an obstruction deal and another neighbor is going to probably file an obstruction petition for the removal of that fence because until we remove that fence we can't get any of the equipment in.

President Mourdock: Okay.

Bill Jeffers: Okay?

President Mourdock: Okay. Alright.

Commissioner Tuley: While you've got your equipment there take down the fence.

Bill Jeffers: Huh? Oh, the equipment will take the fence down, but we have to go through the notification process.

Commissioner Tuley: I know.

Roger Feightner: Well, the contention that we've always had is the dam you might as we'll call it or whatever you want to call it, that is supposed to hold the water up to 378 feet essentially is not just flat, it's corroded.

Bill Jeffers: It's just flat and nonfunctional.

President Mourdock: Alright, well, we'll review that and as you heard Bill say we'll see if we can help you with that one.

Roger Feightner: When would we come back again to see?

President Mourdock: Bill will report back to us. We meet the fourth Monday of each month so, Bill, can you report back next month as far as the status?

Roger Feightner: (Inaudible comments made away from mike.)

President Mourdock: Good comment.

Bill Jeffers: What I would like to do is report back to you with a preliminary report, but I am waiting for that petition to be filed so I can incorporate all of this in to one big report showing what we can and what we cannot do.

President Mourdock: Is there any amicable way of dealing with the fence and everything else that is on that easement other than having to go through the whole petition process?

Bill Jeffers: Well, the first part of the petition process and the reason it's not in front of you today is that the person who would like to file it first needs to personally notify the fence owner and request that it be removed.

President Mourdock: Right.

Bill Jeffers: So hopefully he's a friendly fellow like the rest of the people that live out there. He had some dogs and he just wanted to use that area.

President Mourdock: Yeah, and I might suggested to you that if you know the folks involved with that one maybe you can help. I presume the lake affects...the low level of the lake affects more than just you. It probably affects the people with the fence and everybody else.

Bill Jeffers: It affects them plus the wildlife that lives there.

President Mourdock: So perhaps you can get involved with that with your neighbors.

Roger Feightner: The couple that has the privacy fence?

Bill Jeffers: All the way across that ditch so we can't come down from Ridgeway to

get the work done. I don't want to bring all that equipment across your backyard.

Roger Feightner: There is a 12 foot easement back there.

Bill Jeffers: I know, and some of your pipes are about that far under the ground. I don't want to run across them.

President Mourdock: Okay, very good.

Bill Jeffers: Okay, so does that satisfy you? As a preliminary report--

Roger Feightner: That's fine.

Bill Jeffers: --and I'll give you something in writing between now and the next meeting and then I'll actually have a formal report at the October meeting.

Roger Feightner: Do I just verbally talk with him or do I need to send him a letter?

President Mourdock: I would always try verbally talking to them first and just see if you can neighbor to neighbor work it out.

Roger Feightner: (Inaudible comments made away from mike.)

President Mourdock: Okay, very good.

Bill Jeffers: Okay. Yeah, if he'll remove the fence without a petition hearing--

Commissioner Tuley: That will speed it up.

Bill Jeffers: --I promise you we'll be out there sooner.

President Mourdock: Yeah, really.

Roger Feightner: (Inaudible comments made away from mike.)

President Mourdock: Yeah, right.

Bill Jeffers: If there is nothing else from the Board I recommend adjournment.

Commissioner Jerrel: One quick thing. I had a call from the Evansville Children's Psychiatric Center.

Bill Jeffers: Right.

Commissioner Jerrel: Is that Harper Ditch behind that?

Bill Jeffers: It's the outlet for the Wabash-Erie Canal.

Commissioner Jerrel: Okay, let me ask you--

Commissioner Tuley: Thanks folks. Thanks for your patience.

Commissioner Jerrel: Thank you. They are losing their property line back there and they've talked to you?

Bill Jeffers: Over about a two year period, yeah.

Commissioner Jerrel: Right. Just between now and the next meeting I told them that I would raise this issue and maybe we can get a perspective of something we could do to help prevent that from continuing.

Bill Jeffers: Well, it's not really on a legal drain.

Commissioner Jerrel: I understand.

Bill Jeffers: And I have sent my crew out a couple of times to take a look at it.

Commissioner Jerrel: Okay, and they need to be educated, too. I know you're busy, but anyway if we could just--

Bill Jeffers: I've talked to the fellow 15 times on the telephone in the last two years.

Commissioner Jerrel: Okay.

Bill Jeffers: And he is a very nice fellow and he is going to lose a maintenance shed if something is not done soon.

Commissioner Jerrel: Yeah, okay.

President Mourdock: Any other business before the Board this evening?

Commissioner Jerrel: No, I move that we adjourn.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The meeting adjourned at 8:32 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Charlene Timmons  
Bill Jeffers  
Supid Ghosh  
Tom Bocock  
Carlos Wallace  
Harold Guetling  
Keith Poff  
David Schminke  
Roger Feightner  
Others unidentified  
Members of the media

**Vanderburgh County  
Drainage Board**

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Drainage Board Meeting  
September 27, 1999**

The meeting was called to order at 6:33 p.m.

**Call to order**

President Mourdock: Good evening. We'll call the meeting of September 27, 1999 of the Vanderburgh County Drainage Board to order. The County Commission also sits as the Drainage Board and as you can tell we're short one member this evening. Commissioner Tuley is ill today. As we go through the various agenda items I know there are a number of folks here who are concerned with some of these items tonight. When you come to the microphone please state your name and address for the record. All of our notes are kept on tape so we'll have everything verbatim then with your comments. Also, since these issues, drainage issues, tend to be kind of emotional at times if four or five of you are here all opposed or in support of one particular plan it's not necessary for each of you to come forward and say the same thing that someone else said. Please try to be brief because, again, there are a lot of folks here tonight and I know everyone wants to get their minute of comments or several minutes of comments, so we'll try to oblige you. Having said that, we have agendas this evening and I think they're over on the table over there. Are there any extras?

Charlene Timmons: Yes, they're over there.

President Mourdock: Okay.

**Approval of minutes**

President Mourdock: The first item on the agenda is the approval of minutes of the prior month which was August 23rd.

Commissioner Jerrel: I'll move approval of the previous minutes.

President Mourdock: And I will second and say so ordered.

**Helfrich Hills Subdivision - Final drainage plan**

President Mourdock: Now we turn to our Chief Deputy Surveyor, Bill Jeffers, representing the Surveyor's Office. The first issue will be final drainage plans.

Bill Jeffers: Final?

President Mourdock: That's what you had on the agenda, yeah.

Bill Jeffers: The first item on the agenda under drainage plans is Helfrich Hills which was put on the agenda as a final plan. However, some items have come up since Thursday with regard to the street plans and John Stoll is asking for some additional details. Also, Lot 2 is going to have to be divided between two others, between Lot 1 and Lot 3, because they were unable to find sufficient area for a sanitary field bed on one of the lots. There may be people here in the audience who are wishing to speak with regard to Helfrich Hills and the Surveyor at this time is going to recommend reaffirmation of the preliminary drainage plan which was approved last month, okay, and the engineer, Billy Nicholson, may come up and ask you to allow

John Stoll and I to come back during a Commissioners' meeting and tell you that all the details that Mr. Stoll was asking for have been applied to the plan.

Commissioner Jerrel: Let me ask a clarification question. If we do that wouldn't we need to advertise it as a special Drainage Board meeting? We could do it in five minutes right after a regular one.

Bill Jeffers: You may.

Joe Harrison, Jr.: I would probably prefer that to be honest with you. I think that if in fact there are other issues to be resolved that the public ought to have an opportunity to be at that particular meeting.

Bill Jeffers: That may come into play. They're just seeking...they're trying to hurry up to take advantage of this wonderful construction season. However, that may not come up, it may come up. Also, Mike Wathen called me and told me he was not in receipt of an erosion control plan and asked me also to simply ask for a reaffirmation of the preliminary drainage plan until he has an erosion control plan in hand. Therefore that is our recommendation and you may wish to see if there is anyone in the audience including the engineer for the project that wishes to speak.

President Mourdock: Is there anyone here wishing to address Helfrich Hills Subdivision? Billy.

Bill Nicholson: Bill Nicholson, Veach Nicholson Associates. I have talked briefly with Bill and John about these items that need to be corrected that was probably not in the detail sheet like it should have been. We will correct that and I would ask that if we could to come back whenever the street plans are approved and we'll advertise or however that is to be done for the special Drainage Board.

President Mourdock: Do you have any idea, Bill, in speaking with John when he thinks he'll have those? You said at a later Commission meeting. Do you think we could schedule a special Drainage Board meeting next week or two weeks? Any idea?

Bill Jeffers: When will the detail sheets be in?

Bill Nicholson: I'll pick the plans up from John and discuss that with him tomorrow. I just talked with him briefly here and I'll make the changes as quickly as possible and get them back to him for his approval.

President Mourdock: Okay.

Bill Jeffers: Two weeks from today, is that a bad Monday for your Board?

Joe Harrison, Jr.: Probably need to do it either the 11th or 18th of October.

Bill Nicholson: The 11th would be fine. I mean, I can get changes made and get them back to both Bill and John this week yet.

Commissioner Jerrel: Why don't we schedule it maybe for--

Joe Harrison, Jr.: Six-thirty.

Commissioner Jerrel: Six-fifteen. We have the legislators coming in here.

Joe Harrison, Jr.: I would do it at 6:30 though.

Commissioner Jerrel: Six-thirty?

President Mourdock: Yeah, okay. Go ahead with a motion if you would.

Joe Harrison, Jr.: No, on the...did you say the 11th or the 18th?

President Mourdock: Eleventh.

Joe Harrison, Jr.: Is that going to give you enough time?

Bill Nicholson: The 11th would be fine.

Commissioner Jerrel: Okay, then I would make a motion that we call a special Drainage Board meeting on the 11th of October at 6:30 p.m.

President Mourdock: And I will say second and so ordered.

Bill Jeffers: I think we already have one for the Gamble thing.

President Mourdock: Okay, then we'll need to broaden the agenda.

Bill Jeffers: Advertise the Gamble and then piggyback.

President Mourdock: Yeah.

Commissioner Jerrel: Okay.

President Mourdock: Just to clarify, Bill, you had said something about having a reaffirmation. I don't know if we're...yeah, in doing what we're doing with the special there is no need to reaffirm anything, correct?

Joe Harrison, Jr.: Well, what we're going to have to do is--

President Mourdock: Since we've already approved the preliminary plan we don't need to reaffirm the preliminary plan--

Joe Harrison, Jr.: Oh, no.

President Mourdock: --because it's coming to us as final.

Joe Harrison, Jr.: No.

President Mourdock: Okay.

**Burkhardt Corner Development - Final drainage plan**

President Mourdock: The next item then would be Burkhardt Corner Sub...I'm sorry, Burkhardt Corner Development.

Bill Jeffers: I would lay a plan on your desk for this, but after all the different things that we've discussed with the engineer and his adding all the different notes to the plan it's so cluttered at this point that it might be more confusing than if I just tell you what is going on. Burkhardt Corner Development is actually a development that is taking place on the replat of Lot 3 of Waterford Park Subdivision which is now called Lot 2 Waterford Park. It's right on the corner of Burkhardt and Vogel, right across the street from Libs and the bank there, so it's a prime piece of real estate. The developer is wishing to utilize the entire surface square footage for a retail complex with a drive-thru window for one of the retailers and that requires that he does utilize all the square footage. Therefore he is asking for underground storm water detention which has not yet been tried inside...or in the county. It has been tried inside the city limits and our research doesn't reveal any problems with their installation yet, however since our ordinance kind of contemplates open detention and open discharge I didn't feel comfortable to sign off on this in the office as a site plan at the Area Plan Site Review Committee and felt more comfortable bringing it to you. Over the past 60 days or so I have been working with Easley Engineering on completing all the details so that I felt comfortable to bring it to you. I'll just show you some pictures that were given to me by the salesman for ADS Plastics, I believe, who is specifying the parts that are going to be used in this application and he brought me a picture of a similar application on a piece of private property directly across the street from INDOT's test center, test lab, up in Indianapolis, so it's getting pretty close scrutiny and there are two views of that. To give you an idea of what they're doing, they're building a parking lot and underneath the parking lot they're putting in a system of subterranean vaults made out of high density polyethylene and then they're dropping the water down through inlets into the vault where it is held and discharged at a slow rate. In the case of the Burkhardt project I believe it's a five and a quarter inch orifice that will discharge it into the existing storm water system along Burkhardt Road. They've completed everything and Mr. Easley has presented it and stands behind it in writing and I've talked to the salesperson who has bid this and is being designed currently by his company. The Vanderburgh County Surveyor recommends approval of this plan although we don't encourage everybody to rush right out and start putting these in we do think this is an ideal spot to use it as a pilot project to see if it is going to work or not. I asked for and received a copy...I mean, a proposed maintenance manual to give to the owner of this property, operation and maintenance of underground storm water detention for his development. The owner is Ted Clark prepared by Easley Engineering and this includes what the fellow should look for and his maintenance people should look for on a continuing basis to make sure this thing is operating properly.

President Mourdock: How do they in this type of system maintain control of what's going in just making sure it doesn't silt up and otherwise trash up and lose its volume?

Bill Jeffers: That's what we're concerned about and it's outlined in this operating manual here. It's large. It's 48 inch diameter vaults.

President Mourdock: That's not what these are.

Bill Jeffers: No, those aren't, but I had another picture of those and you'll be surprised how big they are. I think they're 36 or so and some of them are 42. I should have brought that because it showed a guy standing inside one. He was crouched over walking through it, but he was walking through there.

President Mourdock: How many acre feet in this one will they be holding? Just

roughly?

Bill Jeffers: I think it's in cubic feet rather than acres.

Unidentified: (Inaudible comments made from audience.)

President Mourdock: Five thousand-four hundred?

Andy Easley: A little more, 5,500 cubic feet.

President Mourdock: Cubic feet.

Bill Jeffers: Fifty-four eighty-nine cubic feet, 1.26 acre feet. That's the feet required storage. It has an outflow rate of 1.34 cubic feet per second undeveloped and that's what he is trying to match. The orifice is only five inches. A five inch diameter orifice because it's under so much (inaudible).

President Mourdock: Okay.

Bill Jeffers: We recommend we try this out. I think it's the best place to do it. I wouldn't want to do it out in the boonies somewhere where it is not available to take a look at on a weekly basis or after rainstorms. It's also right across the street from the piped Crawford Brandies Ditch that we're going to have to inspect frequently to make sure it's not silting up, so it's in an ideal spot to be inspected frequently.

President Mourdock: Okay, is there anyone here to address the issue of Burkhardt Corner Development final reading...or final drainage plan? Is there a motion?

Commissioner Jerrel: I'll make a motion that we approve the final drainage plan for Burkhardt Corner Development.

President Mourdock: I will say second and so ordered and we'll watch that one with interest. That's a different kind of plan.

<b>Ashwood replat of Lot 2 - Final drainage plan</b>
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President Mourdock: Next on our list is the Ashwood replat of Lot 2. You want your photos back, Bill, or Andy?

Bill Jeffers: Yeah, I'll put them back in my folder. I'd like to put those in my folder.

President Mourdock: Okay.

Bill Jeffers: This Ashwood project has already been approved, it's under construction. They found a way to move one lot line so that they could create another lot without infringing on the floodway. That lot number is 1A. As you can see they simply moved the lot line a little bit to the north to do that. All we're asking is a reaffirmation of the final drainage plan for Ashwood so that the Area Plan Commission sees that it has been processed and there were no questions about drainage. This does not change the drainage in any way whatsoever. We do recommend it.

President Mourdock: Okay, any comments from the audience on Ashwood replat of

Lot 2? Is there a motion?

Commissioner Jerrel: I'll move approval of Ashwood replat of Lot 2 for final drainage plans.

President Mourdock: Second and so ordered.

<b>Woodgate Section 2 - Preliminary drainage plan</b>
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President Mourdock: We now go to preliminary drainage plans. The first one being Woodgate Section 2.

Bill Jeffers: Okay, Woodgate Section 2 comes to you because Brad Sterchi's corporation, and Brad is sitting right here in the audience, swapped some ground with Jagoe who was the developer of North Greens and in the land swap Mr. Sterchi ended up with a piece of property just south of his proposed Woodgate Section 1. So this is just an extension southward to the branch of Little Pigeon Creek that forms its southern boundary. Basically, it would have come in all as Woodgate had he acquired this before he initiated what is now going to be known as Woodgate Section 1. So Woodgate Section 2 is a continuation south of Strawberry Hill Road to that branch of Little Pigeon Creek. It's designed by the same design engineer as the rest of Woodgate. It's basically the same layout. It has its own detention pond before it releases into Little Pigeon Creek. They have established the floodway limits and no construction will occur within those floodway limits. It will remain natural except for the one outletting pipe that takes it to the creek. This is a preliminary plan. It has received the recommendation from the County Surveyor for approval. There were remonstrators or spokespersons for other projects immediately adjacent to this one. You may find that there are with this one as well.

President Mourdock: Anyone here tonight wishing to address us on Woodgate Section 2 preliminary drainage plan? Yes, ma'am.

(Inaudible comments made away from mike.)

President Mourdock: I'm sorry, I couldn't hear you.

Elvera Godeke: Elvera Godeke, 801 Eissler Road. My ground abuts Woodgate on the west and on the south. My concern is on my two concerns, on the southeast and southwest corners, we've always had a lot of water that would just pond. If you...if I may, this is the area that I am talking about. All this water from up in here comes down onto here.

President Mourdock: One second here. Let me figure out where you are on this one.

Commissioner Jerrel: On this map.

President Mourdock: Since this one is a little larger scale.

Elvera Godeke: This is my property here.

President Mourdock: Right.

Elvera Godeke: This is Woodgate.

President Mourdock: Yeah, but I'm trying to see where--

Bill Jeffers: What Ms. Godeke is holding in her hand is a proposed layout for Woodgate 1 and the points she is addressing are substantially north of and not anywhere near adjacent to Woodgate 2. Woodgate 1 has received preliminary approval while Ms. Godeke was here in the audience, but since that time we've met with her and Mr. Sterchi and representatives of the Soil & Water Conservation District and others as well as the design engineer in the field and during a field meeting Mr. Sterchi declared that he would do whatever was necessary to address Ms. Godeke's concerns as a part of his final drainage plan and that's not under consideration at this time.

President Mourdock: How does Woodgate 1 and 2, how do they fit together?

Bill Jeffers: Strawberry Hill Road.

Elvera Godeke: I didn't understand the procedure when I was here at the first one, so that's why I didn't get up and speak. That was the first time I had been down here so I didn't know the procedure, but I always have a pond here and there has got to be more than a swale. I think you have told me there was going to be like a swale--

Bill Jeffers: Here is Strawberry Hill Road here so Woodgate...the one you're looking at, Woodgate 2, is down here.

President Mourdock: Okay.

Commissioner Jerrel: Okay, so--

Elvera Godeke: They're telling me there is going to be a swale and like a berm, but you're not telling me how deep a swale or how high the berm, so if this isn't taken care of this is going to have to be more than a swale. It's going to have to be a ditch to carry that water that comes off of here down into this corner.

Bill Jeffers: Ms. Godeke has a legitimate concern and it has been discussed with, as I said, the design engineer, the developer, Mr. Sterchi, was present when we discussed it. Also representatives of the Soil & Water Conservation District were on hand. I cannot tell you at this time how deep the ditch will be, how wide, how tall the berm, etc., until the final drainage plans are produced by Morley and Associates and presented to us for review. At that time we will review them in an attempt to make sure that everything done is sufficient and Mr. Sterchi has made the statement in all of our presence including Ms. Godeke that he will do whatever it takes to make sure it's sufficient.

President Mourdock: So we have not acted on Woodgate 1?

Elvera Godeke: If he comes over on my ground to do it.

Commissioner Jerrel: Yes, we have.

Elvera Godeke: If he comes over on my ground to do it is what he said.

Bill Jeffers: That's correct because what you're concerned about exists on your ground.

President Mourdock: We have not acted on Woodgate 1?

Commissioner Jerrel: Yes.

Bill Jeffers: We have acted on a preliminary plan for Woodgate 1 just as we are now being asked to act on a preliminary plan for Woodgate 2. There have been no final plans presented for Woodgate 1 or 2.

President Mourdock: And when do you expect them for Woodgate 1 or do we have any idea?

Bill Jeffers: That would be a question that would have to be addressed to the developer and his engineer.

Brad Sterchi: I'm expecting that at the next meeting.

President Mourdock: At our next meeting?

Brad Sterchi: In one month.

President Mourdock: Okay.

Commissioner Jerrel: But you will--

Joe Harrison, Jr.: You might want to come up.

President Mourdock: Yeah, please come to the microphone and state your name.

Brad Sterchi: I'm Brad Sterchi. I'm the developer. First of all, Woodgate 2 has no water draining through Ms. Godeke's property that I am aware of. Her concerns on Woodgate 1 I'm going to make an offer in writing to her to put some grassways in to keep her property from eroding. I've done that verbally. Before the final drainage meeting I will be doing that. But basically in talking to the farmer that farms her ground they want all the water to go a different course which isn't possible, but I'm willing to enhance her property to keep her from having any problems. Again, Woodgate 2 has no water going through her property that I am aware of.

Elvera Godeke: It all flows down. This is the new area. It's all flowing down into this lake and then they're wanting to run it over here on the other corner onto me. Now this should run this way. The flow of the ground runs this way. Why should this run into this lake and then be directed back onto me?

President Mourdock: Let me ask the question of Mr. Jeffers. Currently, Bill, and may I see your map, Ms. Godeke? Is the topography, Bill, such that presently, Mr. Sterchi, you're welcome to look in here too, is the topography such that presently drainage is going to the southwest from this area?

Elvera Godeke: It should all go this way, but it's...and all from way back up in here this is all flowing down into this lake.

President Mourdock: That's the question. Let me see if they'll answer that question first.

Brad Sterchi: My drainage is going to come out to here and go this way. She doesn't

want my drainage to go this way. They want it to go this way.

President Mourdock: But my question is where is it going now before any of this is done?

Brad Sterchi: Through here.

Bill Jeffers: Well, there are areas of it--

Elvera Godeke: This way.

Bill Jeffers: There are areas--

President Mourdock: Oh, I see the topo now.

Bill Jeffers: --that are exiting down through here. Of course this area up here goes across her land like this.

President Mourdock: Okay.

Bill Jeffers: It crosses the corner of her land right here. What they're doing is they're going to route everything through the lake and back out this corner.

President Mourdock: Okay.

Bill Jeffers: There is some sheet flow...what she is saying to some extent is true. There is some sheet flow off this natural land in this direction that won't be directed through that that is not presently directed through her waterway right here.

President Mourdock: So there would be some increased flow through that ditch at times of high runoff after detention?

Bill Jeffers: Right. And Mr. Sterchi, if I understood what he was saying, has assured us that he will improve this area to handle that.

Brad Sterchi: I'm going to make her an offer of putting a green strip through here and sowing the grass, but I told her she has to give me written permission to be able to do that.

President Mourdock: Sure, right.

Brad Sterchi: And it doesn't appear to me that she is wanting to do that.

Elvera Godeke: You have not approached me with anything yet. Nothing definite.

President Mourdock: Okay, wait a minute here.

Elvera Godeke: And when you approached me you approached me with my farmer because he is the one that guides me.

Bill Jeffers: Really, before we get too far into the review of Woodgate 1 I think we should probably stick to Woodgate 2 which does not have any affect whatsoever on the area that Ms. Godeke is addressing.

Commissioner Jerrel: I just have one question. When you do the final plan presentation will Woodgate 1 and Woodgate 2 probably be done together or not?

Bill Jeffers: If that's the wishes of the Board I'll convey those wishes to the design engineer and ask that he...it would be a simple matter to combine them both together into one review.

Commissioner Jerrel: I don't know. It's just that's it difficult to think about. I mean, I see what you're saying. We need to go ahead. This one doesn't apply to her.

Bill Jeffers: Mr. Sears is here and, Mr. Sears, what I would like you to do when you present the final plan for Woodgate 1 and 2 is to present them together as a unit.

President Mourdock: Okay.

Bill Jeffers: So they can review the whole thing at one meeting.

President Mourdock: Again, I did hear Mr. Sterchi say and I have every reason to think it's in good faith that he is going to make some presentation to Ms. Godeke and other representatives that she may choose and trust you'll carry through with that and when that comes to the final...when we see the final hearing we would certainly like evidence of whatever you have worked out.

Brad Sterchi: I will send a copy to you guys also.

President Mourdock: Okay. Anyone else to speak on Woodgate Section 2?

Commissioner Jerrel: Yes.

President Mourdock: Oh, sure.

Albert McDowell: My name is Albert McDowell. I live at 529 Strawberry Hill, basically the third house on the end on the south side of Strawberry Hill which will face...have new neighbors in the backyard. We all thought this has been kind of inevitable that it's going to be coming. It's kind of surprising. We call it Lake Old State, some of us, or Lake Strawberry Hill because there has been quite a few times that when it rains that it has been up to almost a foot in water in that field. I've got some pictures. One is from before they put the new bridge in that comes down Old State Road or Strawberry Hill and some are just this last year. In fact, the drainage that comes out the final pipe at the end of the hill at Old State comes out through my side yard and then makes a curve around the back and goes down in a concrete lined ditch to the west. Now when it gets a hard enough rain the water flows back east up through there and it comes up through there at a pretty good clip and pretty deep. The main concern with several of my neighbors beside us is with this water additional and the water coming off the back of these houses and stuff it's going to force it possibly back up through our yards and stuff. We've had water in the house one time in the garage, one time in 19 years approximately and that was back in '96, but that was an unusual deluging. I have some pictures if you would like to look at them that shows them. These are from '96.

President Mourdock: I bet it was June of '96.

Commissioner Jerrel: I bet it was.

Albert McDowell: And these are just this last year because I put a backstop up for my side to work at. These are like an inch and a half to a two inch rain. Yeah, we had neighbors rafting down the street it got so deep.

President Mourdock: On the map here where do you live, Mr. McDowell.

Commissioner Jerrel: Right here.

Albert McDowell: I live right here. This pipe...in fact, I came before the Commissioners, right, when Mr. Wilner was in charge and it was kind of a joke because he informed me that the storm sewers in Old State Subdivision were never accepted for maintenance by the county because the one that comes through my side yard was caving in. We had some other problems up here on the corner where massive manholes disappeared and we haven't seen those since they built some houses up here on the curve. We kind of wonder what happened to them. So I had to repair them out of my own pocket because he said it was our responsibility and that's what we're concerned...another thing is if things are put in that they are put in properly not just as it seems like some of ours are put in. The water here comes down, turns and goes this way. This backs up through here. In fact, the gentleman here and I have talked about and I preliminary talked to Joe about leveling our yards off back to the tree line or the property line here so it doesn't have the big dip down because sometimes this back in here would be oh, maybe two or two and a half feet deep sometimes. The water comes down and then it comes back down through here and this whole field floods. In fact, one neighbor was trying to dig up a picture showing me canoeing through the back field.

Bill Jeffers: You were going to fill your yard in where?

Albert McDowell: This right here.

Bill Jeffers: You can't do that. That's an easement.

Albert McDowell: Oh, is that an easement? Oh, okay.

Bill Jeffers: The reason it is 30 feet wide is because the design engineer in the 1960's knew that when this creek got high enough it would flow that way and it's a natural watercourse.

Albert McDowell: Yeah, the reason they put the pipe in here was when it first was built the gentleman that lived here is deceased now said all these houses flooded so that's why they went ahead and added this in.

Bill Jeffers: But I mean that 30...the reason that is 30 feet wide, that easement back there, is because it's needed.

Albert McDowell: Alright.

President Mourdock: Give you another reason why you don't want to do that is because one of your neighbors will end up suing you because we see that in this meeting all the time.

Albert McDowell: Yeah, well we all talked about doing it together, so that's the thing. But that's the...we were just trying to level it off because I have a shed that sits right here and it's almost had water in it umpteen times. But that's the main concern

we've got because we know this is going to happen and several...the gentleman next to me, in fact, works with the building trade and said the gentleman building it is very reputable and would be very good to work with, but that's a big concern. Just as long as we don't get flooded out.

President Mourdock: Sure, we understand. Thank you, Mr. McDowell.

Commissioner Jerrel: Thank you.

President Mourdock: Bill, do you wish to address any of the comments Mr. McDowell has made?

Bill Jeffers: All the concerns addressed to you by that gentleman are accurate and valid. We've asked for a separation of drainage plans between Woodgate 2 and Old State 1. He lives in Old State 1. I do have in my possession the original plans done by Sam Biggerstaff that designed Old State 1 and the plans were very detailed, very accurate and very sufficient except for the bridge that you replaced. That bridge was designed for a ten year storm and it says so on the plans. Those plans were approved back in the '60's. They would never have been approved today for a ten year storm at that bridge. That bridge opening not only would only...not only would that bridge opening only allow a ten year storm to pass through it, but when in 1996 the storm exceeded a 100 year storm it was clogged full of debris and that's what forced the water over the top of the road and down into these people's homes because the water took a course that was unnatural down through the streets rather than staying in its designated floodway.

President Mourdock: As a bit of an aside, have you inspected that recently to make sure we don't have any clogging or plugging going under the new bridge?

Bill Jeffers: That is not the responsibility--

President Mourdock: I know.

Bill Jeffers: That responsibility was removed from the County Surveyor and given to the County Engineer.

President Mourdock: I know, I just thought maybe you had been out there and looked.

Bill Jeffers: Not officially. We've asked for a separation of these two plans and we've asked that this plan that is being presented to you as Woodgate 2 will gather, convey the storm water to its own detention basin and discharge it into the creek at a location remote from and considerably downstream of these folks who already live there, their property. I might add that I believe all that property was offered for sale to these folks and only one person took the offer.

Unidentified: Sir, that's not true.

Bill Jeffers: Okay.

President Mourdock: Any other comments regarding Woodgate Section 2? Yes, you need to come forward and state your name please.

Richard Parker: My name is Richard Parker and I live in North Greens. In Lot 24 in

North Greens Subdivision. I think I'm representing somewhat of a whole list of people that we all have concerns as to the Little Pigeon Creek rise and fall. It can rise pretty fast and we all witnessed in the last two to three years here. I think we all have concerns as to if this new Woodgate Subdivision 2 is approved and they have to raise the grade levels and stuff over there to get above the 100 year floodplain that's going to reduce the width of the drainage area there thus, in my opinion, increasing the height of the water that gets in there. Now, if you had been up there and lived up there and saw the water coming up around you back in '96--

President Mourdock: I was there.

Richard Parker: --it was pretty frightening. If you're basically going to add more lots in there and the quicker runoff on the streets other than just soil you're basically just fueling the fire and we all know what the potential that creek, that stream, has because we've all seen it in action. I have several people behind me here that have a lot of photographs. In an attempt to shorten the meeting a little bit here I thought maybe rather than each of us individually they might bring up the photographs and collectively show them to you.

President Mourdock: That would be fine.

Commissioner Jerrel: What is your--

Richard Parker: Because we all have concerns about this.

Commissioner Jerrel: What is your address?

Richard Parker: I live on Lot 24 in North Greens which is 7235 Forest Green. There is a cul-de-sac at the end of my street. When that creek...when the creek, whatever the correct pronunciation is, back in '96 if this was a 100 year flood it occurred twice in six weeks. It has...the creek has got out many times since then. Not quite the magnitude that it did in '96, but it has that potential. I think if we just increased the runoff over in that area it's just going to fuel the fire that already exists up there. I guess my general comment is with all the possible available land why is it necessary to put a subdivision extension into an area that's, you know, highly flood prone?

Bill Jeffers: Again, 99 percent of what the gentleman just told you is accurate and did happen and his concerns are 100 percent valid. However, I would point out that what he said was said by those people in Petersburg Place when North Greens was built, with all the land that is available why do they have to build behind us. However a HEC II study has been done on the creek and it is shown on this preliminary plan and that shows you what the 100 year floodway is. The 100 year floodway for the information of those in the audience is the area on either side of the channel that would show you the width of the channel plus the part of the floodplain that is absolutely required to pass a 100 year storm down through this creek floodway and on into the next receiving stream which is Little Pigeon Creek. That's the width that the computer model shows as absolutely necessary to pass that floodwater and no construction will occur within that floodway to raise an obstruction within that floodway. Now as far as construction within a floodplain in the state of Indiana no fill can occur on any one project on a floodplain that would raise the elevation of a 100 year flood greater than .15 feet or approximately...is that correct? Which is like say an inch and a half.

President Mourdock: And regarding the comments that Mr. Parker made specific to

the idea--

Bill Jeffers: That would not have flooded any house in North Greens. The houses in North Green on June 9, 1996 would not have been flooded by an increase of .15 foot of floodwater. It would have taken substantially more than that to have flooded any house in North Greens. I went out and marked the high water in North Greens and there was not one house flooded. Any house that was even...yes, they had water way up in their front yards running down the street but Jagoe did construct even the garage floors above...two feet above the 100 year flood.

President Mourdock: Okay.

Bill Jeffers: As far as the 100 year flood occurring more than once per 100 years, yes, it occurred twice in 1996. It's a percentage thing, it's not an annual thing. It has a one percent change of happening in any 12 sequential months.

President Mourdock: Okay, ma'am.

Monica Weiss: My name is Monica Weiss and I live 7021 Southport Drive. That's the northeast corner of the Old Petersburg Place Subdivision. I'll be brief because I have basically the same comments as the gentleman that just spoke. I too have pictures from '96. The Little Pigeon Creek runs on two sides of my property, on the north side and on the east side. The water comes out of there readily and I've experienced about a four foot erosion of the banks where the drainage pipe connects into the stream. Within the last three years there is a large chunk of property that has floated on down the stream, so I'm worried about that creek getting bigger and bigger as more and more water tries to funnel through there. A large part of the water draining off Old Petersburg Place Subdivision drains to that corner. In '96, although I didn't experience any flooding, it was within inches of both my front door and my back door and did get in my garage. My concern is how does this affect me? Are we trying to funnel more water through the same pipe?

Commissioner Jerrel: Bill, would you take the map and show her--

Bill Jeffers: What is your address, ma'am?

Monica Weiss: It's 7021 Southport Drive, northeast corner of Old Petersburg Place.

Bill Jeffers: Oh, right.

Monica Weiss: Not too far from the gentleman that just spoke.

Bill Jeffers: You're in Petersburg Place?

Monica Weiss: Correct, the northeast corner.

Bill Jeffers: There is about, oh, eight to ten houses in Petersburg Place whose garages flooded.

Monica Weiss: Yes.

Bill Jeffers: That's true and that's why North Greens...that happened earlier on about ten years ago and that's why we asked North Greens to get their garage floors up higher is what...you know, back then when your house was built it was not a

requirement of ours or of the state or federal government for the garage floor only the dwelling, but as you know a lot of people turn their garages into family rooms.

Monica Weiss: I guess the main thing--

Bill Jeffers: This water won't go through--

Monica Weiss: It won't come my way?

Bill Jeffers: Let me think. This goes behind your house?

Monica Weiss: Yes.

Bill Jeffers: This channel joins with the other part of Little Pigeon behind your house down there where Southport and Bob Court joins.

Monica Weiss: That's where my house is.

Bill Jeffers: Right, it will go...your next door neighbor--

Monica Weiss: David Schminke.

Bill Jeffers: David Schminke.

Monica Weiss: Yes.

Bill Jeffers: It will join behind his...upstream and behind his house. This will not come through that man-made ditch directly behind your house.

Monica Weiss: Well, what bothers me is I have seen erosion of that drainage ditch in the last few years--

Bill Jeffers: Yes.

Monica Weiss: --and when you start pumping more water through there it's only going to get worse.

Bill Jeffers: Right.

President Mourdock: But, Bill, you're saying because of the location that ditch, that erosion that is occurring is not going to be affected by what is happening here?

Bill Jeffers: I can't say that. Water from here might join with other backwater and back into her ditch.

Monica Weiss: That happens too. It backs up.

Bill Jeffers: That will happen here. This water can join with other water in Little Pigeon Creek and back up into her ditch behind her house.

Monica Weiss: That happens.

Bill Jeffers: But this water here will not pass as headwater coming through.

President Mourdock: Okay.

Monica Weiss: That's all I have. Thank you.

President Mourdock: Okay, thank you, Ms. Weiss.

Diana Wellmeier: My name is Diana Wellmeier. I live at 517 Strawberry Hill. I echo what most of the other people have said and we agree that Mr. Sterchi is a very reputable developer. We just are concerned that we would like to be presented with the actual drainage plan for the area. If Mr. Sterchi would like to collectively speak to all of us we would like to understand what the plan is. I don't know that this is the forum for it and I don't think that it is, but we would just like to understand it better so that we could understand what is happening behind us in this proposed subdivision. Obviously, as Mr. Mourdock explained there has been no creek inspection. That's all well and good that the money was spent to open the ditch beneath Strawberry Hill coming down the hill, but we're concerned that, you know, that does no good if there has not been a creek inspection to determine that it is clear and flowing free. When it starts to rain again we would like to have that inspected so that we, as homeowners, would have that taken care of.

President Mourdock: And understand something that my question was specific to the bridge because--

Diana Wellmeier: I agree.

President Mourdock: --that creek is not the county's property.

Diana Wellmeier: Right.

President Mourdock: We have no control over that.

Diana Wellmeier: Right, I understand that you don't control that, but the concern is echoed that the drainage throughout there affects all of us property owners behind there.

President Mourdock: Sure.

Diana Wellmeier: Because that property...the property where we are when it rains...when we have a two inch rain the two inch concrete ditch behind me fills up and flows backward. So we're concerned with proper creek inspection for that. We're concerned that there maybe should be a redesigned drainage plan. The subdivision where we live was built and developed and the drainage was developed in the '60's as was mentioned. When that was developed there was no Old Petersburg Place. There was no Villas at Deerfield. There was no Woodgate 1. There was no Woodgate 2. There was no North Greens. All of that property drains into those creeks and into the ditch behind my house and that was not designed to handle all of that drainage.

Commissioner Jerrel: I have a question. Now will they be renotified or will they just be...I mean, just telling everybody the night of the final?

Diana Wellmeier: We would appreciate it if we could be renotified.

Commissioner Jerrel: So that they can hear the final drainage plan and examine it.

Diana Wellmeier: And just understand it as property owners. Not complain or go against Mr. Sterchi, but just to understand it.

Commissioner Jerrel: Right, I understood what you meant.

Bill Jeffers: They will not be renotified. However, if there is that much concern about it...I will point out all the subdivisions she just named are downstream and away from her property. All the water she is referring to is away from...southeasterly away from the property. All the subdivisions that she named that have come in occupy ground downstream in the watershed away from here.

Diana Wellmeier: I thought the Villas at Deerfield drained down towards--

Bill Jeffers: Oh, I'm sorry, you did mention those, right. That's one small subdivision out of them.

Diana Wellmeier: Right, and that drains down towards us and you're right that it should all drain away, but in a simple two inch rain it all drains backward onto us.

President Mourdock: Right, we've heard that comment several times.

Diana Wellmeier: Thank you. If the developer could just maybe meet with us and just collectively explain all of his process that's fine. My last thing is that the property was not offered to us for sale.

Bill Jeffers: I'm sorry, I probably spoke out of turn. There was a couple of guys on your street that told me that that guy down there bought that property when it was offered to him and the rest of them didn't want it. I was speaking out of turn, so scratch that remark. Why don't we just ask the developer to direct his engineer to have this ready a week or so ahead of the next drainage meeting that they want to bring it to and we'll go out and have a field meeting with these concerned property owners and have them take a look at it out there. I would like to point out that this is the only opportunity that our office has to review private property. Private property rights as dictated by the State of Indiana statutes prohibit us from trespassing on private property without a warrant to take a look at anybody's creek. We have in fact at the invitation of several people gone up through there and identified a lot of obstructions and turned that information over to them. However, it remains the responsibility of the private property owner to maintain their own waterways and so forth and with their invitation I'll be happy to take this plan out and walk up and down in people's backyard, but only with their invitation.

Diana Wellmeier: You're welcome to walk through mine.

Bill Jeffers: Okay.

Commissioner Jerrel: Yes, sir.

President Mourdock: You need to come forward again, Mr. Parker.

Richard Parker: If I might just add one comment. I think it was last year that the Ohio River reached its highest stage since 1964. We experienced this flooding back in '96 and I think the river was at a low level then. I was just wondering if in a hypothetical situation what would occur if the Ohio River was at a high level, Pigeon Creek wasn't able to drain properly, and all of these tributaries that feed into Pigeon

Creek if we was to get a substantial rainfall, here again this is an unusual situation, has there ever been a study on that as to what might occur?

Bill Jeffers: Yeah, there has. A study was done by the Corps of Engineers in 1981 of all of Pigeon Creek watershed up to Hillsdale Road and that study is available for viewing. The water would have been about 700 feet wide down and across Hamilton Golf Course. Flowing water, now, that is not backwater, and all of Petersburg Place would have be inundated up to within two feet. Including North Greens and everywhere else all of that would have been within two feet of flooding every finished floor elevation in there. The houses in North Greens would have been protected. The ones in Old State 1, some of the split levels that have basements and so forth, the basements would have been flooded. I would point out that the drainage plan that I have in my possession from Sam Biggerstaff for Old State 1 said I gave the protected grade for all those houses some of which were not adhered to.

President Mourdock: Okay. Yeah, Mr. Sterchi. Okay, go ahead.

Richard Parker: With the additional burden of possibly 150 lots, is it with Woodgate 1, I'm not familiar with that plat, and another 33 lots is this not going to increase--

Bill Jeffers: That's in legal terms a scintilla. You're talking about 14 to 15 square mile watershed. You know, this watershed that you're talking about goes all the way from Pigeon Creek back up 41 all the way to Inglefield Road all the way out Old State Road to Browning Road. Back down Browning Road all through...you know, you're talking about coming back down Old Petersburg Road. That's the divide way over there. All that ground up, you know, all the way out almost to the Hornet's Nest. You know, you're talking 14 square miles.

President Mourdock: Let me take another shot at that question. I think what your question is Bill may have addressed a little bit earlier. Your question is would that development cause this by otherwise displacing water in this development cause water to rise in the other areas, right?

Richard Parker: In the creek basin itself and seek a higher level than it did back in '96.

President Mourdock: Right, and Bill's comment was that we could not approve this, this would not meet the statutes if in fact all the development in here once it's completed if it raised that level more than .14, is that what you said, feet, then we could not approve it.

Richard Parker: Okay, that answers my question.

President Mourdock: Okay. Okay, Mr. Sterchi.

Brad Sterchi: I'm Brad Sterchi again. I want these people to understand that I have no reason to believe that my project is going to flood them any further, that I wouldn't proceed on it if I thought that it would. That I do want a good working relationship with them and in all previous developments that I've done I have received no flood complaints after the fact and I would be glad to meet with them prior to the final drainage approval if they will call me and set it up.

Commissioner Jerrel: If we go ahead and do the preliminary then will you all take care of the meeting with the neighbors?

Brad Sterchi: Like I said, all they have got to do is call me and I'll be glad to meet with them.

Commissioner Jerrel: How are we going to do this though? I always like to know how it is going to get organized.

President Mourdock: I think what Mr. Sterchi is saying is that anyone who individually wants to call you you're willing to sit down with them or if a group of four or five of them get together and say we'd like to meet you at a certain time you're willing to do that, is that right?

Brad Sterchi: Sure.

Commissioner Jerrel: Okay, Well, Ms. Wellmeier--

Diana Wellmeier: Can I have your number?

Brad Sterchi: 867-0915. I do expect to be a good neighbor to them.

President Mourdock: Okay, thank you. Yes, Ms. Godeke.

Elvera Godeke: Elvera Godeke again. I have my farmer that has farmed my ground, Marvin Heilman, which is now Woodgate, for the last 25 years. He was working out in the field late tonight so he just got here. He would like to have Sterchi explain to him just what he is going to do for my problems.

President Mourdock: Okay.

Commissioner Jerrel: Maybe...could we do this because that isn't on tonight's agenda, but, Mr. Sterchi, could you meet with--

Brad Sterchi: That's part of Woodgate 1 and I went over it with him on the telephone. You know, he is just dead set that I'm going to take it a different course than what the natural drainage is, but I'd be glad to meet with him.

President Mourdock: Okay. We don't have a good map of that in front of us. Perhaps the map you had earlier, Ms. Godeke, maybe you could talk about that in the hallway or something. Okay, alright thank you. Okay, I appreciate all the comments of everyone and, Mr. Sterchi, I appreciate the fact that you're willing to meet with folks and try to work through this. Bettye Lou.

Commissioner Jerrel: Yeah, Ms. Godeke, maybe you all can meet, you know, maybe right outside since that isn't on this, do you think with Mr. Sterchi? Okay, I would like for preliminary drainage plan I'll move approval of the Woodgate Section 2.

President Mourdock: And I will say on preliminary plan second and approved and I noticed your hand went up. Again, I just want to clarify what we're dealing with right now is Woodgate 2 and based on Ms. Godeke's questions earlier it seemed most of those were on Woodgate 1 which is not before us.

Unidentified: Can I ask you one question on that? Is that water going to go to the south or is that water going to go to the east off of his property that they're working on now?

President Mourdock: Off Woodgate 1?

Bill Jeffers: Off Woodgate 2 it will go to the south and into a natural creek channel which flows southeasterly.

Unidentified: When it gets to the creek it goes to that corner that they're going to develop?

Bill Jeffers: I don't know what he is talking about.

Brad Sterchi: I'd be glad to meet you outside.

President Mourdock: Yeah, and again I don't have a map in front of me and I would like to see those questions answered on a map, so when that one comes back to us on final certainly you'll have the chance to see where it is at. Okay, alright thank you.

### **Enterprise Park - Preliminary drainage plan**

President Mourdock: Next one on our schedule this evening is Enterprise Park, Bill. Thank you all.

Bill Jeffers: Enterprise Park is a commercial and/or industrial subdivision on the east side of I-164 immediately north of Oak Grove Road. It has legal drains on two sides, Nurrenbern Ditch and Kelly Ditch. The plan is sufficient and contains sufficient details for approval of a preliminary plan with the exception that I'm not quite ready to give the Surveyor's blessing on a 35 foot relaxation of the drainage, you know, easement, but we'll work that out on the final, so therefore we recommend the approval of the preliminary plan. I'm just forewarning the developer we're probably not going to go all the way down to 35 feet.

President Mourdock: Okay. Anyone here wishing to address Enterprise Park on preliminary?

Michael Sears: My name is Michael Sears. I'm with Morley and Associates and I assisted with the plan preparation. I hadn't had a chance to get back with Bill, but we did talk with the developer and I think when we discussed the project we requested 50 feet and he didn't have a problem with that.

Bill Jeffers: The 50 feet will be plenty.

Michael Sears: So we will be showing that change on the final plan.

Commissioner Jerrel: Okay. Was there anyone else?

President Mourdock: Anyone else for Enterprise Park?

Commissioner Jerrel: Then I'll make a motion to approve the preliminary drainage plans for Enterprise Park.

President Mourdock: And I will say second and so ordered for preliminary Enterprise Park.

**Stonecreek Subdivision PUD Section 1 and 2  
Preliminary drainage plan**

President Mourdock: Next is Stonecreek Subdivision and two separate ones, Section 1 and 2.

Bill Jeffers: Oh, we'll just do them all together.

President Mourdock: Okay.

Bill Jeffers: Since it's preliminary. Stonecreek Subdivision will be located on the west side of Seib Road at Seib Road's intersection with Kansas Road and 57.

President Mourdock: So north is that way, right? Yeah, okay.

Bill Jeffers: So you're looking...north is that way, right. It has Furlick Creek running down through it. Furlick Creek drains the Viehe Park, McCutchanville Park area. You have an existing subdivision being developed on the north end which is Eagle Crossing. You have existing subdivisions being developed across Kansas Road on the south side which is Windemere Farms, etc., Camden Farms and then there is a large vacant piece of property on the west side of the creek that is still farm ground. This has been before you earlier as McJohnston Heights. This is a superior plan to McJohnston Heights' plan which was approved. This one has more small lakes scattered out over a broader area to gather up storm water and convey it properly into Furlick Creek. I've colored those up in yellow so you can see the locations of, I believe, six different ponds. The PUDs are colored up separately so you can see where the PUDs fit into the single family...I mean, all of it is single family, but PUD is like zero lot line type of thing. Then there is a little green area down there at the corner where that is going to be set aside for commercial because the Area Plan Commission wanted Seib Road to be relocated along that dashed red line for traffic reasons, etc. That met with the approval of the residents that had comments when it was McJohnston Heights. But it effectively cut off that corner down there for residential development. Okay, so having said all that it's going to come back to you most likely in pieces for final approval and those pieces will be scrutinized very closely. There may be some concern still out there in that area and the Vanderburgh County Surveyor recommends approval of the preliminary plan for all parts of Stonegate plus the two PUDs.

President Mourdock: Anyone here to--

Bill Jeffers: Stonecreek.

President Mourdock: --speak on Stonecreek Section 1 or 2?

Glen Schlensker: Glen Schlensker representing Francis and Eloise Erskine which would be the farm owners which he referred to. The concern is just so that it gets on record that we were here. We have met with the developers and have been assured that there will be plenty of grade and drainage for that real estate in the future and I hope that the final plan shows those things. The other thing is a concern, I think, for some others here that may speak later, but as Commissioners, which is your other hat you wear, make sure that the elevation of the relocated Seib Road is no lower than the lowest elevation of Kansas Road or you'll have a road that is underwater when that final plan comes through.

President Mourdock: We'll keep that one in mind. Thank you, Mr. Schlensker.

Commissioner Jerrel: I'm going to write myself a note on that.

President Mourdock: Yeah, that has flooded in there many times.

Richard Seib: I'm Richard Seib, 10707 Seib Road. It was noted McJohnston Heights was approved provided Seib Road be moved. I think PUD 1, which is on the west side, or PUD 2, which is on the west side of Furlick Creek--

President Mourdock: Yeah, 2 is on the west side.

Richard Seib: Okay, I want to be sure that Seib Road is moved before any houses are built which this was agreed upon when Clem Frank was the...had requested approval.

President Mourdock: Was Mr. Frank the original developer of McJohnston?

Richard Seib: Yes, and he turned it over to the present developer.

President Mourdock: Okay. And who is that, Bill?

Bill Jeffers: This plan is being presented on behalf of Jagoe.

Richard Seib: Yeah, Jagoe.

Bill Jeffers: And the agreements to which Mr. Seib is referring were reached in Area Plan Commission, I believe.

Commissioner Jerrel: Are they in writing?

Bill Jeffers: I'm just looking at drainage and that road will be elevated above what flooded in 1996.

Commissioner Jerrel: Wait a minute, we have some...you want to look and see if those are...

Richard Seib: One of my concerns on the flooding of Seib Road is that down through the years only one car that I know of was actually stranded on Seib Road because of the high water. With all the new homes being built and people being unfamiliar with Seib Road they're not as familiar as we were so we would back up. We wouldn't even try to go through it. I'm concerned if that Seib Road is not raised high enough with all the new people coming in we're going to have a problem getting out.

Commissioner Jerrel: I'm going to give you the copy, my copy, I can get another one from him. This is the subdivision from the Area Plan, not the drainage, and you might want to read through those minutes. That's what was entered into and make sure that sounds right because that was done at Area Plan. What is the date on that, Mr. Schlensker?

Richard Seib: October the 6th.

Commissioner Jerrel: Yeah, October 6.

Joe Harrison, Jr.: Of what year?

Richard Seib: '99.

Commissioner Jerrel: That can't be.

President Mourdock: That's when it is scheduled for hearing.

Commissioner Jerrel: Wait a minute.

Bill Jeffers: Oh, you know what that is? That's a staff field report that's going to them.

Commissioner Jerrel: Yeah, it hasn't been there yet, but this is what was--

Bill Jeffers: But as McJohnston Heights they reached some certain agreements, I believe.

Commissioner Jerrel: That's what...these are in there I think. Just read over this. This is what is coming up, but it includes the minutes of what happened before.

Joe Harrison, Jr.: It's going to go to Area Plan.

Commissioner Jerrel: Yeah, that's going to Area Plan the 6th, but make sure that everything is in there from the previous.

President Mourdock: Your comments are certainly noted regarding the need for the elevation of the road and for the timing. On the Drainage Board we have to deal just with what the drainage issue is, but if that was the deal or the agreement that was struck at the time that it was going through Area Plan as McJohnston it may already be taken care of and we just don't have those notes, but certainly from the Commissioners' point of view we can make sure the elevation is there.

Commissioner Jerrel: Right, and I'm sorry I called you Mr. Schlensker. You're Mr. Schlensker and you're Mr. Seib. I know the difference.

Glen Schlensker: I'm Mr. Schlensker.

Bill Jeffers: Who said Erskine first?

Glen Schlensker: I'm present for Francis and Eloise Erskine.

Bill Jeffers: Oh.

Commissioner Jerrel: He is representing their interest.

Glen Schlensker: Glen Schlensker is my name. I was here a year or two ago when you did Windemere, the site plan for it, and once again we want to remind Mr. Jeffers the water did go over Kansas Road in 1996. He at that time informed you people that it did not and it's his word against mine. I live there--

Bill Jeffers: Wait a minute. The engineer that designed it informed me that it didn't.

President Mourdock: Okay.

Glen Schlensker: Okay, anyway, just to make sure he knew how deep the water got. Thanks.

President Mourdock: And to make sure he remembers your name, right? Okay, anyone else wishing to speak on Stonecreek? Yes, ma'am.

Sara Seib: I'm Sara Seib of 10707 Seib Road. I'm concerned about the northeast corner of this 100 acre property. That's a pretty good sized rise and I wondering how much is going to be taken off of there, is anything going to be taken off of that knoll and if so what will the height be?

President Mourdock: The plans that we have which have the topography on them do not show any type of drainage structure in the northeast corner and that shows with the street plan through there basically the same contour, so apparently there is not going to be any excavation of sorts in there. Bill, do you know anything different than that?

Bill Jeffers: I'm sure they'll be some dirt moved, but I haven't seen any street plans or that type of thing that will come in with the final plan to indicate what kind of grade cuts there will be.

Commissioner Jerrel: You want to speak to this for her?

Ron London: My name is Ron London. I'm with Morley and Associates. So far this is a preliminary plan so the road plans will be submitted and approved before the final drainage plans can be approved. Right now we know that some dirt will be taken off that hill, but how much we can't say right now. I can't give you an accurate number. I don't know if it is going to be five feet or if it is going to be two feet.

President Mourdock: What is the dirt going to be used for?

Ron London: Elevate these and fill--

President Mourdock: Where the road is being relocated?

Ron London: Some lower portions, correct. Most of these lakes are going to be used for fill also.

President Mourdock: The same thing?

Ron London: Yes. Right now I couldn't get you an accurate number as how much is going to be taken off that hill, but some dirt will be taken off.

Sara Seib: Well, the type dirt that is up there right now is a Hosmer Silt Loam B2 and B3. Those are two severely eroded classifications. If this is lowered and Eagle Crossing is at a height then what will be done for the erosion control for the drop-off? What grade will there be? Those are our concerns.

President Mourdock: Sure.

Ron London: We will not be dropping the grade lower...we would not want to drop it any lower than Eagle Crossing. I mean, we would want to match whatever lots are along the back of Eagle Crossing we would want to match on this side also.

President Mourdock: Okay.

Sara Seib: When will the final topography be ready?

President Mourdock: When will your final drainage plan be ready, Ron?

Ron London: Two or three months.

President Mourdock: So 60--

Ron London: I can't give her any exact number, but it's quite a big job so it's going to take us a while. I'd say at earliest two months.

Commissioner Jerrel: How can we...could you take Ms. Seib's phone number so she could be alerted when you do plan to come because they won't be notified.

Ron London: Sure.

Sara Seib: This may seem like a small problem with this, but mosquitos in this area are already a bother. If they don't take down any trees, which they probably will not, they're beautiful trees and I would hate to see them go, but if we are adding these seven or eight retention ponds how much is going to be left down there for mosquitos to breed? St. Louis encephalitis is a concern in this area. We have those mosquitos here.

Commissioner Jerrel: What is your phone number, Ms. Seib, so he can call you? Go ahead, I'm sorry.

Tom Hansen: My name is Tom Hansen, I'm with Jagoe. We had an informational meeting on the 22nd with several of the residents out there. We have their names and addresses.

Commissioner Jerrel: Oh, okay.

Tom Hansen: And we want to continue to meet with them throughout the entire planning process.

Commissioner Jerrel: Okay.

President Mourdock: Does that include the Seibs?

Tom Hansen: Yes.

President Mourdock: Were they at the meeting? Okay.

Commissioner Jerrel: Okay, just so they're informed when the finals...okay.

President Mourdock: And regarding your question on the mosquitos and the basins there. The basins that are put in, those are full-time basins, they're not just dry basins, correct?

Ron London: Yes, they're to be full-time.

President Mourdock: Okay.

Ron London: Wet basins.

President Mourdock: But in saying full-time wet basins--

Sara Seib: So we could have a mosquito problem?

President Mourdock: Well, you have a creek there now that could give you a mosquito problem, too, though.

Sara Seib: We've have that already. This will exacerbate the problem.

President Mourdock: Well, that's--

Sara Seib: Could.

President Mourdock: Could, okay I'll go with could. The depth of those, what do you expect them to be? I mean, are we talking something that is going to be covered with cattails and lilly pads or...?

Ron London: We want to get as much dirt out of them as possible so we're going to go down as far as we can so 15 feet deep.

President Mourdock: Okay.

Sara Seib: One other thing I have concern about is I don't see any or maybe there is in the program for your trash covers for these runoffs and for the wherever the water is going to run under the streets will there be a place, these grates, trash grates, over those?

Bill Jeffers: Yes, ma'am. There will be East Jordan type iron casting on top of every drop inlet to protect children from falling in and protect trash from going down in the inlets if that is what you're referring to.

Sara Seib: Yes.

Bill Jeffers: Yes, ma'am.

Sara Seib: Okay, thank you.

Bill Jeffers: Could you repeat your Hosmer classifications for the secretary, please?

Sara Seib: The Hosmer Silt Loam is HOB2 and HOB3. HOB2 is two to six percent eroded, B3 is two to six percent severe erosion.

President Mourdock: Okay, thank you. Anyone else with questions or comments on Stonecreek?

Commissioner Jerrel: With the understanding that this is a preliminary approval I'll move approval of Stonecreek Subdivision.

President Mourdock: And I will second and so order. Again, we would appreciate it if Jagoe and Morley works with the Seibs and Mr. Schlensker and those he represents to get the information out there. Thank you. Again, just Mr. and Mrs. Seib, I think one of the important things and I don't want to gloss over it too quickly

is Mr. London made the comment that you expect it will be 60 to 90 days before you come back here for final, is that right?

Ron London: That's correct.

President Mourdock: So you'll have plenty of time to talk.

**Waterford Park, Lots 3 through 11 - Preliminary drainage plan**

President Mourdock: Okay, the next one for preliminary is Waterford Park Lots 3 through 11.

Bill Jeffers: This is a preliminary plan for the area shaded salmon color.

President Mourdock: Is that the one in the center?

Bill Jeffers: That's supposed to lull you into submission, that beautiful color there.

President Mourdock: Okay.

Bill Jeffers: Anyway, the plan is very sufficient for a preliminary plan and I only had questions on one or two small details that he is going to have to add as part of the street plans so that John Stoll and I more fully understand just a couple of very small technical items. It's a commercial subdivision out there south of Vogel. You've got Kimber Lane coming up from, what is it, Columbia Street? It's back there behind Sonic. They just finished Los Bravos there, so you know where I'm talking about out in that area. It's a very nice plan. They're going to have a lake on this one so we won't have to go parking lot by parking lot with detention. We recommend approval of that.

President Mourdock: Anyone here to address Waterford Plaza? Alright!

Commissioner Jerrel: I'll move preliminary approval of Waterford Park 3 through 11.

President Mourdock: Second and so ordered.

**Copper Creek Apartments - Preliminary drainage plan**

President Mourdock: Copper Creek Apartments.

Bill Jeffers: On Copper Creek Apartments, that's a preliminary drainage plan. I don't want to drag it out because it's a huge development...well, not huge, but it's a big as Mission Viejo or so and it's down there behind the Hahn development where the 17-plex theater is. It's over on the Boehne Camp side of the development. He's got three, I believe, one large lake and two small lakes, in there which will provide more than sufficient...right now he is showing us a 10/25 storage, a 25 year storm discharged as a ten, but he has already told us that he has sufficient cubic foot volume to achieve a 100 foot...or a 100 year storage discharged as a ten and then the developer himself, Mr. Neville, was telling me this morning at Site Review where this came before Site Review, that he would like to choke it down even farther and he is discussing this with Mr. Farney, who is the engineer, how to pick up some of these little ten year storms and prevent them from adversely affecting the

downstream neighbors towards, I believe, Middle Mount Vernon Road.

President Mourdock: Okay.

Bill Jeffers: So they're going to be working towards that in the final plan, but this requires your approval so that he can move forward with the Site Review Committee which doesn't take it to full Area Plan Commission and we do recommend approval of the current plan.

President Mourdock: Anyone here to address Copper Creek Apartments?

Commissioner Jerrel: I'd like to move approval of Copper Creek Apartments' preliminary plan.

President Mourdock: Second and so ordered.

<b>Gamble petition - Reschedule hearing</b>
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President Mourdock: Other business tonight. Bill, we have to reschedule a special meeting regarding the Gamble petition, is that right?

Bill Jeffers: We were thinking that was coming sooner than it is. We haven't seen any rainfall at all.

President Mourdock: Tell us about it.

Bill Jeffers: So we can't tell these people whether or not what they've done will work. Why don't we go ahead, what is it, October 11th.

Commissioner Jerrel: The 11th.

Bill Jeffers: Go ahead and leave it the way it is. If we don't have any rainfall we'll postpone it at that time since you're already going to now have a special meeting on the 11th for--

President Mourdock: We've already established the 11th, so there is no action required there?

Bill Jeffers: Right.

Charlene Timmons: I think we need permission to advertise.

Bill Jeffers: Permission to advertise in case we need to extend it.

Commissioner Jerrel: Okay, I'm going to move to advertise for...it's Gamble?

Bill Jeffers: Yes, ma'am.

Commissioner Jerrel: For the 11th of October.

President Mourdock: Second and so ordered.

Joe Harrison, Jr.: Bill, will you notify them again?

Bill Jeffers: Okay, that we are going to have it on the 11th?

Joe Harrison, Jr.: Yes, and you can indicate if for some reason--

Bill Jeffers: If for some reason it doesn't rain between now and--

Joe Harrison, Jr.: We'll reschedule it on that date for another date.

Bill Jeffers: For another date, okay.

**Notice to bidders - Koch petition**

President Mourdock: Okay, special bid...or special ditch projects that we need to bid.

Bill Jeffers: This is a notice to bid to prospective bidders. I am asking permission to advertise in the paper. It needs your signatures. I have been unable...you guys asked me to get more than one price on the obstruction removal behind the Koch's house. I have been unable in this kind of boom construction period to find more than one or two people that want to go out there and look at it. They're so busy with landscaping and so forth I am hoping that now we're getting towards fall that I might be able to pick up somebody...someone's interest here and get them out there to look at it and I'm asking to be allowed to advertise.

Commissioner Jerrel: So moved.

President Mourdock: Second.

**Surveyor's report - Evansville Psychiatric Children's Center**

President Mourdock: Ditch at the Psychiatric Hospital.

Commissioner Jerrel: This is well done. Bill, this is well done.

Bill Jeffers: Thank you. One of the Board members asked me to look into this erosion problem at the Evansville Psychiatric Children's Center on 3300 E. Morgan Avenue. They have basically a natural slough or waterway running through their property. It is severely eroding and causing a potential hazard to some of their maintenance sheds and garages and so forth. The maintenance director has been calling around trying to find somebody that can help him. I have not been able to determine that the county has ever maintained, improved or otherwise set foot on this property. I have been able to determine from someone who researched the Wabash-Erie Canal that this was used to draw water into and out of the Wabash-Erie Canal in the early 1800's. However, since that time it has just been a natural waterway through which all of 12 miles of ditch drains into Pigeon Creek. Then they've added...the city added some where Lloyd Expressway floods in front of the stadium one of the solutions was to pipe that down and discharge it into this creek, too, so you've got that coming in. The bottom line is on the last page, and you can read it at your leisure, I would like the report to be entered into the record, the city remains capable of accessing funds for drainage improvements. Projects, such as all the projects that I have referenced in this brief report, that they've already done. Some of those funds are accessible to them through municipal bonds like the East Side Urban reconstruction that they did on all these ditches out there and then

turned it over to us to maintain. They continue to do smaller projects in the area which makes it apparent that they have the funds to do it. Every year they're supposed to sit down there in the Board of Works and pinpoint drainage projects like the one there on Weinbach Avenue that they're doing now along Division Street, all of that. So there is obviously sufficient money to take care of some problem like this. I pointed out the Rudolph deal about four paragraphs from the bottom of the last page. You're probably familiar with that and I just wanted to point that out because when that came up it was the city who was able to access sufficient funds to make that repair and satisfy the Rudolph Company who was seeking damages at that time. We weren't able to do it for lack of funds.

Commissioner Jerrel: I'm going to send a copy to Mr. Andis.

Bill Jeffers: Who is a very nice fellow. He has been calling all around and I guess he is just not connecting with the right guy there at the Board of Works because I tried to send him that way as well.

President Mourdock: We need a formal motion to put this in the record.

Commissioner Jerrel: I'd move that Mr. Jeffers' Drainage Board report concerning Child Psychiatric Center be put into the official record.

President Mourdock: Second and so ordered.

### Correspondence

President Mourdock: Various correspondence.

Bill Jeffers: I have misplaced that and I'm going to get copies of that and bring it to you next month, but basically what it involves is Mr. Sterchi...I'll explain it next month.

President Mourdock: Okay.

Bill Jeffers: It's real cool the way he did it, I just want to say that. The way he is doing it is really taking a load of what John Stoll and I are going to have to do and I wish other developers would notify property owners when they put fences in ditches and so forth.

President Mourdock: Is it still in reference to Woodgate?

Bill Jeffers: No, this is in reference to Clear Creek which is his development there.

President Mourdock: Okay.

Bill Jeffers: I'll bring it to you next month.

### Blue claims

President Mourdock: And you have various claims? Is there a motion on the claims?

Commissioner Jerrel: I'll move approval of those claims.

Bill Jeffers: They're all for year 1999 maintenance work in progress that has been completed at this time.

President Mourdock: I will second and so order. Any old business before us this evening? Any new business? Motion for adjournment?

Commissioner Jerrel: I hope you all...so moved...I mean, second. I'm rattled like them.

President Mourdock: You make the motion.

Commissioner Jerrel: I move that we adjourn.

President Mourdock: Second and so ordered, okay.

The meeting was adjourned at 7:55 p.m.

***Those in attendance:***

Richard E. Mourdock  
Betty Lou Jerrel  
Joe Harrison, Jr.  
Charlene Timmons  
Bill Jeffers  
Bill Nicholson  
Andy Easley  
Elvera Godeke  
Brad Sterchi  
Albert McDowell  
Richard Parker  
Monica Weiss  
Diana Wellmeier  
Michael Sears  
Glen Schlensker  
Richard Seib  
Sara Seib  
Ron London  
Tom Hansen  
Others unidentified  
Members of the media

**Vanderburgh County  
Drainage Board**

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Richard E. Mourdock, President

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Betty Lou Jerrel, Vice President

**Vanderburgh County  
Special Drainage Board Meeting  
October 11, 1999**

President Mourdock: Okay, we'll call the October 11, 1999 meeting of the Special Drainage Board to order. Just to state the rules here for a moment, the only issues that we can discuss under law are those that were advertised for this Special Drainage Board Meeting, so that would include the Amy Gamble petition and the Helfrich Hills drainage plan. So Chief Deputy Surveyor Bill Jeffers the podium is yours.

**Helfrich Hills Subdivision - Final drainage plan**

Bill Jeffers: Okay, let's take the Helfrich Hills drainage plan first. The County Engineer did not bring the street plans before you tonight with a recommendation and the County Surveyor is not going to bring the drainage plan before you with a recommendation at this time.

President Mourdock: Okay, just not ready to go yet at this time?

Bill Jeffers: Correct, for the same reason we still are looking for some minor details.

President Mourdock: Okay.

**Amy Gamble - Petition regarding obstruction**

Bill Jeffers: The second and more important item--

President Mourdock: Before we go to Amy Gamble I just want to make sure anyone in the audience interested in that other issue, Helfrich Hills, that's not going to be heard? Okay, seeing no one now, Bill, please.

Bill Jeffers: Okay, with regard to the petition of Amy V. Gamble, 2609 Swinging Way Court, Evansville, Indiana and the respondent being Jerry H. And Maurine N. Cohoon, 2619 Swinging Way Court, Evansville, Indiana. I believe we postponed the determination by the Board for a period of time to allow ample rainfall to examine the working order of the natural surface watercourse in the backyards of those two addresses and over the weekend I checked with a fellow I am familiar with who has a rain gauge in the neighborhood on Rode Road and he told me he had rainfall in excess of three and a quarter inches and almost three and one half inches at his home on Rode Road about four blocks from this location. I do not have anything from the National Weather Service yet because that information is not available for several days after the event. I went by there Sunday at approximately 2:00 p.m. and looked at the natural surface watercourse in the two backyards mentioned above and did not view any standing water. I did not see any debris, grass clippings, etc. hanging on the fence that separates the two yards and I saw that the obstruction that was noted in the previous report to the County Drainage Board by the Surveyor that the obstruction that was identified in that report has been removed and there has been significant lawn care applied to both yards within the area of the natural surface watercourse and it looks very nice. I am here to reassure the Board and Mrs. Gamble that the County Surveyor at this time does not believe that an obstruction exists in the natural surface watercourse which is subject to this petition. We feel that...our office feels that the natural surface watercourse is in sufficient operating condition as it was viewed on Sunday, October 10, 1999. I know that Mrs. Gamble is here in the audience and I believe the respondent is as well.

President Mourdock: Okay, Ms. Gamble, would you care to say anything?

Amy Gamble: No.

President Mourdock: Gentlemen, either of you?

Unidentified: No, I just took care of the situation.

President Mourdock: Okay, just state your name, please.

Jerry Cohoon: Jerry Cohoon and I live at 26...you know where I live. This young lady here has put things on paper that are not true. She put on paper that we were responsible for water backing up which we were not. She said that we put railroad ties down which we did not. They were garden boards. The reason they were put there because her dogs would not stay from cutting under my yard. They dig under my yard every single day. Nothing was done about it. I finally put the boards up and she said that's a good idea. She watched me do this work. We have put up with discrepancies from this young lady before and folks I have talked to people and my cup is runneth over. We've had a deliberate lie come our way here a while back. The people that live next door to her she went to their house and threw some vicious lies about what I was doing to my property which I was not doing anything at all. When I addressed the family about this they said, well, she told us that and we didn't know any different. I said, you made up a lot of things here so this business of being lied about in the neighborhood I don't have to tolerate. I don't appreciate that at all. The last time we had a heavy rain here, in fact the reason my wife is not here tonight is because she is home ill, very ill. The last time we had a heavy rain here she connected pipes up with the people next door and they did this together and the water all came on my property. The last time we had a heavy rain it sat on my property like a flood. I went out and got some straw and some seed and some sod and put out there and in doing so raising it up I ended up with a double detached retina and I was blind for a period of three months. I have already talked to a judge and an attorney and I just want this young lady to know that when you go around viciously accusing people of things they have not done and I got this letter and they apologized, but she never has. We don't appreciate that. We have contributed a lot to this community, a lot, and we don't appreciate for some young girl coming in telling us what we're going to do, how we're going to do it and make up vicious lies.

President Mourdock: Okay, any questions of the Board at this point? You heard Mr. Jeffers say that you believe the obstruction is not there at this point. Surface water is draining naturally and is adequate, is that correct?

Bill Jeffers: That's correct.

President Mourdock: Okay, so, Joe, according to the state law that we're dealing with here the petition has been dealt with and I guess this is the first one we've done quite this way.

Jerry Cohoon: Sir, I still have a fence that cost me \$7,000 to put up and her dogs have damaged my fence, they've destroyed my fence so what do I do about that?

Joe Harrison, Jr.: That's not before us. There is a...she filed a--

President Mourdock: Yeah, this is only for Drainage Board issue.

**Vanderburgh County  
Special Drainage Board Meeting  
October 11, 1999**

**Page 3**

Joe Harrison, Jr.: She filed a petition to remove an obstruction and the Surveyor has indicated that the obstruction is no longer there at this time so we--

President Mourdock: We need a motion basically to say that the petition is dismissed?

Joe Harrison, Jr.: To dismiss the petition.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second.

President Mourdock: And I will say so ordered, so the petition is dismissed.

Commissioner Tuley: The Board is adjourned.

The meeting was adjourned at 8:11 p.m.

***Those in attendance:***

Richard E. Mourdock  
Joe Harrison, Jr.  
Jerry Cohoon

Betty Lou Jerrel  
Teri Lukeman  
Amy Gamble

Patrick Tuley  
Bill Jeffers  
Others unidentified

**Vanderburgh County  
Drainage Board**

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Richard E. Mourdock, President

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Betty Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Drainage Board Meeting  
October 25, 1999**

The Vanderburgh County Drainage Board meeting was called to order at 6:40 p.m.

**Call to order**

President Mourdock: Good evening, we'll call the October 25, 1999 meeting of the Vanderburgh County Drainage Board to order. As I think most of you know the County Commissioners also serve as the Drainage Board. There is an agenda for the meeting which has been distributed by the Chief Deputy Surveyor Bill Jeffers. I see a few new faces here tonight, so I need to tell you all of our minutes are taken verbatim. If you wish to address the Board we do ask that you come forward, speak to the microphone, and start off by giving your name and address. Also, some of you may be here to speak about the same issue. It's not necessary for you to stand up and say what the person just in front of you said. If you like just give us a ditto or whatever and we'll get your point. So we do want to keep moving forward.

**Approval of minutes**

President Mourdock: Having said that, the first item on our agenda this evening we have two sets of minutes from previous meetings. The first being from the September 27, 1999 meeting and, I think, Bettye Lou, since you were actually running that meeting, I was out of town that night.

Commissioner Jerrel: Yes, I would like to move approval of the minutes of the meeting.

President Mourdock: I take that back. I was here the 27th.

Commissioner Tuley: I'll second the motion for the minutes.

President Mourdock: That would be good except you weren't here!

Commissioner Tuley: Well, I'll take back my second.

President Mourdock: So, Bettye Lou moved, I will second so those are approved for the 27th. For the October 11th, which was a special meeting, all three of us were present, so is there a motion to approve that meeting?

Commissioner Jerrel: I'd move approval of the meeting that you just...give me that date.

President Mourdock: October 11th.

Commissioner Jerrel: Okay, October 11th.

Commissioner Tuley: Second.

President Mourdock: And so ordered. So we have both sets of minutes approved. With that we'll go to Bill Jeffers. Bill.

**Open bids**  
**Removal and disposal of willow trees and remove obstruction**

Bill Jeffers: The first item is the final drainage plan for Crossroads Commercial Center, replat of Lot 6B. That didn't look right on the agenda. Six B previously had an approved final drainage plan for a commercial lot and the developer has sold the property to someone who will be building apartments.

President Mourdock: Excuse me one second, Bill. I forgot something on the agenda. Do you have some bids for us to open or they have already been submitted? Joe, do you have bids?

Joe Harrison, Jr.: Yes.

President Mourdock: Okay, did you have any comments about that, Bill?

Bill Jeffers: These are bids that we advertised for bidders to submit prices on the removal of some willow trees and a small amount of dirt at an address between Thompson and Lant Lane to remove an obstruction from that ditch.

President Mourdock: Okay, is there a motion to open those bids?

Commissioner Jerrel: I would like to move approval to open the bids.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Crossroads Commercial Ctr, Replat of Lot 6B - Final drainage plan**

Bill Jeffers: Okay, this revised plan is for apartments. The lake in the center of the apartments is partially constructed per the original final drainage plan. The outlet pipe is in to Nurrenbern Ditch. They will be using this same outlet pipe retrofitted to comply with the new calculations. They're enlarging the lake and the plan is a good plan and receives the positive recommendation of the Vanderburgh County Surveyor for a revised final drainage plan, Lot 6B Crossroads Commercial Center.

President Mourdock: Okay, is there anyone wishing to speak to this particular plan? Seeing none, is there a motion for approval for the final drainage plan for Crossroads Commercial Center?

Commissioner Jerrel: I'll move approval of Crossroads Commercial Center revised plan.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Copper Creek Apartments - Final drainage plan**

Bill Jeffers: The second final plan is for Copper Creek Apartments which is a project

by Mr. Neville located on Boehne Camp Road south of the Lloyd Expressway directly behind the Hahn commercial development and more particularly directly behind the new large theater. The bottom left-hand corner of your drawing that pipe is already in and has been in for about a year and is discharging directly into the County Highway side ditch at a driveway culvert owned by a property owner who has sold part of his property in the rear to this development. He has no objections to the way it's operating now. There is a good transition between that discharge pipe and his driveway pipe. What they're proposing to do and the reason I have that marked up is they're going to take in additional water from alongside Boehne Camp Road out of the right-of-way, run it through the lake and slow that water down even more, because that fellow got some mud over the backside of his driveway earlier this spring. That should cure that problem. I have also highlighted the areas where they will be routing storm water through lakes. They're detaining a greater amount than is required because it is releasing back onto property they hope to develop in the future and route it through a larger lake in the bottom right-hand corner of the drawing. They are trying to acquire some property down there to build a larger lake. So everything is built to or above the standards that we apply and it has received a positive recommendation as a final drainage plan for Copper Creek Apartments.

President Mourdock: Anyone wishing to address the final drainage plan for Copper Creek? Seeing none, is there a motion?

Commissioner Jerrel: I'll move approval of the Copper Creek Apartment's final drainage plan.

Commissioner Tuley: Second.

President Mourdock: So ordered.

<b>Waterford Place Lot 9A &amp; 9B - Final drainage plan</b>
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Bill Jeffers: The next final drainage plan is for Waterford Place, Lot 9A and 9B which are colored on that drawing kind of a salmon color. In addition, they have added in Stephen Lib's Candy which had a dry basin. It's already constructed and approved, but what they're doing here is converting that dry basin plus the area set aside for the detention of Lots 9A and 9B storm water into one larger or larger wet pond. This is an improvement over the situation that they had presented for their previous preliminary plan. It addresses what we called to their attention during their preliminary review providing an area drain along Vogel Road to pick up storm water from the green area in the right-of-way there. This does not affect Stockfleth Ditch as the previous plan did and we're withholding any comment on the area towards Stockfleth Ditch until Mr. Ream comes in with his final development plans for that area. For Lots 9A, 9B and Stephen Lib's as well as lots eight...or Lot 8 this serves as a final drainage plan incorporating the requirements of the drainage ordinance and the site plans that come into Site Review will be reviewed in accordance with this approval.

President Mourdock: Anyone here wishing to speak to the Waterford Place final drainage plan?

Commissioner Jerrel: This motion is for Waterford Place Lot 9A and 9B.

President Mourdock: Seven, 8, 9A and 9B.

Commissioner Tuley: That was a motion for approval?

Commissioner Jerrel: Yes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Waterford Plaza Lot 3 through Lot 11 - Final drainage plan**

Bill Jeffers: Okay, this plan before you now is for Waterford Plaza lots three through eleven. It's on the north side of Vogel, on the south side of Oak Grove Road, and in between Kimber Lane and Mortensen Lane. No, actually it goes all the way over to Tutor Lane, I believe. The salmon colored portions are what is under consideration tonight. The green have already been approved and the blue has preliminary approval, but will come back later when they have a final design for final approval, so we're talking about the salmon colored area in the middle, lots three through eleven. The final plan meets all the requirements of the drainage ordinance for a final plan and receives positive recommendation from the Vanderburgh County Surveyor's Office.

President Mourdock: Alright, anyone here to discuss Waterford Plaza Subdivision Lot 3 through 11?

Commissioner Jerrel: I'd like to move approval of Waterford Plaza Lot 3 through 11.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Ream: Thank you.

Commissioner Tuley: See you, Joe.

Bill Jeffers: He has gotten to where he didn't like the dry lake or dry basins quite as well and he wants to try a few lakes so he will have fountains.

Commissioner Tuley: That would be pretty.

President Mourdock: Always a nice touch.

Bill Jeffers: They couldn't get the grass to grow on that kind of soil as well as they wanted to, so now they're going to try--

President Mourdock: To make it sparkle.

Bill Jeffers: --a few wet lakes with fountains.

Commissioner Tuley: Oh, yeah.

**Enterprise Park - Final drainage plan**

Bill Jeffers: Okay, this is Enterprise Park which is the area that was used for a borrow pit on the east side of I-164 north of Oak Grove, south of Morgan or Boonville Highway. The state built a service road going back there with a cul-de-sac on the end of it to access it and the county recently, I believe, took maintenance of that after the contractor repaired and repaved all the damage from the haul trucks. I believe you all might recall that recently. It's a newly paved road. Anyway, it accesses that borrow pit property and those borrow pits have been converted into a retention basin for Burkhardt Crossing as well as what is now going to be called Enterprise Park. It has been enlarged to incorporate retention for Enterprise Park. The plan, I believe, you may have seen the street plans already, but I'm not sure. But floodway data is not yet available for Kelly Ditch, the ditch running along the north boundary alongside the railroad tracks and in front of it between there and Morgan Avenue. Therefore each lot affected by the Department of Natural Resources' final determination must show the floodway at Site Plan Review before Area Plan Commission will take care of that situation there. They are showing the floodway for Nurrenbern Ditch so you can tell from that approximately how wide the floodway will be for Kelly. The action required by the Board at this time along with approval of this final plan includes the relaxation of the right-of-entry for Nurrenbern Ditch from the southeast corner of this proposed subdivision to the northeast corner from 75 feet down to 50 feet. It requires the relaxation of Kelly Ditch from 75 feet right-of-entry down to 50 feet along the north lines of Lot 8, Lot 9 and Lot 10. It requires keeping the 75 feet for Kelly Ditch--

President Mourdock: On Lot 7?

Bill Jeffers: --on Lot 7.

President Mourdock: Which is what you have here.

Bill Jeffers: It requires keeping Kelly Ditch at 75 feet along Lot 11 and 12 because the ditch veers away from the lot lines there and we want to keep that 75 feet in front of 11 and 12.

President Mourdock: And seven, I want to be clear.

Bill Jeffers: On seven it will be reduced from 75 feet to 50 feet along the north line of Lot 7 except at the northwest corner of Lot 7 where a 75 foot by 75 foot turnaround will be retained so the tractor can turn around before it gets to the I-164 right-of-way. I'll be happy to write that up more satisfactorily to your legal counsel and turn that in to the Recording Secretary. Basically, reducing the right-of-way all along Nurrenbern Ditch from 75 to 50 foot and for Kelly Ditch you're doing it for Lot 7, 8, 9 and 10 except for the northwest corner of Lot 7 where we're keeping the 75 x 75 foot turnaround. Then on Lot 11 and 12 you're keeping the 75 foot.

President Mourdock: Okay.

Bill Jeffers: Other than that the plan complies with requirements that we worked out between Mike Sears of Morley and Associates and our office with regard to the requirements of the drainage ordinance.

President Mourdock: Okay, so the plans that you're asking for approval is to--

Bill Jeffers: We're recommending approval.

President Mourdock: --change the right-of-ways and there is also the two pipe structures that you say are meeting the plan? There are two pipe structures or drainage, I guess, open drains now that I look at them, coming down?

Bill Jeffers: Oh, I was just marking up the emergency overflows that carry the water that will probably come through out of those ditches into the street. That's where the emergency overflow is to carry it back to the basin.

President Mourdock: Okay, is there anyone here to discuss the drainage plan for Enterprise Park? Seeing none, is there a motion?

Commissioner Jerrel: I'll move approval of the final drainage plan for Enterprise Park.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Burkhardt Lynch Subdivision Lot 13 & 16 - Final drainage plan**

Bill Jeffers: Mr. Morley, okay...I was going to skip this one, but here he is.

Commissioner Tuley: Good timing, Jim.

Bill Jeffers: Okay, the next item is a request to revise the final drainage plan for Lot 13 and 16 Burkhardt Lynch Business Park. This request is to allow an existing swale between Lot 13 and 16 Burkhardt Lynch Business Park to be filled and a pipe installed in place of the swale. It is the client's intent to provide overflow truck parking from Southern Indiana Tire facility currently located on Lot 16. Both the grading plan and the parking plan will be prepared and submitted at Site Review Committee at a later date. Okay, the letter says that the storm detention requirements...the letter requesting this from Morley and Associates on behalf of the client says that the detention requirements for Burkhardt Lynch Park were met by utilizing the storage capacity in this swale as well as the other swales and the basin to which it's connected. The 25 year storage volume requirement was 8.61 acre feet. The entire system was designed on paper to provide 8.81 acre feet. The portion of the swale which they are asking to fill in will displace 0.13 acre feet, so the design capacity will be reduced to 8.68 acre feet which is still 0.07 acre feet in excess of the required storage. It goes on to say a few other things. My first reaction was all plans are theoretic and approval is given based on theoretic plans. As built plans showing the entire subdivision proved whether the theoretic storm water storage volume was achieved. In this case the .13 acre feet to be displaced must be deducted from the actual total volume rather than the theoretic model that was approved. However, we are willing to recommend this one time for this subdivision because it takes it down to within seven hundredths of an acre foot of what they are required to have in the first place and that means that it prevents anyone else from coming in and asking for this type of thing to be done. I hope everyone understands that, especially those asking the question or asking, you know, for this to be done.

President Mourdock: I'm not sure I do, Bill. I thought I did. You're saying that it

meets in both criteria, but just very, very, very minimally, correct?

Bill Jeffers: Right. It comes very...it exceeds...on paper it exceeds the required criteria by .07 acre feet.

President Mourdock: Right.

Bill Jeffers: Of storage. So that's cutting it pretty damn close not to be able to see the as built. So having said that, we'll recommend approval this one time and we will not ever bring anything like this before you again for this subdivision until they provide as built showing what they've actually achieved. Mr. Morley may be here to speak to that if you have any questions.

Jim Morley: I'll make a couple of comments. We informed the developer almost word for word of what Bill just told you that this uses up part of the surplus and...most of the surplus. There wasn't a lot of surplus. Technically, by raising it another half foot which we have the capability on the berm we actually could go on up and over, but I don't want to get into that at this stage. We have as built the storm sewer grades and with the exception of the possibility that someone has come in and cut the bank or filled out on those banks that we originally built and checked which we did not...have not checked on all possibilities I know that the grades of all of the swales are correct, but we made the same statement to the developer. There is a possibility that you can get this one approved, but the next time you have any sort of request it is going to have to be on the basis, may I have permission to move some of my storage from here to here. You'll never have a pure deduction. He had a problem with this lot and wanted to do it. We agreed that, okay, there is surplus. We can come in. I agree totally with Bill's concepts. There is no way that anyone else could now do this. Everything else would...if there is any changes in that park at all, and that could happen, they're going to have to do it by excavating other space. I essentially concur right down the line with what Bill told you.

President Mourdock: Questions of the Board?

Commissioner Jerrel: No, that helped.

President Mourdock: Okay, anyone else here to comment on Burkhardt Lynch Sub Lot 13 and 16?

Commissioner Jerrel: No, I'll move approval based upon the description of the future of this particular area and for the Burkhardt Lynch Subdivision Lot 13 and 16 revision.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Bill Jeffers: I apologize for what is going on here and what it is basically is this stuff was coming in...most of the stuff that you're looking at up until we get to the bottom of this agenda, the very bottom, I had worked it all over and written everything out last week and intended to go through here today and make copies for all you people to follow along as I was describing it and things started coming in around 11:00 this morning and it hadn't let up until 5:30 this evening and it has prevented me from making copies for you to follow along while I am going through these descriptions and I apologize for that.

**Helfrich Hills Subdivision - Final drainage plan**

Bill Jeffers: Rather than roll these out I believe you approved the Helfrich Hills street and drainage plans in your Commissioners' meeting.

Commissioner Jerrel: We did.

Commissioner Tuley: We did.

Bill Jeffers: And this is just a reaffirmation of that by recommending to you that the plans for Helfrich Hills...the final plan for Helfrich Hills drainage be approved by this Board exactly as it was approved as a street and drainage plan by the Commissioners.

President Mourdock: Is there any discussion?

Commissioner Jerrel: No. Nobody else wants to speak to this?

President Mourdock: Right.

Commissioner Jerrel: I'll move approval of the Helfrich Hills Subdivision.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Tuley: We may want to add the words "and drainage".

Commissioner Jerrel: You know we do--

Commissioner Tuley: Sign that.

Commissioner Jerrel: Yeah, we need to--

Bill Jeffers: Sign your claims?

Commissioner Jerrel: No, we wrote street plans.

Commissioner Tuley: In the Commissioners' meeting.

Commissioner Jerrel: And we need to sign that. If that's the same one--

President Mourdock: On that plat.

Commissioner Jerrel: --we need to sign it.

President Mourdock: John had the mylar, didn't he?

Commissioner Jerrel: No, he didn't have one.

Bill Jeffers: We can scratch this out and make it Drainage Board.

Commissioner Jerrel: Okay.

President Mourdock: In fact, I think that's what we did on the other one.

Commissioner Jerrel: Yeah, right.

**North Greens VII - Final drainage plan**

Bill Jeffers: Okay, this is the final plan for North Greens Subdivision Section VII. This drew several interested neighbors out of the neighborhood known as Old Petersburg Place as well as some neighbors in adjoining parts of North Greens Section I, II, III, IV and V, etc. Basically, what we did was go back to the office after the last meeting and looked everything over, all the comments, went back into the minutes of previous meetings where some of the very same folks had come out on other projects and reviewed all of their concerns and comments over the past couple of years since the 1996 flooding of this area and went back to the developer's engineer, Morley and Associates, and talked to Ron London who is the design engineer on this specific project and asked him to construct a swale along the west boundary which runs north and south from the entrance road down to the corner adjoining Petersburg Place and rather than empty that swale directly into Petersburg Place to turn there and run a swale due east on the north side of the tree line which is the property line separating Petersburg from North Greens and run that swale due east and parallel to the ditch in Petersburg Place and outlet it at the creek where they both outlet...or both will now outlet so that the water will not cross over into Petersburg until it enters that natural creek and then it will run across the very northeast corner of Petersburg. It will not run behind any dwellings, but it will run through the corner of Petersburg at that point, the water will. That's the only place they can outlet it into the natural creek. That keeps that water separate from the ditch in Petersburg which has experienced some problems over the years. Another thing we asked for was to seal any existing cuts which were made from the field which is now going to be...it was an agricultural, like a soybean field, any cuts that anyone had made from that field over into Petersburg. These were unauthorized cuts made for various reasons to drain wet spots in that field. I know of three of them. Any of them that are encountered are going to be sealed, repaired so that any damage, you know, the cut made through the tree line will be sealed off and no water will come from this project over to there, over to Petersburg. There may be some other notes on there. All the finished floor elevations are based upon a HEC 2 study which has been turned into and approved by FEMA. The study is dated September 25, 1995 and it is case number 95-05-105P. As I said, it is approved by FEMA so therefore the finished floor elevations are based on that. They have gone ahead and taken the extra step of giving proposed finished floor elevations, minimum floor elevations, for the rest of the lots so that the yards can be graded in such a way as any flooding will not affect any house in here. At the end of the ditch that they're going to construct for North Greens they have quite a long riprap lined rock chute that is designed in accordance with Indiana Handbook on Erosion Control practice number 3.32 which is designed to keep that new ditch from downgrading into a deep trench the way that the one over in Petersburg has. That caused some alarm by people in Petersburg when they looked at what had happened to their ditch they were alarmed at what might happen to a new ditch, so this practice will be applied on that section of the ditch to attempt to prevent that severe erosion from occurring. Everything else does comply with the final drainage plan. It exceeds the requirements on some issues. They do have an emergency overflow from the end of the cul-de-sac in case there is high water flooding like occurred in 1996. The water in the street will be routed over to the creek through the ditch on the North Greens' side of the tree line. The design engineers are here and there are people

in the audience who are neighbors of this project.

President Mourdock: Anyone wishing to speak to North Greens VII? Yes, sir.

Bill Jeffers: I'm going to outline North Greens on this big map in case anybody that is not directly adjacent wants to locate their property. The North Greens VII as proposed will be within the orange boundary. This boundary I'm drawing right now is the creek channel for the tributary of Little Pigeon Creek that passes along the north and northeast lines of North Greens VII. Down here is Petersburg. Over here is the rest of North Greens. Up here is the proposed Woodgate Subdivision, proposed Woodgate II and then Old State Subdivision which some people occasionally call it Strawberry Hill and that's because this is Strawberry Hill Road right here.

Carlos Wallace: My name is Carlos Wallace. I live at 700 Bob Court. I'm not trying to stop anybody from building or argue about it. My only question is I've been at my address since 1988. We've had several floods, two foot or two and a half foot of water in the street. All this water drains in that ditch behind us. The ditch can't take it when it runs off into Little Pigeon Creek. It's just too much water. There is nowhere for it to go in and it starts backing up. I've had water...I had a guy in my front yard in a canoe. So much water. So they're building more subdivisions behind us without addressing some of this water problems, you know. Yeah, you're going to drain it down into another swale, but it's still going into Little Pigeon Creek and it gets overflowed. It comes across Petersburg Road. You know, we need to look at some of that and see.

President Mourdock: Yeah, just by way of information and I don't know that I have spoken at length with Bettye Lou and Pat about this, but when were we out on Hamilton Golf Course, Bill? It was in August, I guess, mid August, looking at some of the drainage way there and the obstructions.

Bill Jeffers: I believe it was August when these subdivisions first came in as preliminary proposals. There was quite a bit of concern and you said we would all meet out there. We met with your neighbor, Mr. Bocock and his wife, and Mr. Hamilton and Mr. Mourdock and one lady from our office as well.

Carlos Wallace: You know, I'm not trying to--

President Mourdock: Let me just add something. The core part of that discussion was for the section that the county has there, which is to say the Hamilton Golf Course, are we keeping that clean and I think the consensus pretty well was we have been doing a pretty good job of keeping that clean. I say we, I'm actually talking about the lessee of the property which is the Hamiltons. There is, however, one structure on that property across the ditch that they had put in to try to back some water up which as dry as it has been has had beneficial effects for them. It doesn't have a negative effect for anybody, but certainly at times of a lot of water coming through that could slow things down, so we've had discussions with them about having that pulled out.

Carlos Wallace: But, you know, I just, you know, that Little Pigeon Creek can just take so much water the way it's been anyway for years, you know. I've had time when I couldn't even get into my house. I had to park up the road, you know, and wait for the water to go down for an hour or two not knowing if I get in my house and it's going to have water in it our not. Luckily I've not had any yet, but it has been

awful close to my back door.

President Mourdock: Uh-huh.

Carlos Wallace: That's my only problem, you know.

President Mourdock: Okay.

Carlos Wallace: You know, five years down the road we've got all these subdivisions and everybody is sitting there including them with water and somebody is going to say, hey, we should have looked at this.

President Mourdock: Thank you, Mr. Wallace.

Carlos Wallace: Thank you, sir.

Bill Jeffers: I marked Mr. Wallace's address in that reddish color there immediately adjacent and south of North Greens so we would know where he lives when he was talking there.

President Mourdock: Okay. Someone else? Yes, sir.

Marvin Shore: Thank you for the opportunity to speak. My name is Marvin Shore. I live at 650 Bob Court Drive which is a neighbor to Mr. Wallace. The overall scenario of this seems to hinge on the corner of Southport Drive and Bob Court where they meet. Now, each additional subdivision has created a little more flooding. Now the original Bob Court, the middle section is open. That extended water on down to Southport and Bob Court. About 95 percent of Old Petersburg Place drains into Bob Court. About 75 percent of Greenbriar Subdivision drains in Bob Court and about 75 percent of Shady Hills drains in Bob Court and it all flows east to the Southport/Bob Court Road. Now, my house was built in 1987 and at that time I have documentation that I was out of the floodplain, but since then I have become in the floodplain, so that's obvious that additional subdivisions are creating more problems at Southport and Bob Court Drive. I don't know the answer. It's obvious you dump X amount of water in a ditch it is sooner or later going to be full. If there is any way of widening Little Pigeon Creek or deepening it where it would carry more water looks to me like it would be the solution. Thank you.

President Mourdock: Let me ask you a question, if I may?

Marvin Shore: Yes, sir.

President Mourdock: You said you had...or I understood you to say that you had some maps or documentation that showed that you were not in the floodplain in '87?

Marvin Shore: Yes, sir. The original owner to whom I bought the property from was in the documentation that it is not in the floodplain.

President Mourdock: Okay, and since then you have seen maps or some indication--

Marvin Shore: I called the city down here and I am Lot 54 and they said I am now in the floodplain.

President Mourdock: Have the maps been updated that you're aware of, Bill? I

wasn't aware that they had been updated.

Bill Jeffers: There has been several studies since 1981 by the Corps of Engineers, by Morley and Associates submitted to FEMA. I'm not sure exactly where the information is coming from that the Building Commissioner quoted to Mr. Shore. Is it Shore?

Marvin Shore: Correct.

Bill Jeffers: To Mr. Shore with regard to him now being in the floodplain. I'm not privy to where that information came from. Maybe Morley and Associates has a better idea on that. I know that the affect of the subdivision being constructed down at that end of Bob Court where it joins with...where Mr. Shore is. What he is pointing to is this intersection right here where Bob Court coming from Old State Road runs this way and then Southport runs north and around back out to Petersburg Road and then this corner right here the effect of building these homes up and all this drainage, as Mr. Shore says, comes down through these various subdivisions. Much of this is picked up by the street inlets along the way, but during a heavy rain those street inlets cannot take all the water that is coming down the street and then the drainage between the lots that comes out in this direction all ends up at this intersection and then it has to make its way out through a...there is a pipe here, but there is also a swale over the top that we and the Morley Associates encouraged the developer to install this swale here to release the over the curb flood. That swale still is not large enough to release all the floodwater that comes down to this point during those heavy rains that these folks have experienced in the last several years, especially in 1996. This built up about four feet deep and that totally surrounded all these homes and that water stood there long enough that as Mr. Wallace said, he had to wait a couple or three hours to go see if his home had been flooded, which it hadn't, but you can imagine his concern sitting four blocks away waiting to find out, you know. So there are people who have studied the possibility of putting a larger pipe from this inlet out to the creek as well as other methods of releasing as much water as possible out here into the creek for this intersection, but that is what Mr. Shore is talking about is all the storm water that comes naturally from the higher areas and ends up at this one particular corner and has to find its way into this winding creek that eventually takes it over to Little Pigeon Creek way over here near Highway 41 and Petersburg Road.

President Mourdock: Okay.

Bill Jeffers: The affect of that is it may have raised the effective flood elevation out there.

President Mourdock: Yeah.

Bill Jeffers: I'm not sure if it has raised the governmental flood elevation designated by FEMA, but it may have raised the effective flooding elevation out there in front of your house because once it goes through that easement the elevation drops off about a foot and a half or two feet lower immediately behind those houses. The high water was a foot and a half lower than it was out in the street so, you know, the way those houses are built up is holding it back in the street.

Marvin Shore: North Greens on a heavy rain it will come down Greendale and then down Bob Court again even off of North Greens. The swale that you're speaking of down there is graded this way and not this way and I really believe what happened

is that Little Pigeon floods and then spills over into Bob Court. I really believe that is what happens because if you look at that swale it is elevated this way and not this way.

Bill Jeffers: We could determine that by shooting some elevations back there and seeing at what elevation Little Pigeon Creek does in fact back into that corner because I believe what he is saying is true. At some point Little Pigeon Creek will get high enough in its banks that water may back up through the pipe in to that street inlet and we can tell at what point that would occur, but that would take some field investigation.

Commissioner Jerrel: Well, could we do something about it? Whose responsibility and where does it...if it is not draining in the proper direction what can we do to correct that?

Bill Jeffers: It does drain in the proper direction during the design storm for Old Petersburg Place. When Old Petersburg Place was designed and constructed back in 1986 it did...it was installed to drain in the proper direction during the...during a storm of the intensity used as the benchmark storm for that design which I believe was a 25 year storm. We knew when that was constructed that there would be greater than a foot depth of water above that inlet during a heavy storm. I believe it got as much as two feet deep at times prior to 1996. We went back and asked during the replat of Petersburg II which originally was all going to be one subdivision just called Old Petersburg Sub and there were apartments and duplexes and various other things planned from Petersburg Road back through here. Then the developer found that when he developed the first two streets, Greendale and I think it is Northport or something, he found that he had marketed those very quickly and wanted to duplicate that in the second section and came back with a replat that eliminated the duplexes, eliminated the apartments and went with all single family dwellings just like in Petersburg phase one. When he did that we had already had some flooding at that corner and we asked him to increase the size of that swale to release more water over the top of that pipe which was not taking out as much water as we had hoped. We didn't have anymore serious flooding after that point, you know, well street flooding when you're talking about a foot or foot and a half might look serious but we didn't think of it as serious flooding that would imperil a dwelling until 1996 when in fact it did get up into some garages at that corner. Yes, the county could assist the neighborhood by helping to design an improvement at that corner and I would suggest that we then take it to the city Board of Works who from time to time has access to state and federal money that is used for projects like this whether they are in the city or within outlying areas within so many miles of the city that they may plan to annex in the next so many years. It's also available to those areas and Petersburg Place would be one of those areas that the money would be available to.

President Mourdock: But is there anything there that could be done, Bill, that is otherwise currently on private property or for which we have access?

Bill Jeffers: Not to county money. There is no county money that I know of or no fund that is being held by the county at the present time that--

President Mourdock: Again, I'm not talking about money. I'm talking about property.

Bill Jeffers: There is no county property outside the right-of-way on which a project like that could be constructed.

President Mourdock: If...theoretically, if we were to do something we would have to get at the very minimum some form of temporary easement?

Bill Jeffers: We would have to have a temporary construction easement within which to do the project if you had the money to do it, yes. There are some plans floating around by the property owners who developed those plans and even a cost estimate that might be applicable to the year in which it was developed. There may be somebody in the audience that could explain that to you because two or three of them participated in the production of those plans, but that project hasn't been carried out yet, so there are plans that would work to alleviate some of the problem down there.

President Mourdock: Okay, any other comments on North Green Sub?

David Schminke: My name is David Schminke and I live on that corner. The plans Bill was talking about were approved by the County Commissioners and it's kind of a joint deal that we had worked out. If you'll remember back then Deig Brothers was doing some paving improvements, some dig outs and some replacements, and we had struck a deal with the county at that time to do some of the work within the road and then the private citizens were going to put the outlet pipe down the side lot line. Unfortunately, that deal fell through because a couple of us ran into some bills at the same time and we needed to come up with about \$5,000 that we didn't have, so it never happened. There were plans that were developed and approved by the Commissioners.

Commissioner Jerrel: Is it still worth doing?

David Schminke: Yes. It's not the answer to everything, but what it would do is help alleviate some of the problems associated with the extreme flash flood event that we get out there. When the street can't handle all the water it blows up real quick. That would help get the water out faster. The big ditch fills up, comes up in the backyard at a later time. I've never noticed...I think somebody mentioned the ditch flowing in through the pipes and potentially bubbling up in the road. I've never seen that scenario. We've always got a lot of positive flow through our side yards to the point that it's scary.

Commissioner Jerrel: What about...do you still have those plans?

David Schminke: Sure, I've got them somewhere.

Commissioner Jerrel: Why don't you let Bill look at them.

David Schminke: The other thing I would recommend, cheap fix that would help, I think, is to look at our inlets. They're really inefficient and all that water that is up that hill from us, so much of that water just shoots on by instead of getting into the system. It ends up in my front yard. It's just not being caught upstream and I think if we could raise some castings and get some openings to where they could take in some of that water it would help.

President Mourdock: So you're saying the inlets in the curbside drainage?

David Schminke: Yes.

Jim Morley: My name is Jim Morley and I would like to make a couple of comments

just for your own background data of the two gentleman that spoke here to you before. Back in 1986 we were in the first throes of our drainage ordinance and what we shall do for the subdivisions and how we should do it. In the process of designing this subdivision we continued the grades at the intersection of Bob Court and Southport as you get into that corner we just continued them at a down slope. We had not at that time determined that we should establish a minimum of how low we could go to a county road. The thinking was always concern about what is the individual house elevation and we'll protect the house and what happened was that road in that corner is constructed and I'm going to hazard a guess of approximately 18 inches or so below the 100 year flood level. It went on down. Since that time, as you know, on the last couple of years Bill came to the Drainage Board and as he was reviewing plans we talked about setting a minimum of which we would allow a person to go below the 100 flood level. We set that...the Drainage Board set that at a half foot, so we have that revised standard about how we design things, but back in that time we didn't have that standard so that street is constructed...I can check it exactly if you want to know the exact numbers, but we're below the 100 year flood level for that street. We've got to be below it some because otherwise the street would be the obstruction and then your pipes if they weren't designed greater than 100 year wouldn't carry anything, but there is a limit to how low we should go and we've since arrived at a number and that street doesn't meet it. The houses in that part of the subdivision, Old Petersburg Place, Roger Lehman, the Building Commissioner, was operating under the theory as we understood locally that what FEMA was talking about was the first floor living area and so Roger was very careful and all the homes out there are built up at two foot above the 100 year flood level, but many of them have got three or four steps down into the garage because at that time Roger's interpretation was that they weren't talking about the garage. It said first floor level, so he was disregarding garages and the garages were...the first floor of the house is up, but the garages were down. So we've got some garages out in Old Petersburg Place that are down lower. Roger had quite a battle on his hands as some of the later houses were built out there when he said, no, your garage has got to be up there and they turned around and yelled at Roger and said, well, my neighbor's is not, why do I have to fill for mine? So he kind of went through that. We now understand. FEMA clarified their rule that they meant garages, too. The only exception that they accept is an open carport. So the parking slab can be down there, but if you put walls around it it's a first floor just like the house is. Things have evolved and changed here and we got a street lower than we would design it today and we have some garages out there that are lower than what Roger would allow it to be today. So those are some of the things that happened relative to the house on the corner who say originally...back when Roger was doing on the first plane the question was is the house above it? People would write off certifications that yes it was. FEMA came back later and said, well, if any part of the lot touches the floodplain technically you're in a floodplain you do a certification for the house, so that's a little bit of explanation of how come you once think you're out. Mr. Shore, he is out and then he is in. If his garage is not too low technically he can go through a process called a letter of map revision based on fill and get a recertification of the house. But that's a little history of what has gone on and it isn't, believe it or not, so much that the floods have changed from all of these subdivisions. It's a matter of some design standards have changed and we revise our standards, we upgrade, but we did things then that we don't do now.

President Mourdock: Alright, thank you, Mr. Morley. Mr. Wallace.

Carlos Wallace: I've got one comment to what Mr. Morley just said. It's not the garages no more, now it's the crawlspace. Your crawlspace has got to be two foot

above the floodplains, is what I've been told.

Bill Jeffers: Not two foot.

Jim Morley: No, right at.

Bill Jeffers: One tenth of a foot.

Jim Morley: Right at it.

Carlos Wallace: So you can't get the house out of the floodplain unless you want to go out there and raise them up and fill the crawlspaces in.

President Mourdock: Okay.

Carlos Wallace: And I got paperwork when I bought mine from Don Wright at Morley and Associates that said it was out of the floodplain and probably at that time it was.

President Mourdock: Okay, thank you.

Jim Morley: He is exactly right. We got a memorandum July that they want to count the crawlspace as a basement. They want to consider it the same as if it's a basement. When we tried to get through to Mr. Henderlong in Chicago with FEMA, a discussion of this what we heard was stories about how people out on the east coast in the lowlands were creating houses in which they would have seven or eight foot deep crawlspace putting a little mound around it and then the waves wash in from the hurricane, it comes out, it blows out and he said, well, it isn't you Midwesterners that we're talking about. That's what we mean by a crawlspace. They're calling a crawlspace not a basement and I'm afraid that we didn't get very far in our argument. Roger is rather upset about it. I'm upset about it. We've been trying to work with some people about this issue. I think it is terribly wrong. It's a terrible injustice to deal with this issue of the crawlspace. I don't know if we're going to be able to, but we currently are actually doing a bit of a verbal battle in correspondence...or a correspondence battle back and forth trying to resolve this issue of crawlspace. It's stupid. It's stupid in relation to our houses in the midwest. Maybe it isn't for them on the coast on what they did, but we're talking about a four foot crawlspace, not a seven or eight foot crawlspace. Apparently FEMA has found some of those people who converted those crawls to basements or storage areas.

President Mourdock: So once again the federal government's policy is one size fits all?

Jim Morley: Yes.

President Mourdock: Okay, any other comments? Any other comments on North Greens VII?

Commissioner Jerrel: And you recommend that we approve this?

Bill Jeffers: Yes, ma'am.

Commissioner Jerrel: Okay. I'll move approval of the North Greens VII final drainage plan.

Commissioner Tuley: Second.

President Mourdock: And I will say so ordered, but the several comments that I think we were somewhat in consensus on there, Bill, was your comments and Dave Schminke's comments about getting the older plans that were out there. I think this group would certainly like to take a look at those and see if there is, in fact, either some basis upon which we can work further, some money available to do such work and if so, obviously, it would be contingent upon some sort of legal arrangement for right-of-way of property or whatever that would have to go to the county.

Joe Harrison, Jr.: Or even the, as Mr. Schminke indicated, maybe the inlets can be cleaned out as well and we need to take a look--

President Mourdock: Or a different structured type of inlets is what he was saying.

Joe Harrison, Jr.: And maybe there is a way that can be implemented as well quicker.

Commissioner Jerrel: If you don't mind I think that would be something that we would like to look at.

Bill Jeffers: Yes, ma'am. I do want to express my appreciation to the people along in this area because when I went back and pulled out all the old minutes just damn near everybody around the boundary of this had come in at one time or another and expressed an opinion that when you boiled it all down they're saying exactly the same thing.

President Mourdock: Right.

Bill Jeffers: So that would indicate that there is a need for it and Dave and I will get together on that. He is intimately familiar with what is going on there and I've viewed it since I've lived out there. I viewed it as it has grown up and I can see exactly what these people are talking about. I remember inspecting those streets in December of 1986 and I pulled out my notes the other day and there were over half a dozen inlets where we had to tell the contractor to reverse the direction of the grate on top because he had put it down in the wrong direction, the water went right over the top of it rather than the louvers being pointed upstream to catch the water. I would venture to say that there is some newer designed inlets that would capture even more water and I believe that is what Mr. Schminke is referring to. We'll bring that back to you as soon as we can. I think you'll probably skip the Drainage Board meeting in December, so maybe December would be a good month to drag all that out and have it ready for you in January possibly.

<b>Woodgate I - Final drainage plan</b>
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President Mourdock: Woodgate I.

Bill Jeffers: Okay, Woodgate I. Again, on the map I'll outline Woodgate I so everyone will know what we're talking about there. Up here on top is Eissler Road that enters from Old State over here and you come down Eissler Road to the very end. Ms. Godeke lives in the house on the very end here. She is in the audience and may have comments to make. The street...you'll be entering off of Eissler Road down through this street which goes all the way to a cul-de-sac just above the creek

just north of North Greens VII. I'm sorry, somebody is not going to be able to see. The other entrance will be off Strawberry Hill Road directly into the subdivision. The detention basin is in this area here. These are all streets. You'll probably hear some comments from the folks that live down here at this end of Old State I Subdivision who have had some concern about this subdivision, Woodgate I, as well as the proposal for Woodgate II which is down here, but we're not discussing that tonight. We found a way to separate the drainage issues in Woodgate II from the drainage issues in Woodgate I in such a way that I believe it will be a benefit to the people in Old State Subdivision and we'll come back probably next month with Woodgate II and have a discussion on that. This is probably a subdivision that I have worked or looked at different issues more closely than any subdivision that I have for years because some of the issues that were brought to light were very sensitive not only to the neighbors, but to the developer himself who caught me out in the field one day and said, now, I'm going to tell you that I don't care what my design engineers are showing you on paper I don't want any house in here to be constructed in such a way that it might flood, so if you find anything out here that alarms you I want it resolved with regard to the flood elevations that I might have that might be different from Morley's, etc. However, we were able to come to an exact agreement with Morley and Associates engineers after we compared all of our data that we gathered from the south as well as, you know, from the Strawberry Hill area. All of our data coincided eventually and I've been out there over the weekend and walked in just about the entire boundary of Woodgate I. Everything except for the very northwest corner. We didn't get any negative comments whatsoever up in the northwest corner, but I have walked it from down there around Strawberry Hill all around through the creek, out to the east, up the east line, from the east line out to Pigeon Creek and up Ms. Godeke's joint line with the property back to her house. I have notes describing everything I saw with regard to the existing drainage pattern that was established by the farmers of all this area prior to the developer purchasing the ground and the plans that have been presented by Morley and Associates detailing the drainage patterns that will be created and preserved within this area exactly duplicate as closely as possible the drainage patterns that exist out there today on the ground. The only time that those drainage patterns would be not duplicated is when you would have an extreme flooding event that we could not control and that the water would just flow out across the entire area as sheet flow from an extremely heavy rainfall. However, they've even tried to control that situation by over designing the detention basin. The detention basin will...does have the storage capacity to store the 100 year storm for this subdivision. As a matter of fact, it exceeds to storage capacity for the 100 year storm and we have the paperwork to show that if need be. Then all around the perimeter of the subdivision we have asked them to duplicate as closely as possible the drainage pattern which exists out there today with their improved version of it. That includes water that according to the 1976 drainage plan for Old State Subdivision the water along their eastern boundary was supposed to be routed back uphill to the creek and that's not the case out there now. It flows through this farm ground that Mr. Sterchi is developing and we've asked him to continue that flow away from Old State Sub rather than turning it back the way Old State Sub's plan originally wanted it to go. Do not turn it back through Old State Sub. Continue to carry it out and away from Old State Sub and either down to this creek branch or out to the main channel of Little Pigeon Creek and the design does do that. There are some people in the audience that I'm sure are going to want to speak to you on this. I do have some documentation from the owners of the ground out here. Approximately, now this is an approximate. I'll use a different color. I feel like Keith Lochmueller with all these color crayons. That's how he got his start. Ms. Godeke's ground basically, and I'm not surveying it here I'm just giving an approximate location of it. I'm not sure what goes on over here in her ground, but

she does own some ground on the other side of 41 because here is the section line right here. Not the other side of 41, the other side of Pigeon Creek, I'm sorry. Anyway, her line goes over to there. Down here is the Dunigan Trust property below Ms. Godeke and to the east of the development is the Dunigan Trust, so this joint line between Godeke and Dunigan Trust has kind of a little ditch along it, nearby it. You'll hear discussion of that. But basically the farmer who did the work, did the farming, owned and farmed this piece that is being developed created by pushing dirt around he created kind of a drainage pattern that runs along the south line in this direction instead of going to the creek because there is this high ground right here it couldn't make it to the creek. So he kind of created a drainage pattern along this south line that is sufficient for his farming purposes, not sufficient for the subdivision development. They're going to improve that. Then he cut this corner right here and you can see where he forces the water into a trench along his joint property line with the Dunigan Trust. The water runs north from that property line to this corner and then it runs out through an open drain out to Little Pigeon Creek. When it gets into this area it starts wandering around, but it makes it out here to Pigeon Creek. Ms. Godeke has a waterway that drains this area here that was designed by the Soil Conservation Service, I believe she told me. When it enters this area that is all grown up with trees it starts wandering around and takes the very same path as the water from this farm field down here. Now what I am saying about high water, there is a natural drainage flow through the middle here down to this entrance to the creek, but that natural flow has been interrupted by the farming practices that were carried on by this owner, this owner, this owner and this owner and there is just a real faint plowed in bevel right here to carry the water out of the middle part of this field between these high and low spots and carried out this way. This water that is definitely in this trench moving in this direction does not cross over into this field until a heavy storm and then you just have sheet flow of everything. The developer is going to mimic this pattern by grading this area just like improving the grading in that area to carry more water along this current path and he has proposed to the property...to Dunigan Trust through their attorney today came into our office and gave us a handwritten piece of paper saying that Dunigan Trust will entertain the improvement of this waterway out across their ground to Little Pigeon Creek. Actually, it will be the first 650 feet or so from this corner out to where it falls off into the woods and wanders through there haphazardly, but in a definite way. This ditch gets ten or 15 feet deep before it enters Little Pigeon Creek which is about 15 to 20 feet deep at that point. It's all dry right now, by the way. I walked all the way down the middle of that ditch all the way out Little Pigeon Creek and walked down Little Pigeon Creek a ways. It's all dry except for some pools of water. The developer also is going to dig a swale along this property line here with Ms. Godeke to keep the flow that naturally comes across onto her in his subdivision and route it back through the street system into the basin. He is going to receive water that continues to flow across her ground. Even after he intercepts it her ground itself has it flowing this way he is going to take it into the system here and pipe that through the basin and then in the case of an overflow he is going to dig a better drain along here. It currently exists as a very insufficient trench drain, but he is going to improve that and carry that water out to Little Pigeon Creek here during high flow off of her ground.

President Mourdock: Okay--

Bill Jeffers: That basically describes it.

President Mourdock: Alright, are there any questions from the audience on this one?  
On Woodgate 1.

Elvera Godeke: Elvera Godeke, 801 Eissler Road. This from here down to about here, this ditch is so shallow you can walk in with one foot and out with the other. That proves that there has never been any water draining and running and draining through here. When you get down to this point it doesn't just wiggle like this. It comes over onto my ground. At this point when he empties it here it is running on my ground because it runs back this way. The little ditch that he is emptying that into is only about four or five feet deep, five or six or seven feet wide. It's only 50 feet...it takes one immediate sharp bend when he empties it. It goes about 50 feet, it makes another very sharp bend. At that second sharp bend is where it's going to back up and back into my field and make my farm ground wet--

President Mourdock: Time out. Let me ask the question so I can understand. So you're saying where that bends where the wiggle is as Bill has drawn it on your property is where it is going to back up--

Elvera Godeke: When he takes that and empties it right there it is going to make an immediate bend and it is on my property.

President Mourdock: The bend is on your property?

Elvera Godeke: It goes 50 feet...please?

President Mourdock: And the bend is on your property?

Elvera Godeke: Well, the bend may be--

Bill Jeffers: That's where the drainage will cross over the line onto her property, that's correct, from the Dunigan Trust onto her will take place right where her finger is at.

Elvera Godeke: Plus there is--

Bill Jeffers: About 700 feet east of this subdivision.

Elvera Godeke: There is waterway draining from this field coming in at that same point, so it's almost like this water is coming into a T. It turns, bends, goes 50 feet in this little shallow ditch, makes another sharp bend--

President Mourdock: But everything you're pointing at is on your property.

Elvera Godeke: It's all on my property. They tell me they're not putting no water on my ground, they're putting all that water on my ground. All that water that comes out of here and goes down here is coming on my ground. When this...and it does go...there is trash...after you get through that second bend there is trash wide enough in that ditch that it almost reaches bank to bank. Then there is tree roots, there is fallen trees and it wiggles around. It bends...when it gets out to Little Pigeon it is only about four feet deep and six feet wide again. It really narrows. Now when Pigeon Creek rises and this thing is flowing there is nothing else going to happen but that is going to back up and it's going to come right out into my field. We put this in so our ground would dry off in the spring so we could get our crops out a little bit earlier.

President Mourdock: Let me ask you a theoretical question here and I understand, we all understand, when Pigeon Creek backs up, when the Ohio River is backed up

and Pigeon Creek is backed up and Little Pigeon Creek is backed up we understand that problem exists. I mean, that is something that those of us at this Board wish we could control, but we can't. Okay? Take that occurrence out of the question for a minute. If you are just talking about the sheet erosion that goes across there theoretically if there was a five foot ditch from right...back up, back up. Move your finger. Okay, let's say right there. No, no, move your finger. Right there. If there was a five foot deep ditch from there that went on a straight line over to the creek does that solve your problem?

Elvera Godeke: You mean from where he empties it in?

President Mourdock: No, I'm talking stop where he empties and keep going. I'm just asking if along that property line--

Elvera Godeke: You're going back north?

President Mourdock: No, I'm going east.

Elvera Godeke: This thing is turned around. I'm a little bit confused.

Commissioner Tuley: I think what he is trying to suggest or get to from this point on as opposed to emptying into this wiggly, if we just take a line and take it straight out.

Elvera Godeke: That's the way it should go. It should stay on the property line. I'm having my ground surveyed because he has got stakes over here that have approximate stop lines, property lines on it and I'm having mine surveyed. It's going to be surveyed so it's going to be the right line and whoever...wherever it is that's where it is. But it doesn't matter. That little bit is not going to matter because this is still going to go on my line, my ground right here. Now they're telling me that all this water has come this way. That is not true. This water here has always caused a big problem here. This water did come into here. If this ditch is so shallow that you can walk in and out of it--

President Mourdock: But what it is now isn't material in the sense of what they're saying they're going to change.

Elvera Godeke: I'm sorry?

President Mourdock: Because, Bill, did I not hear you say that that ditch is going to be deepened across there or otherwise widened? So forget his--

Bill Jeffers: Not necessarily deepened. It's going to be improved to handle the discharge from this subdivision and exceed the design criteria that would be necessary for a 25 year storm.

President Mourdock: Okay.

Elvera Godeke: If this water was going this way how come all this...so much of this dirt here has been built up on this corner? That proves that water ran to that corner.

President Mourdock: In the future...that may be. In the future what they're proposing is that water is going to be captured and routed to the north, to there, that's right.

Elvera Godeke: When they bring in--

President Mourdock: And then the question becomes if it is going across there on the property line as it leaves the property that they control, whoever this person is, is everything in the standard it should be according to our county code and according to the state regulations? That's...I mean, that's what we have to look at.

Elvera Godeke: You can't just take water down and empty it on somebody and not worry what is going to happen to it and have it back up on somebody's farm ground.

President Mourdock: No, and that's not what is being suggested here. What's being suggested, as I am hearing the Surveyor say, is that the water is going back into the drainage way that has existed there. If there are...let me say it just the way I hear it. I'm hearing you say that there are obstructions in the ditch that is on your property that is causing the water to back up.

Elvera Godeke: There is and there are two sharp bends before it even gets started to flow. That's an obstruction.

President Mourdock: That's right, that's right. The key word there is it's your property.

Elvera Godeke: That's right.

President Mourdock: And the obstruction is on your property.

Elvera Godeke: Right. It's going to back up into my field.

President Mourdock: Everybody is with me, okay.

Commissioner Jerrel: If you remove the obstructions would that improve it or make it worse?

Elvera Godeke: Well, I'm not going to go down there and remove tree roots and trees and trash.

President Mourdock: Well, we didn't mean you personally.

Elvera Godeke: That's not really...that's not the big problem. It's the bend it makes here--

President Mourdock: On your property.

Elvera Godeke: --and then it makes another real sharp bend and that second bend is where it flows where my water is trying to flow out. When this builds up it's going to keep my ground wet. Yeah, that water should go straight out that way. It shouldn't come on my ground at all. That's what they've been telling me all along, that no water is going to go on my ground.

President Mourdock: Bill, you drew the line on there that, I think, went, what did you say, 600 feet from the east line of this new subdivision?

Bill Jeffers: I'm drawing you a smaller version here. Here is the point--

President Mourdock: Why is he stopping here and not continuing all the way along the property line?

Bill Jeffers: He doesn't own that property and out there about 650 feet east of his corner that he does own it falls off into a natural watercourse that winds through Ms. Godeke's land as she says. That's where the water goes now. When you hit the woods out there it's just an eroded watercourse that winds through there and joins with Little Pigeon Creek.

President Mourdock: Hits the woods meaning right here?

Bill Jeffers: Right where he is going to stop the improvement.

President Mourdock: Okay, and he has easements, right-of-way, ownership or whatever to move from here to here?

Bill Jeffers: Not yet, but I laid a thing on your table there from the lawyer representing Dunigan Trust on whose land the improvements are proposed to take place.

President Mourdock: And the Dunigan Trust owns it all the way to the creek?

Bill Jeffers: On the south side of that line. Yes, sir.

President Mourdock: Okay.

Bill Jeffers: However, they don't propose to make the improvement all the way to the creek on Dunigan. They just propose to do it the first 650 feet where it meets the natural watercourse that then winds its way down to Little Pigeon Creek. The improvement will be made for the 600 to 650 feet.

Elvera Godeke: And then you're letting it flow and it's all flowing onto my ground.

Bill Jeffers: It does now.

Elvera Godeke: When you can walk in a ditch with one foot in and one foot out you can't say there is any water running through there.

Bill Jeffers: Well, there is obviously water running through there or it wouldn't be causing all the erosion that you're describing.

Elvera Godeke: Down here there is as you get closer down here--

Bill Jeffers: It gets deeper and deeper.

Elvera Godeke: --it's deep, but--

Bill Jeffers: I walked across it Saturday and it was about, oh, four to five feet deep where they propose to stop the improvement and by the time I got onto Mrs. Godeke's land and walked down to the creek the first bend she is talking about it was about five feet deep. The second bend I couldn't see out the top of down there where she is saying there is some obstructions. There is a big large grapevine about this big in diameter coming across the creek which looks like a tree root, but it is actually a grapevine that grows up a tree on the other side of the creek and it is holding back a gas range from a kitchen and a counter top or a counter cabinet

minus the top. The top is back up on her property a little bit farther.

President Mourdock: Okay, we're getting the picture there.

Bill Jeffers: That's the obstruction she asked me to look for and that's the obstruction I found. This is a picture of the ditch.

President Mourdock: And where is this on the map?

Bill Jeffers: Oh, that's in the open field before you get to the woods I am describing. That's in the first 600 to 700 feet. That's the kind of water that lays in that ditch or moves through that ditch. There is severe erosion out in the woods, but nobody is using the woods. It's just a natural wet woodland--

Elvera Godeke: That's still my ground.

Bill Jeffers: Yes, ma'am, I understand.

Elvera Godeke: And when that water flows into that woodland it's going to flood back into...it's going to come up on my ground.

Bill Jeffers: When Little Pigeon Creek is in flood stage, yes, that water will flow on your ground whether this subdivision is built or not.

Elvera Godeke: Because when that ditch gets out here to Little Pigeon, when it finally gets to Little Pigeon, that is very narrow. I was down there too Sunday. I've been down there several times.

Bill Jeffers: Uh-huh.

Elvera Godeke: And it's very, very narrow down there.

Bill Jeffers: It was deep enough I couldn't get across it. I couldn't physically climb up the other bank.

Elvera Godeke: Oh, come on. I did.

Bill Jeffers: You went all the way to Pigeon Creek?

Elvera Godeke: Yes, I did.

Bill Jeffers: Okay. You're very spry. I admire you.

Elvera Godeke: I know what is down there.

Bill Jeffers: I climbed out of it. In places I had to pull myself out of it,--

President Mourdock: The grapevine didn't break did it?

Bill Jeffers: --you know. Yeah, I had to pull myself out and scramble up the bank. I mean, it wasn't just like a nature walk or anything.

President Mourdock: Okay. Any questions of the Board? Ms. Godeke or Bill? Any other comments regarding this?

Commissioner Tuley: I just want to make sure I understand. The water..this is to be a catching pond to hold it back and then release at a slower rate than what is currently going through there now?

Bill Jeffers: That's correct.

Commissioner Tuley: At a rate based on a 100 year flood, 100 year rain?

Bill Jeffers: Okay, what we require on this development is that they detain a ten year storm based on post development volume and release it as a ten year storm would have released it as agricultural ground. Okay, Mr. Sterchi is acquiring a lot of dirt out of that basin and has over excavated it already and he intends to excavate it according to the plans that have been submitted which show that a 100 year storm could be detained in that basin before it ever reaches the emergency overflow elevation and, yes, it will be released as a ten year storm because that is what the pipe is sized for. The release pipe. So it will still be released as a ten year pre-development storm in the same direction it is being released today during a ten year storm. The only difference will be that the increased amount of water will be discharged over a much longer period of time because it is being held back to that ten year rate. That's why we think that the first 600 or 700 feet of that waterway should be improved and given a much wider, six foot wide bottom, with gentle side slopes and grass because it's going to see a lot more wear and tear.

President Mourdock: And is all that going to be on the, what did you say, Dunigan property?

Bill Jeffers: That will...right now they are proposing to do it all on the Dunigan Trust property that is farmed by Ray Rexing. Ray Rexing put us in touch with the lawyer representing Dunigan and the land agent who handles the renting of that property to the farmer who farms it and both those people, Mr. Gerald Beasing is the land agent, and I put the letter with the fellow's name in front of you. Those folks were both in our office this evening...this afternoon late, agreeing that the Dunigan Trust will allow Mr. Sterchi to come over onto their land and make the improvements that are necessary to create this grassy waterway.

Elvera Godeke: Where are those improvements going to be?

Bill Jeffers: On the south side of your property line.

President Mourdock: Totally on the other property?

Elvera Godeke: But you're still unloading the water onto me.

Bill Jeffers: Yes, ma'am, that's where it will go...if this project is approved as presented the water will still go exactly where it goes today.

Elvera Godeke: When you can go into a ditch as shallow as you can step into it with one foot and out the other there is no water flowing through there to speak of.

Bill Jeffers: This is the ditch that has been serving your farm and the fellow, Marvin, who sold this ground to Mr. Sterchi as well as the Dunigan Trust have all used this ditch for years to drain their farmland.

Elvera Godeke: I've been out there for 50 years.

President Mourdock: Let me ask this question. Where you say the ditch is, Ms. Godeke, you're saying, as you've said it several times, there is no water that runs through a ditch that is how deep and how wide?

Elvera Godeke: This has been a very big problem here because the water from up here has really given us problems, but we've done work in here to slow it down.

President Mourdock: Right.

Elvera Godeke: So at that point then it's kind of absorbed and it kind of ponded over here and it slowly eased out. When it got past that point from here down to before--

President Mourdock: To there, okay.

Elvera Godeke: Is this where...okay.

President Mourdock: You're saying the ditch--

Elvera Godeke: Right in here it gets a little deeper, but from here up to here you can step one foot in it and step right back out of it.

President Mourdock: Just with your hands, how deep, how wide?

Elvera Godeke: Well, I know I can just step in it like that and step right back out and I'm on the other side.

President Mourdock: Okay, and how deep is it?

Elvera Godeke: Well, just one foot in and one foot out.

President Mourdock: Okay, so you're saying water from--

Elvera Godeke: So that goes to prove there has never been any water problem in here. That water never did go that way. That water never went that way. It came this way and it hit here, but this water came this way. He is filling it here, that proves that's low. It proves there has never been any water in here. It just proves there is no water, that water comes this way.

Commissioner Jerrel: Where, Ms. Godeke, where are these pictures? Where is the ditch that these pictures represent?

Elvera Godeke: I'm not quite sure. I think he is saying they're down here at the bottom, is that right?

Bill Jeffers: Did you take those or did Mr. Sterchi take those?

Unidentified: Those are in between the proposed subdivision and the Dunigan Trust.

President Mourdock: Time out everybody, we need to change the tape.

### **Tape change**

Elvera Godeke: Oh, okay. I was thinking you meant it was down here. You took them in here. I don't know nothing about this, but I know this is a very shallow ditch.

I mean, I walked along this. It's as shallow as this is over here.

Bill Jeffers: Okay, is this one on?

Joe Harrison, Jr.: Yes.

Bill Jeffers: Okay, here is the picture. Here is the lake and this is running north. This is the ditch that you just saw the pictures of, right in here.

Elvera Godeke: Right.

Bill Jeffers: Then it turns here at the common corner with Ms. Godeke, who is to the north here. Mr. Sterchi who is developing this over here--

Elvera Godeke: And this is the detention pond.

Bill Jeffers: And the Trust land right here. Here is the 600 feet I am talking about from what we call...ignore these numbers, but it is 600 feet from that point to this point. Starting at plus five and plus 11. That's 600 feet. Here is the ditch as Morley shows it laying all on the Dunigan Trust. Showing the top of the bank 382 and a half on that side, 381 and almost 382 on this side and the flow line is 381--

Commissioner Tuley: Sixteen.

Bill Jeffers: Sixteen, so that is less than a foot deep there as she said. Here is the cross section of that ditch. Every 50 feet starting up here...oops, missed a sheet I think. Okay, there is Ms. Godeke's corner. It doesn't show...okay. There is the cross section. It's 13 feet onto the Dunigans and it is only, what, a foot or so deep. As you go down the line it gets deeper and deeper. It is very shallow, as she says, until you get out here closer to the woods and then it starts getting deep. But the area that the water spreads across is like this here and it does carry all of the water leading from that farm ground out to the creek. These are the kind of things I have never asked anybody else to produce prints of. Here is every shot on that ground out there.

President Mourdock: Bill, this drainage that you're showing flowing north now is that existing grade also? I mean, is your existing drainage going this way now?

Bill Jeffers: I don't think they showed that. I mean, that is real obvious. Their pictures are right there showing it. He's got pictures of this--

President Mourdock: Okay, but wait a minute. Two dimensional pictures, but you're telling me the way these photos are lined up now the drainage is going this way?

Bill Jeffers: Yes, sir. Here is the photos here of this ditch going this way.

Elvera Godeke: This is not much of a ditch until you get way down in here.

Bill Jeffers: I mean, I am not disputing anything Ms. Godeke is saying. There is not much of a ditch there, but that's the way the water goes and that ditch carries it. Here it is. I asked them for grade shots all around the entire property to show. I very seldom ask anybody for this kind of work.

President Mourdock: Okay, alright.

Bill Jeffers: These grade shots in the ditch show the water moving basically in this direction to that corner. (Inaudible) and goes out that way. That's the ditch I walked and here are some different notes I took when I was out there. I came back to the office and produced this little drawing for you guys here to be looking at while they're talking about it.

President Mourdock: Uh-huh.

Bill Jeffers: The water goes around this corner, then it goes north along this ditch as we first of saw pictures of this one here--

President Mourdock: Okay, that's--

Bill Jeffers: It's up to here and goes out 700 feet and as she said connects with the drain from this and connects with her drain and goes twisting off into Little Pigeon Creek.

Elvera Godeke: But at this point here they're coming onto my ground.

Bill Jeffers: Over here.

President Mourdock: Yeah. Right there.

Bill Jeffers: Right there is where they come on your ground. Now, they don't come onto it. The water from this development enters onto your ground.

Elvera Godeke: (Inaudible) area.

President Mourdock: Okay, alright. Anyone else wish to speak to this issue?

Bill Jeffers: And if you all would like to go take a look at it tomorrow morning I'll be available and we'll all go walk that ditch and see how deep it is. I'm ready for another nature hike.

Commissioner Tuley: Okay.

Commissioner Jerrel: Well, what...let me ask you a question, Bill. What if this plan that you've proposed is going to retain water until you release it and the ditch is very shallow as it goes down on the Dunigan property, on their side of the lot line, and gets down to the natural area that drains, is there any opportunity for that water then to back up? Is there any reason for that water not to go straight on over to the...that's what the issue is. Right here or right where the squiggle stuff is--

President Mourdock: And let me attempt to answer it to make sure I understand. The only time the water is going to back up and do that is if Little Pigeon Creek is otherwise in flood and it is backed up.

Bill Jeffers: That is correct. It will join with Little Pigeon Creek's natural floodwater down there in that natural floodplain in that natural floodway which we can show you from how wide the floodway and the floodplain is from the Corps of Engineers' study of Little Pigeon Creek at that point it will show exactly how wide that floodway and how wide that floodplain is and what the height of the flood that you can expect it to be during a 100 year flood. Then, yes, all the water will join together with the water that has come down out of Hillsdale, and McCutchanville, and everywhere else and

it will back up onto Ms. Godeke's property and it will back up onto the Dunigan Trust property. It will back up all the way to the retention basin. It will back up into the folks that were here earlier at Petersburg Place. It will back up into their backyards as well. That's what it does. This subdivision, if Mr. Sterchi wants to pursue it, can go forward without any improvements whatsoever to any off-site watercourse including the first 600 feet that he has offered to go do and he can proceed forward with that because he has captured all the water within his development, routed it through a basin, held the volume that he is ordained to hold according to your ordinance, and released it at the rate that he ordained to release it at or required to release it at all in accordance with your ordinance. He can do that without making any improvements to the waterway.

Commissioner Jerrel: And if he didn't...let me ask that question. If he didn't do any improvements to it where would it go?

Bill Jeffers: Right down...right where we are proposing that it go with improvements being made.

Commissioner Jerrel: But without improvements it would--

Bill Jeffers: It would not do it efficiently and it would cause more erosion on the Dunigan Trust and it will cause more erosion on Ms. Godeke. It will cause a hardship that we are trying to avoid by making some improvements. Also, when the design storm is exceeded this swale which he intends to improve will not operate effectively if he didn't improve it and it will begin backing up and spilling over onto the Dunigan Trust. It will start using this plow line here and it will eventually dig a trench down through here and erode its way back up from this trench where it enters Little Pigeon Creek and this will all become an eroded gully. So this farmer who takes care of this for the Dunigans and farms it told me on the phone the best thing for you to do is to come up here and dig a grassy waterway down through here and improve this waterway so I can move my crop rows over here and all the water will continue to go, he acknowledges that's the way it goes, he has farmed it for years, and he would like to see this done to prevent damage to his crops through here that would have to be reseeded and replanted if this were to cross over here because it couldn't make it out down through here. So everyone is in agreement with it south of that (inaudible).

Elvera Godeke: My point is why shouldn't he be in agreement with it? It's not going to hurt him, but it's going to come over on me. You're still not getting away from putting the water on my property.

Bill Jeffers: No, ma'am. That's where it goes today.

Elvera Godeke: There is no water down there today.

Bill Jeffers: Well, not today, but if it were to rain hard today that's where all the water would go as drawn out on this plan whether it's a subdivision or a farm or a park. That's where the water goes. That is where it has gone for years and that's where it will continue to go.

President Mourdock: Okay, we've heard the remonstrator. We've heard the Surveyor's Office. Is there a motion from the board?

Commissioner Jerrel: I'll put the motion on the floor so we can proceed. I would

move approval of the Woodgate 1.

President Mourdock: Is there a second?

Commissioner Tuley: Yeah, I mean, I've got to listen to the Surveyor and that's what he is there for. His job is to check the flow and everything else and tell us if it meets our ordinance or it doesn't and therefore he says it does so I'm going to have to vote yes.

President Mourdock: So the motion was seconded, okay, and I would say so ordered. There was not a roll call vote requested or anything, so there was a motion, second and so ordered. Again, I second a little bit here what Pat just said. We have a technical expert. We've had the grade shot which is something we normally don't do. When they say the water is flowing to the north and to the east it appears to me it is not going to change the flow of water. Okay.

Elvera Godeke: So my farm ground can just flood every spring.

**Bob's Gym - Final drainage plan**

President Mourdock: Bill, the next one we have is Bob's Gym.

Bill Jeffers: The final drainage plan for Bob's Gym was put in front of you back on the date of the excerpt from the minutes that I have stapled to the front. Earlier this year I was out of town and Ms. Freeman brought that to you. Since that time or at that time we said it required a permit from the Department of Natural Resources for construction in a waterway. They have acquired the permit from the Department of Natural Resources. They had to amend the plan so it appears as it does now before you. Exactly as it does now before you. It has been approved by DNR. I went back and reviewed to see if the changes they made complied with the original review and it does and the recommendation is to accept the final plan for Bob's Gym as is before you right now.

President Mourdock: Anyone wishing to address the issue?

Commissioner Jerrel: I'll make a motion to approve the final plan for Bob's Gym.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Patel Subdivision Lot 1 R.D. - Final drainage plan**

Bill Jeffers: The final plan for Patel Subdivision Lot 1 is insufficient. I'm not bringing it in front of you at this time.

President Mourdock: Okay.

**Autumn Hills Section 5 - Preliminary drainage plan**

Bill Jeffers: Preliminary plan for Autumn Hills 5 is very simple.

President Mourdock: Simple, we like simple.

Bill Jeffers: It was so simple I had it stuck up way up high on the agenda, but Tony put it down here in preliminary.

Commissioner Jerrel: What a way.

Bill Jeffers: So poor Billy had to wait.

Commissioner Tuley: I can show you how simple this is. There are four preliminaries and there are four people counting you on that side, so are they all here because they're the--

Bill Jeffers: Autumn Hills Section 5 is very large rural lots and I simply asked him to come back with the final plans showing as much drainage as he can route through the lake to be drained through there with whatever design for the lake exists. Any improvements to be made and to label all the natural watercourses as watercourses not to be obstructed. This isn't one that needs any great amount of detail and easements. We are recommending the preliminary plan at this time with the details I referred to coming in next month.

Commissioner Jerrel: I'll move approval of the Autumn Hills Section 5 preliminary drainage plan.

Commissioner Tuley: Second.

President Mourdock: So ordered.

<b>Cambridge Golf Course Maintenance Building - Final drainage plan</b>
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President Mourdock: Cambridge Maintenance Building.

Bill Jeffers: This is kind of a little crowded sheet because Mr. Heck tried to put everything on one sheet. It is very simple. It's a maintenance barn for the Cambridge Golf Course, part of the Cambridge Village Development, up north on Volkman Road. This has an entrance off of Shroeder Road and I guess it's for their golf maintenance department, golf course maintenance barn. It shows one small parking lot, one building, a sewer pump station because the crew will have bathroom facilities there and I asked them to go back and put in a basin of simple agricultural design or whatever design Mr. Heck could come up with to detain the 100 year storm and release it as a ten year storm because it happens to be in the impacted drainage area in the northern part of the county. He did that and he put in all the other details in accordance with the letter over to the upper left-hand corner that I supplied him with and we recommend final approval of this site plan.

President Mourdock: Final or preliminary?

Bill Jeffers: Final because I brought it to you only because it was in the impacted drainage area. Otherwise, I would have reviewed it at Site Review Committee. I wanted to make sure that the farmers up there knew that we put the 10/100 on this one.

Commissioner Jerrel: I'll move final approval for Cambridge Maintenance Building.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Bender Road Bridge plans over Maidlow Ditch**

Bill Jeffers: Here I have the Bender Road Bridge plans over Maidlow Ditch which you previously approved as the Board of Commissioners for construction of the road...the Bender Road Bridge, oh, about a quarter mile south of Baseline Road. Anything over a regulated drain, and Maidlow Ditch is a regulated drain, requires Drainage Board approval. We've reviewed these and it represents a very good improvement to the waterway and we recommend that you accept it as the Drainage Board as well.

Commissioner Jerrel: I'll move approval of the Bender Road Bridge plans over Maidlow Ditch.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Kolb Ditch - Authorization of extra work**

Bill Jeffers: Okay, we have a group of people out in Audubon Subdivision who would like to see some improvements made to their lake and so forth. They have probably been in contact with you or with Tony, your assistant. We are slowly moving to accomplish that. Some of the things that they want us to do can't be done because their lake is built on sandy soil and during this drought it has dried up somewhat. Other things we can do, this is one of them, it's additional work that we're asking you and recommending that the Drainage Board allow the Kolb Ditch contractor, Jim Axton, who is performing all the mowing on Kolb Ditch in 1999 to perform this additional work needed at the same time as he does the fall mowing and that is to remove willow trees and brush which have grown up in the portion of Kolb Ditch which is usually inundated by the pool elevation of the lake. Low water in 1999 allows us access to mow this. It's usually not available to us. We will be removing the trees and the brush to improve drainage and restore the channel to its constructed design. The additional cost submitted by the contractor for this additional work is \$300 to remove and dispose of all trees, brush and undesirable vegetation within 185 feet along the rear lots lines of 6809, 6811, and 6815 Ridgeway Avenue. The access to be used is by the normal route of maintenance along and within the designated maintenance pathway for a regulated drain as shown on the accompanied sheets.

Commissioner Jerrel: I'd move approval of the Kolb Ditch extra work in the amount of \$300.

Commissioner Tuley: Second.

President Mourdock: So ordered.

<b>Bid recap</b> <b>Removal and disposal of willow trees to remove ditch obstruction</b>
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Bill Jeffers: If we need to I was anticipating we might need to resolve some issues that were hanging over from tonight's meeting--

President Mourdock: Excuse me one second, Bill. What, Charlene?

Charlene Timmons: He is going to ask for a special Drainage Board meeting to award those bids, but we haven't read them into the record.

President Mourdock: Oh, okay. We need a bid recap first before we do that.

Bill Jeffers: Yeah.

President Mourdock: Joe, can you recap the bids for us?

Joe Harrison, Jr.: Regarding the obstruction removal bids there were three bids submitted and they are as follows:

Company name	Amount bid
Naas Brothers Trucking, Inc. Haubstadt, IN	\$3,405.00
Morgan Excavating Princeton, IN	\$4,250.00
Woodward Backhoe Service Poseyville, IN	\$6,725.00

I would ask that the board take these bids under advisement.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Bill Jeffers: All the bids are under the estimate of \$8,000 for the job. And each one of those people visited the site with me and have detailed information available to them to formulate their bid and I'm asking that you allow us to come back to you at a later date with a recommendation. Hopefully, in the next weeks maybe or whatever is convenient for you.

President Mourdock: Okay, our next meeting would be November 8th. Is that when you would want to do it, Bill?

Bill Jeffers: If that can be arranged with the advertising.

Joe Harrison, Jr.: Does that give you enough time? At 6:30 or immediately following.

President Mourdock: Okay is there a motion then to schedule a special board

meeting for immediately following the County Commission meeting on Monday, November 8th?

Bill Jeffers: Before you make that motion can you make it to award the bid and also approve any invitations to bid additional ditch projects that we might bring to you at that time?

President Mourdock: Is there a motion?

Commissioner Jerrel: Yes, I'll move to that effect.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **Blue claims**

Bill Jeffers: I have placed in front of you blue claims for maintenance work performed on regulated drains over the past several months. They are completed, inspected, signed, etc., and we recommend payment of those claims.

Commissioner Jerrel: I move approval of the claims.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **Crawford Brandeis right-of-entry issue**

Bill Jeffers: Under other business I have some people who have called. The first one I got was from Jim Morley, Jr. or Jim Morley, Sr. James E. Morley is junior, isn't it?

Jim Morley: Junior.

Bill Jeffers: Okay, James E. Morley, Mr's Morley's son, at Morley and Associates asking the board to respectfully allow him to converse with United Consulting Engineers and for you to authorize United Consulting Engineers to reestablish the revised legal drain right-of-entry all along Crawford Brandeis from the Lloyd Expressway north to Morgan Avenue in accordance with...they are your special deputy for the reconstruction of that drain basically establishing what they feel would be the right-of-entry necessary in the future to maintain the pipe that has been placed in there. Here is the letter.

President Mourdock: So are you presenting that with a recommendation?

Bill Jeffers: I'm presenting that, yes, with a recommendation that you allow your consultant to do that work and establish that right-of-entry as needed for the project that he designed. That's a faxed copy and Mr. Morley, I believe, has a hard copy directly...that he can hand directly to your Recording Secretary.

Jim Morley: Perhaps the board would want to have their attorney review this. We are in the process of attempting to do a survey to establish the location of the line.

As you know, what happened is that we had a well defined ditch with top and bank and a 75 foot right-of-entry. We changed that out by putting in two pipes, one beside each other at a new relocated position. It's a little difficult as you run through straight law trying to determine exactly what happens to the ingress/egress. You have a single pipe law says that it is 75 feet either side of the center line of the pipe. You now have doubles, but it was constructed under the process of a Burkhardt Road widening project as opposed to a legal drain reconstruction project and we're at a loss to try to figure out legally exactly what happened to that 75 foot right-of-entry line. Did it move with the pipe just arbitrarily or was there supposed to have been a hearing? If there was supposed to have been a hearing maybe we need to do that. Bill referred us to United. I'm not absolutely certain that United necessarily has the authority to actually do this, but we intend to show it on property descriptions then of that property as this is an encumbrance to this location and so I know it's a question that Bill has wondered also. Where did it go to, where did it move to? So that's the reason and I would hope that you would at least have your attorney review any opinion that might come up.

Commissioner Jerrel: I would like to move that we take that under advisement and let our attorney look at it.

Jim Morley: That would be fine.

Commissioner Tuley: Second.

President Mourdock: So ordered.

<b>John Nixon - Request for relaxation of easement</b>
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Bill Jeffers: I have a letter, it's also a fax transmission, from Sitecon on behalf of...Mr. Nixon, what is your first name?

John Nixon: John.

Bill Jeffers: John, I'm sorry. Mr. John Nixon here in the audience who resides at 6112 Eastbourne Drive in Keystone Estates. The back line of his property is the retention lake. What he is asking is that he encroach into the lake maintenance and storm detention easement as platted for that subdivision with a fence and leaving a distance between the fence and the normal pool elevation of that lake sufficient to carry out the maintenance that is carried out by the Lake Association made up of the other lot owners who border on that lake. Basically, I said well let's just get it on the books today. He may have some comments. I believe he circulated a petition amongst the owners in the Lake Association more of whom I expect will come in and ask for this relaxation. I would prefer that it be done wholesale for everyone in there. If it is done for one it should be done for all on a wholesale basis and we would have to go out there and draw lines where we would still need access to maintain the storm water system, the pipes that serve the street, in case they required replacement by the money that is held in the fund for that purpose. Mr. Nixon may have some additional comments, but I just wanted to get it on the books and get it rolling for him so that he doesn't come in here green at the next meeting.

President Mourdock: Do you have anything to add, Mr. Nixon?

John Nixon: Yes, please. Thank you, Bill. If I may, a long day for everybody, so I

will try to keep this very brief, but if I may I would like to present one exhibit to the board. As Bill said, my name is John Nixon. I am a homeowner in Keystone Section 6A Lot 270. I would like to petition the Drainage Board concerning the lake maintenance and drainage easement on my lot. In a nutshell, my petition suggests the existing easement is a tad too restrictive. I seek a small relaxation of the easement. A little background, if I may. To make a long story short I have made sort of an error. I seek to put up a three foot fence, picket fence, in my backyard to keep my daughter out of the pond. I've gone roughly nine feet beyond the easement. I've got the posts in the ground already and that is my mistake, so I have been in contact with the developer of Keystone, John Elpers, who is also currently the president of the Association until the end of the year. I have consulted with him. I asked him what is the best way to accomplish my objective of relaxing the easement, so after consulting with John Elpers and also I have talked to Mr. Jeffers several times in the last 30 days I have gone door-to-door with a petition that I am able to relax the easement by roughly nine feet. I believe Mr. Jeffers has been out and I believe it is okay by you, is that correct?

Bill Jeffers: There is still sufficient room for the members of the lake maintenance organization to continue their maintenance. But I would like...if we do it for one I think we should do it for all, like I said. I would like to lay it out so it doesn't interfere with our ability to repair pipes that may need repair and so it doesn't interfere with the emergency overflows in the street.

John Nixon: Absolutely, I don't disagree with that for one second. I've gone door-to-door and according to the attorneys for the Association I needed to get over 50 percent of the 73 lot owners in Section 6A to agree to my petition. There are 73 lot owners, so I needed 37 to agree. I went door-to-door this past weekend and the first 40 people I have talked to, lot owners that I have talked to, signed my petition. So right now to be perfectly honest I've got these...I already have my stakes in the ground. That's my mistake. I would really like to have the easement relaxed on my property fully acknowledging the intent to do it across the board, but I would really like to get the fence put to bed if I could before winter. I know this is a unique request, but I am asking the board to perhaps accept this one individual case acknowledging the reasonableness of doing it, you know, wholesale. I don't argue with that a bit, but I have painted myself into a corner. That's my own fault.

President Mourdock: We appreciate the mea culpa there. The question I have is maybe one of risk. I've heard the Deputy Surveyor, who is our technical advisor, say that he doesn't necessarily have a problem with this, but he would certainly want to do it on a wholesale basis. We don't want to just have one lot because that is going to confuse things down the line. I've heard you say that you feel most of your neighbors would concur with that or at least something over 50 percent.

John Nixon: I've talked--

President Mourdock: I've never heard that 50 percent type thing thrown into one of these, Joe.

Joe Harrison, Jr.: I think that is just the attorney for the Association wanting to get a majority of the homeowners to consent.

President Mourdock: But for that type of neighborhood association does the majority carry weight?

John Nixon: If I may,--

Joe Harrison, Jr.: Yeah.

John Nixon: --I guess initially I was just concerned with the neighbors around the pond.

Commissioner Tuley: The rest of them are not around the pond?

John Nixon: Correct, that is exactly true. I believe, don't hold me to this, but I believe 16 of 73 are around the pond.

President Mourdock: Yeah, but be that as it may, and I am not an attorney, it would seem to me that the way the subdivision was originally established would have the rules, if it takes 100 percent or 50 percent.

Commissioner Jerrel: Their bylaws.

President Mourdock: Yeah, bylaws.

Joe Harrison, Jr.: Maybe their bylaws say you've got to have majority rules.

President Mourdock: It may say that, but we don't know that.

Joe Harrison, Jr.: Yeah, but that's them giving their opinion. This board has relaxed easement requirements in the past although we've had a document to be approved. Essentially it was an ordinance or a resolution that we've had with some language that is indicated that if there is any, as far as--

Bill Jeffers: It holds the county harmless.

Joe Harrison, Jr.: Harmless from any and all liability that could ensue with the fence being in the area. The county would want the opportunity to be able to remove the fence if it had to for some reason and also it would not want to be liable for any sort of damage that could result from someone mowing in that area or playing in that area or driving in that area.

Bill Jeffers: It's over the top of some utility easements as well.

Joe Harrison, Jr.: Now, as far as that is concerned it may be that...I don't know if it would be prudent to obtain approval from, was it cable and--

John Nixon: Well, they came out and they marked the ground.

Joe Harrison, Jr.: Okay.

John Nixon: They didn't have a concern as long as we didn't hit the cable.

Joe Harrison, Jr.: I understand, so it has been marked for those purposes?

John Nixon: Absolutely, prior to the start of the fence.

President Mourdock: But, again, all that being the case I hear you saying to us this evening, Mr. Nixon, to go ahead and do it on this one and we'll try to get the whole

thing taken care of later. Just as one member of the board here, but I am hesitant that we act without having, as Joe just said, the paperwork in front of us that we need that specifically describes what the easement is with some meets and bounds type of descriptions.

John Nixon: Does this drawing?

Bill Jeffers: That drawing doesn't have any dimensions on it.

Joe Harrison, Jr.: No.

Bill Jeffers: That was my concern from the beginning.

John Nixon: I can give you rough dimensions.

Joe Harrison, Jr.: Well, maybe we can consider it at the next Drainage Board meeting.

Commissioner Jerrel: What about the 8th? Isn't that when we're going to have one?

Bill Jeffers: If you want to amend your motion to put in the 8th it is an unresolved issue that is on your agenda as other business. I anticipated that he would be here when he called me this afternoon.

John Nixon: Is it possible, it may be an unfair question, to resolve it tonight? Maybe? Perhaps?

Joe Harrison, Jr.: I would prefer to have the legal.

President Mourdock: Yeah, I prefer to have the legal.

Joe Harrison, Jr.: But we could do it November 8th.

President Mourdock: Yeah, I don't know that your risk is so great. I mean, what you're really--

John Nixon: To me it's kind of a no-brainer. If I may I can draw a quick picture on the board?

President Mourdock: That doesn't get us what we need to enter into the record.

John Nixon: I mean, I'm going beyond the easement like one, two, three--

President Mourdock: I understand.

John Nixon: --and there is still 30 feet to the pond. I'm just suggesting that the easement as it exists, if I was to just fence the easement, a bit too restrictive.

President Mourdock: Yeah, I understand what you're suggesting. I don't hear anyone on the board protesting saying we don't want to do that.

John Nixon: Okay.

President Mourdock: But we also need to act by the record here. If we don't have

a document upon which we can enter it formally into the record from a very practical point of view without any one of us protesting I heard you say something about a fence, a hole in the ground. Obviously, you've got some work to do, it sounds like, in that easement right now?

Commissioner Tuley: His poles are set. He just hasn't--

Joe Harrison, Jr.: Oh, you've already started the work.

Commissioner Tuley: The posts are in the ground.

Joe Harrison, Jr.: You've already--

President Mourdock: You've done that. What is your risk at this point of anything else...I mean, is the county going to--

John Nixon: It's getting to cold.

President Mourdock: Yeah, you've got to do something now is what you're saying.

John Nixon: Ideally, I guess.

President Mourdock: And I'm saying if you go ahead and proceed it doesn't sound to me like you have any real element of risk out there.

John Nixon: Well, I probably shouldn't bring this up.

Joe Harrison, Jr.: Okay.

President Mourdock: There is always something else. I can tell.

John Nixon: I want to be perfectly honest here and I wanted to keep this brief, but other lakes in Keystone, there have been threats of litigation and big rigamaroles because a couple of residents have put up huge fortresses where I am just putting up a three foot fence and the developer, who is also the president of the Association, has had it right up to here because he is getting both ears bent. I mean, all this threatening litigation. That's the last thing that I want or anybody wants, but he has had it right up to here and he said, "Okay, you've got to stop your fence right now or I will sue you". He said, "I support what you're doing, but here is what you need to do in order to accomplish it. If you do not get the 50 percent agreement of all the residents in Section 6A then you've got to move your fence back". Personally, I cannot afford to get sued. I'm not here to get involved in legal wrangling--

President Mourdock: And that's exactly--

Commissioner Tuley: We're not either.

President Mourdock: Yeah, and we're not either which is exactly why I am hesitant to vote on anything that's not on a piece of paper.

John Nixon: Right, and I just want to put the fence up and half of me wants to do that, but I can't afford to get, you know, sued.

Commissioner Jerrel: Well, we're talking about--

Commissioner Tuley: Two weeks.

Commissioner Jerrel: Two weeks from tonight.

John Nixon: But, okay, is there anything that I need to come prepared with?

Jim Morley: Can I comment on this?

Commissioner Jerrel: Sure.

Jim Morley: I was responsible for reviewing the notes that we made on these Keystone plats and essentially what we did is we said that no one can come in here. We followed all of the county's recommendations on the setback without coming before the Drainage Board and Bill says I don't want to hear it 100 times. Mr. Harrison said it exactly. What you need is a hold harmless clause. It's not Mr. Harrison's job to prepare this hold harmless clause. It's your job or your attorney's job or the association's job to prepare the proper hold harmless clause that holds the county harmless for you or anyone else to encroach and I understand you're about nine foot. Perhaps the distance ought to be at ten, but what Mr. Jeffers or you pointed out was that within this drainage easement there are things like utilities. It says drainage and underground public utility easement. They are there. This board doesn't want any responsibility for allowing you to have done that and you need to prepare a proper hold harmless clause. With that presented to the Drainage Board then perhaps they could feel comfortable. Right now how could they be comfortable? You haven't given them the guarantees that they will be held harmless.

John Nixon: Okay, thank you.

Joe Harrison, Jr.: Sir, we've got, I think, a draft or we've had a couple of similar documents that we have approved in the past and maybe Mr. Jeffers could fax you a copy and you can get--

John Nixon: He has been very helpful to this point.

Joe Harrison, Jr.: You can get one drafted either by yourself or an attorney.

Commissioner Jerrel: Let me make a motion to include this on the November 8th agenda.

President Mourdock: Is there a second?

Commissioner Tuley: Yeah, I'll second.

Commissioner Jerrel: And you need--

President Mourdock: A motion and a second.

Bill Jeffers: She needs some kind of title to advertise?

Charlene Timmons: I need something. What am I going to call it?

Joe Harrison, Jr.: Relaxation.

Commissioner Tuley: Relaxation--

President Mourdock: Relaxation of a drainage easement.

Joe Harrison, Jr.: Why don't you...you ought to give this--

John Nixon: Keystone Section 6A Lot 270.

Charlene Timmons: Lot 270?

John Nixon: 270, yes.

Commissioner Jerrel: Keystone Subdivision.

John Nixon: I appreciate the board's time.

President Mourdock: Okay, thank you. Any other business this evening? Motion for adjournment?

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The meeting adjourned at 8:53 p.m.

***Those in attendance:***

Richard E. Mourdock  
Joe Harrison, Jr.  
Joe Ream  
Marvin Shore  
John Nixon

Bettye Lou Jerrel  
Charlene Timmons  
Jim Morley  
David Schminke  
Others unidentified

Patrick Tuley  
Bill Jeffers  
Carlos Wallace  
Elvera Godeke  
Members of the media

**Vanderburgh County  
Drainage Board**

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Special Drainage Board Meeting  
November 8, 1999**

The meeting was called to order at 6:55 p.m.

**Call to order**

President Mourdock: Okay, we'll go ahead and call the meeting of the Vanderburgh County Drainage Board to order as a special meeting of November 8, 1999.

**Award bid for removal of drainage obstruction**

President Mourdock: The first item is to award a bid for the removal of a drainage obstruction. Bill.

Bill Jeffers: That's correct and this is with regard to the Koch petition. After examining the bids, which I will return all three bids to the County Auditor for filing, our office recommends the lowest bid in the amount of \$3,405 to Naas Brothers Trucking, Incorporated, R.R. 1, Box 74, Haubstadt, Indiana 47639. Designated on this contract document the contractor is to complete the work described in the specifications titled removal of an obstruction to drain October 1999 and hand you this document for your signatures. This will serve as the contract between the Drainage Board and Naas.

President Mourdock: How many bids did we receive?

Bill Jeffers: We received three bids. All three bids came in under the engineer's estimate and this is the lowest of the three bids. I believe the highest was \$6,725.

Commissioner Jerrel: I'd...you want to call for a motion?

President Mourdock: Go right ahead.

Commissioner Jerrel: Okay, I--

Bill Jeffers: Oh, this is for the removal of two trees, both of them are willows, approximately 20 or so inches in diameter and maybe 20 feet high each. Also the removal of a certain quantity of dirt in between the two trees that was imported and placed in a drainage...in a mutual drain. The reason the bids are so high is because they're in a residential--

President Mourdock: Access.

Bill Jeffers: --neighborhood and the access requires that we take down a section of fencing on one person's lawn and take small equipment like a bobcat in. We have to strip the sod up off the ground where the bobcat will travel back and forth as it is removing the material and then we have to restake the sod in place and we're asking for a one year or until next summer guarantee that the sod will take root. It also requires the removal and replacement of two ornamental bushes which we estimate to cost \$100 each just for the bush and various other things like that. We had to protect some property corners that could have been ripped out if the person just went in and grossly leveled the dirt and so forth. So it's really work that requires a high degree of detail. That's why the bid came in so high.

President Mourdock: Okay.

Commissioner Jerrel: I would like to move approval of the bid by Naas Brothers Trucking Company which was the low bid for removal of these trees. The amount was \$3,405.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Discussion regarding relaxation of easements**

Bill Jeffers: There was a possibility that two other items were to be on this agenda. The specifications are basically ready, but I wanted another couple of weeks to bring them to you at the next regular meeting because I would like to check my engineer's estimate on that before I submit. The other item, Mr. Nixon had expressed a desire to come before you to ask for the relaxation of a drainage easement. He has subsequently called and said he doesn't wish to come before you tonight. I have also had calls from two other landowners who are developers in Keystone expressing a desire that we not make a decision and that when we do make a decision that we take into consideration their great or their true desire to maintain the plat restrictions as they recorded them. They've gone to a great deal of trouble to record plat restrictions, to maintain the integrity of the lakes and drainage system in Keystone. We also looked at the bylaws that allow 51 percent, I think it was reported, of the landowners to override a particular plat restriction and I'm not sure we should put ourselves into a position of being a recommending office to you regarding personal property and the bylaws that cover that. I still say any time that we're going to relax an easement for one person we should do it wholesale and that all the other property owners...we should take into consideration what all the other property owners have to say before we make a recommendation to you and especially when two of those property owners are developers asking us not to proceed with it. We're rather hesitant to make a recommendation. Also, Mr. Ronald Jourdan from Southern Indiana Gas & Electric Company is here to speak to the issue if you will allow it.

Ronald Jourdan: Am I allowed?

President Mourdock: Sure, you are quite allowed.

Ronald Jourdan: Thank you and thanks for the introduction, Bill. My name is Ron Jourdan, Supervisor of the Right-of-way and Land Department for SIGECO. I came here originally when I learned of the petition which I think was to build a fence across this easement. To speak strenuously against it, I hate to waste a good head of steam, so maybe I'll just have some general remarks for you. I do have a canned speech on the importance of easements which only lasts an hour if you would like me to.

Commissioner Tuley: That's okay.

President Mourdock: We'll save that one.

Ronald Jourdan: Okay, I'll pass. First of all, I would like to impress upon you how important SIGECO considers easements. Not only public utility easements, but

drainage easements which in a lot of subdivisions public utilities have an ancillary right to use for underground conductors and pipes. I'm only aware of two procedures for dealing with easements at the county level. I know you have the authority to relax the right-of-way of an urban drain and I know you have the authority to vacate an easement. I have no idea what process the property owner had asked you to relax an easement which is to me a defacto vacation. So I would consider...I would ask you to consider any request to relax an easement a vacation, a request for vacation. Also I would ask you to remember there is a new statute permitting people to complain about drainage issues on private property now. I'm sure...I know you have already had some, so that needs to be looked at. Just remember that the easement was dedicated for the benefit of the entire subdivision and not just the one property owner. In this particular case there is a flat out prohibition in the owner's certificate on fences. This is a lake drain easement, not just a drainage easement. It's a lake maintenance easement. There is a flat out prohibition on fences period. The only way I could see you could do it is to vacate part of the easement. There is also a public utility easement platted adjacent to this lake drain easement, so his fence would of had to of come across a public utility easement as well. So in a sense you're sort of giving him permission to fence a public utility easement. So the permission to encroach in an easement has a cascade affect on all of us. I would just respectfully request that you consider all the other issues that come up as a result of these requests and really look at them with an almost jaundice eye, if you will. If the people are interested in encroaching in easements make them file a petition to vacate that way all the public utilities have a chance to address the issue, we get notice. I would just like to thank you for your time and your future consideration. Thank you.

President Mourdock: Okay, thank you.

Bill Jeffers: I would just like to add a couple of thoughts to what Mr. Jourdan has said. Basically, the way our office has been operating is that we are the last, generally the last, agency to come...to go over to the Area Plan Commission and say we agree with the installation of anything in an easement. What we've been up against, basically, is that in commercial subdivisions especially someone...there are public utility and drainage easements adjacent to one another or incorporated together with one another. A site plan will come in ABC Restaurant would like to because of the parking requirements would like to pave over a drainage easement, a public utility easement, in order to be able to obtain enough parking spaces to meet the requirement at APC. Seven letters will come from seven different public utilities saying, hey, it's okay with us as long as they understand we can dig it up if we have to. Then you have a developer who goes over to get his permit to build the restaurant and they tell him, well, I'm sorry, but the County Surveyor is holding you up. We have all the signatures we need, but the County Surveyor won't sign off on your site plan because we insist on bringing that to the Drainage Board because the Drainage Board as Mr. Jourdan is implying must take an action which is defacto vacation of the drainage easement. Yet with the stroke of a pen everyone else does it in the office except for the County Surveyor. So the County Surveyor is held up to all those seeking a permit as, well, it's sitting over in his office. It's been over there for three or four weeks. So we continue to bring all these issues to you and we agree with the conservative view that a private property owner should enjoy the fullest use of the land on which he pays property taxes, so we have worked with developers and we continue to work with private individual homeowners to exercise the fullest use of their property so long as it doesn't adversely affect the general good. We don't look at a fence necessarily as being any more of an impediment to the maintenance of an easement as a parking lot or curbing. However, we will

continue to bring each of these issue before the County Drainage Board. I do think I have one right now that I just kind of said I'm not sure it's going to go to the County Drainage Board. Out there in Burkhardt/Lynch there is a site plan currently in front of Site Review which they are pushing hard to get done by next Monday for some spec buildings which encroaches on a drainage easement with pavement. I don't see any problem with it, but I think after this discussion I'll probably bring that to you in two weeks.

President Mourdock: Okay, thank you, Bill. Any other business?

Ron Jourdan: In that--

President Mourdock: Mr. Jourdan.

Ron Jourdan: --same vain.

Joe Harrison, Jr.: Come up.

President Mourdock: Yeah, come on up to the mike just to make sure our tape recording system picks you up.

Ron Jourdan: The only way SIGECO permits paving in a public utility easement is if the person signs a consent agreement which relieves SIGECO of liability, there is indemnity and provisions in there that the person understands that whatever he puts in the utility easement is at risk.

Bill Jeffers: And our attorney requires--

Joe Harrison, Jr.: That's what we do.

Bill Jeffers: That's what we had said to Mr. Nixon.

Joe Harrison, Jr.: But on this particular request are you basically saying that you would not even in this instance give such consent or are you not making that?

Ron Jourdan: In the particular instance I didn't see the petition, so I don't know exactly what he was asking for. The dedication...the owner's certificate in Keystone does not give public utilities the right to use lake drain easements or lake maintenance easements. SIGECO is not in that easement. We are running parallel to it the entire length of the way, so unless he leaves a section of his fence out over the top of the public utility easement it really doesn't make much sense to give them the right to fence the lake drain easement.

Bill Jeffers: We did inform Mr. Nixon that he would have to go to seven other entities and also petition SIGECO and others to cross their easements. We cautioned him on that.

Ron Jourdan: That's all I am asking. I saw this in the legal ads, but I could have skipped it pretty easily. And if we could just have notice so we can put in our two cents worth, that's all I am asking.

Commissioner Jerrel: Good enough.

Commissioner Tuley: Why would we not though just automatically treat it as a

vacation and go through the requirements of a vacation because in essence that's what we're doing as he points out?

Joe Harrison, Jr.: Well, I think we could if we wanted to really be conservative and careful about each particular easement vacation. It is a drainage relaxation request as opposed to a regular street or right-of-way vacation, but I mean if we wanted to be cautious about all requests we could certainly do it that way to be make sure everybody gets notice which I believe in the past that the County Surveyor has attempted to make sure that all utilities get notice by way of getting some sort of consent from them prior to the Surveyor's Office even bringing that request before this board. I mean, as a general policy I could see that being adopted. If that was the case, it would come to the Commissioners as well as the Drainage Board. It would still have to come to the Drainage Board as well. At least that is my feeling.

Ron Jourdan: Let me ask a question. So we're not talking about a relaxation of the easement, we're talking about an encroachment permit?

Joe Harrison, Jr.: Right.

Ron Jourdan: What position are the Commissioners putting themselves in if they give a person an encroachment permit and then the neighbor upstream from that says that fence is causing the water to back up on my property and I want it removed? What position have you put yourself in then?

Bill Jeffers: Well, we would look...the County Surveyor's Office would look at each one of those requests and we would not recommend to the County Commissioners anything that we feel would result in that. But I mean, all I am asking you to do is understand the position I am in. You have appointed officials throughout the entire picture basically making arbitrary decisions without a vote being taken and without any public hearing other than an unadvertised Site Review Committee meeting and then someone in that appointed office down there is holding up an elected official as being the only stumbling block and so...I had it happen today. Marty Nussmeyer calls and says I understand from so and so over in such and such an agency that I can't get a permit for my pole barn because you're the only signature that doesn't appear on my permit application. This was over a base flood elevation which I asked to be clarified because we have to vote in the Floodplain Management Committee. We have to vote on lowering the finished floor elevation to below two feet above the base flood elevation. When doing so I will not vote on behalf of the County Surveyor and the County Surveyor will not vote representing you people over there anything that lowers the flood protective grade of a dwelling or in this case a commercial building, lower it closer to the flood elevation than six inches above and the reason for that is we go down to half a foot. Federal law allows you to go down all the way to base flood elevation, but base flood elevation, what's that based on? Is the Corps of Engineers' data which is forty-nine hundredths of a foot different than what we are operating on and Sandy Hook datum is twenty-two hundredths different than what we are operating on so we give ourselves a cushion of six inches. Everyone else has agreed with that up until this particular permit. I went down there to sign it for Mr. Nussmeyer and it's not his fault whatsoever. I shouldn't have brought his name up, but just to give you an idea of what we're dealing with. The concrete company right across the street from him we held them to 385.5 and he is asking for 385. The Building Commissioners' map says 385 is the flood and then that is circled on this application and up here there is an arrow going up here that says 385.5 and I said, well, I'll sign off on 385.5. They said, well, now the Commission now says we can go all the way down to 385. We're not going to do these kind of things without some

kind of a vote and we're not going to recommend to you to vote that way unless there is some kind of protection because we look at ourselves as being very sensitive to public scrutiny as people who are elected and I am representing people who are elected as opposed to the bureaucratic end of the deal where just strokes of pens get these things done. I really value Mr. Harrison's counsel on this because he has always said you need to have a document, as Mr. Jourdan pointed out, indemnifying the bodies that are signing this against any actions that might occur due to these individuals or corporations installing some feature inside a drainage easement or a regulated drain right-of-entry, etc. But at the same time we do want to support the fullest use of a person's private property.

President Mourdock: Okay, well, saying it another way we're held to the accountability there. That's what we're here for. Very good.

Commissioner Jerrel: Thank you, Ron.

Ron Jourdan: Thank you.

President Mourdock: Any other business to come before the Board this evening?

Commissioner Jerrel: I'll move we adjourn.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The meeting was adjourned at 7:17 p.m.

***Those in attendance:***

Richard E. Mourdock	Betty Lou Jerrel	Patrick Tuley
Joe Harrison, Jr.	Charlene Timmons	Bill Jeffers
Ron Jourdan	Others unidentified	Members of the media

**Vanderburgh County  
Drainage Board**

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Richard E. Mourdock, President

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Betty Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Special Drainage Board Meeting  
November 8, 1999**

**Page 7**

Recorded and transcribed by Charlene Timmons

**Vanderburgh County  
Drainage Board  
November 22, 1999**

The meeting was called to order at 7:12 p.m.

**Call to order**

President Mourdock: Bill Jeffers, are you ready? Good evening. Welcome to the Drainage Board meeting. As you can see there is quite a number of folks here in the audience tonight. That usually means a number of people wish to come forward and speak. Because all of our minutes are kept verbatim we do ask that you come to the microphone, state your name and address before you address the Commission or the Drainage Board. Somewhat as a point of order, please note that the only thing the Drainage Board can act upon is issues of drainage. If you're concerned that the plans are going to change the traffic pattern in an area and that's the reason the Drainage Board should vote against it, it doesn't work that way. We're only here to talk about drainage, so we would appreciate it if you would keep your remarks along those lines. Our technical advisor is Chief Deputy Surveyor for the Surveyor's Office, Bill Jeffers.

**Approval of minutes**

President Mourdock: Before we go to Bill with the agenda we have a couple of sets of minutes from prior meetings to approve.

Commissioner Jerrel: I'll move approval of the October 25, 1999 minutes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Jerrel: And I will also move approval of the November 8th minutes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Woodgate Section II - Final drainage plan**

President Mourdock: Okay, Bill, we'll turn the podium over to you.

Bill Jeffers: Our first item tonight is Woodgate Subdivision Section II final drainage plan. The final drainage plan for Woodgate Section I was approved last month. Section II is a much smaller project located immediately south of Old State Subdivision along the addresses on Strawberry Hill Road. I'm not sure if the board will recall but our main concern with regard to this section of Woodgate was a large drainage swale that runs along the south line of Old State Subdivision along the area that has Strawberry Hill Road addresses and that is outlined, I believe, in pink or highlighted in pink there. That is the large drainage swale. It's in a 35 foot utility easement, oh, that was platted around 1976 for the purpose of carrying all the water that drained from Old State Subdivision, from the streets and the houses, drain to the south line and then was carried west into the creek. The concern that was raised by the property owners stems from the flooding in 1996 where that creek got so high in its floodway and out of its banks that the water ran backwards to the east and

carried a lot of debris and lawn furniture and dog houses and so forth along the way there and caused a lot of consternation. So what we did there is we identified the highest water that occurred along the addresses on Strawberry Hill Road and coordinated with Morley and Associates, what they found with their floodway study that was turned into the Department of Natural Resources, what they discovered to be the projected hundred year flooding elevation and kind of struck a balance between known high water in 1996 and theoretically calculated high water that may occur during any hundred year flooding and that is where they have set their finished floor elevations for this project. We would hate to make them take those finished floor elevations too high because the higher you take a finished floor elevation the higher the fences and the associated fill goes and we don't want to block any more water than we have to so they have struck that balance. Then our other source of concern was the water running east when the hundred year flood does occur and the water runs eastward in that large swale along the south of Old State Subdivision. We asked Mr. Sterchi to cut an emergency overflow swale, which I have highlighted in yellow, to pick that water up and take it straight back into the creek channel because that is what that water is really trying to do. It's trying to find it's way back into its floodway. It has been intercepted and spread out by houses or bridges or anything that might be in the way, fences, and it is simply trying to find its way back down into its own floodway path. This channel that he will cut that is outlined in yellow on the westernmost part of his subdivision along with a couple of other emergency overflow pathways that are also highlighted in yellow, those should return that broad overland flooding, if it does occur, should return it back into the creek channel as efficiently and quickly as possible. Like I said, the houses have been set above that flood elevation. That's about the best we could come up with for planning above and beyond what is normally required by federal insurance standards, etc. We have gone above and beyond that and still not...attempt not to interfere with natural water patterns, so therefore at this time the County Surveyor's Office recommends approval of the final drainage plan for Woodgate Section II. Mr. Sterchi, the developer, and his engineer, Mike Sears, are in the audience. I did have one phone call on this and I don't know if that person has something they want to say because I don't know if they are here or not.

President Mourdock: Okay, alright. First of all, questions of the board for Bill? Anything? Anyone wishing to address this particular drainage plan? Seeing none...

Commissioner Tuley: I'll move for the approval of the final drainage plan for Woodgate Section I as outlined by the Deputy Surveyor.

Bill Jeffers: Section II.

Commissioner Tuley: I'm sorry, Section II. I put my glasses on, now I can see.

Commissioner Jerrel: And I'll second.

President Mourdock: So ordered.

### **Hamilton Creek Condominiums - Preliminary drainage plan**

Bill Jeffers: Our next item is some condominiums that will be known as Hamilton Creek. This is located...the address given is 6312 Old Petersburg Road. It's between the top of the hill, which would be Senate Avenue, and the bottom of the hill is Greendale Court. It's in a wooded 25 or so acres in the woods that recently

sold to the Kempf Group. Condominiums generally are in Indiana and in Vanderburgh County treated the same as apartments. No official mailed notice is required prior to Area Plan Commission hearings, so a lot of times you'll see apartment projects and condominiums come through this board without any neighbors being notified that there is a development going on. However, we know that there is concern in this area for the type of flooding that occurred, especially in 1996, and we asked Mr. Tim Kempf, who is the developer in this case, if he would consider notifying the neighbors or would allow us to notify the neighbors and he graciously and voluntarily sent a letter to each of the neighbors abutting this property notifying them that this board was having a hearing on drainage tonight. We're treating this right now...we could treat it as a final Drainage Board approval if you like, but there were some very straightforward concerns that we had that we believe can be and pretty much have been addressed at this time. But kind of a combination of this being a sensitive area to the existing residents and the fact that Mr. Kempf has been gracious enough to...as he has been so far, we would like to gather some comments and come back and have this approved for a final drainage plan, I believe you are having a meeting on December 20th, is that correct? So at this time this is being presented as a preliminary plan. What I have done is I have highlighted the area that our office is most concerned about. There may be comments from people in the audience tonight who have other legitimate concerns, but our primary concerns are a 36 inch pipe which I have highlighted there in orange with red slashes on each side of it goes through an easement between those addresses in the 400 block. That's the only outlet for this lake that they're creating. The lake is created in order to gather about 60 acres of watershed area and detain all the water from that 60 acres and release it as a ten year storm. They're not required to do that. They were only required to gather the water from their 21 acres that goes into that watershed, but they have voluntarily designed a lake that will gather a 50 year storm occurrence, reduce it to a ten year runoff volume so that the 36 inch pipe can take it. This should improve the situation out there greatly even though it is a wooded area now. After it is developed and all the forest litter is picked up and the lawns are manicured and everything and you don't have the type of limbs and leaves and so forth that will stop that pipe up this should work very well and very much better than it did in 1996. But should we have a freak storm that would overtop the capability of this lake, you know, once in a hundred years or once in 50 years or whenever it might happen we want to alert the landowners of those two lots that just like it did in 1996 and not because of this development, but just because of a natural occurrence the water will go through the same pathway as it did in 1996 at which time it took out a section or two of fencing there and washed it down the street. Those people know that that happened. The same two people live there today that lived there in 1996. So we would like to alert them that they may wish to look into opening up a pathway there or building a kind of fence that would...the gate would swing open if it were battered against by the floodwater or a fence that water could pass through, something like that. No houses flooded on this block that I know of associated with that storm and after this lake is built and after this development occurs in accordance with these plans I do not believe that any flooding will occur. I believe this will lessen the chances of flooding rather than exacerbate them. And then there is one other...two other issues. I have shaded an area in yellow. It's a lot outside of this development, but I believe it was conveyed with this property. I'm not sure who owns it, but there has been an intercepting ditch dug alongside of Lot 63 and the couple who owns the next door lot which is what, 390?

Unidentified: 379.

Bill Jeffers: Okay, 379 Pleasantview Drive. Over the years they have experienced

some overland water coming down out of other people's property and running up against their foundation and this trench that was dug there is intercepting that and we would like to talk to Mr. Kempf and his engineer about the possibility of turning that into a permanent intercepting swale. Just some technical things would have to be worked out for that to take place, but we would like to talk about that in our office, not necessarily here at the podium tonight, and then along the back of those lot lines there is an eroded ditch that could...at one time was only about a foot, foot and a half deep. It's about three or four feet deep now due to erosion. Maybe returning that to something a little more landscaped, but at the same time it would have to stay there to take the roof drains from the back of those lots. Other than that we don't have any great concern about the runoff from this project. Some of the folks in the audience tonight may have those concerns, but we believe that this plan will intercept all that water, take it and route it through the lake and reduce it to a volume leaving the lake that the 36 inch pipe can handle.

President Mourdock: Okay, let's give them their chance.

Bill Jeffers: Okay.

President Mourdock: Anyone here wishing to address the board on the Hamilton Creek Condo preliminary drainage plan? Yes, sir. Please come forward.

Ray Norris: Thank you. My name is Ray Norris. I live at 379 Pleasant View that they mentioned. We've had a problem for about the last year. The prior owner to the property came in and was going to use that lot in order to drive cars in so he could show the property back there to sell it and he came in with bulldozing equipment and cleared off some of it which in turn caused us problems with water coming up against our house. In talking with him he decided that he would like me to help him pay for changing it, but I objected to that, so he came in with a backhoe and took a ditch and went all the way back to the creek area. That has helped some. We haven't had the problem that we had prior to that, but I am concerned now because this particular lot I've been told by the people with Mr. Kempf that it is going to be sold off and is going to be a residence. At this point that is the staging area for all of the logging company that is taking all of the trees out and it is being completely cleaned off and flattened and I am concerned that unless something is done we're going to have a continuation of the problem because we're at the low side of it. There is a hill coming right down toward our house and the water has created a problem for the last year and unless with all of the things that are happening out there now I am concerned that we could still have a larger problem. But I thought this would be the time to mention it and Mr. Deavers was very kind in letting us know and also Mr. Kempf wrote us a letter to tell us that the meeting would be tonight and I thought this would be the time to at least make some comments on it.

President Mourdock: Okay, thank you Mr. Norris. I heard, Bill, you were making some recommendations towards the tail-end of your comments about what might be done along that lot. Has the developer committed or are those discussions yet to take place?

Bill Jeffers: I haven't had a chance to talk with the developer or his engineer about a permanent swale at the location mentioned. It might have to be in an easement. I need to talk to them on a technical basis in the office before the next meeting and find out if something can be done on a permanent basis.

President Mourdock: Okay, and as you stated, Mr. Norris, it's exactly why we try to

do these meetings and take those kind of comments at the preliminary stage to the final. So, Keith?

Keith Poff: Keith Poff, Sitecon. We're the design engineering firm for the site development work here and if I may the ditch there is a natural swale that comes in this general direction. It comes up and it does run very close to the property line this way. This manmade intercept swale has been made to connect into it. We have an opportunity--

President Mourdock: Let me interrupt for a second. Is this the newly dug?

Keith Poff: This one is here.

President Mourdock: Okay, the one that Mr. Norris mentioned? Okay.

Keith Poff: This is a...I don't know if it is natural. It runs fairly east/west, but it is an eroded channel that Mr. Jeffers eluded to that has some roof drains and things like that coming out into it. This comes down and tries to make a 90 degree corner and go through that pipe eventually. We have a need to take this water as we have development here to take it into our retention lake so we'll have to be changing the path of that water instead of allowing it to continue to go all the way up to here and then diverting it and bringing it into the lake. We can extend this ditch and take it into that lake, berm that off and still improve this ditch to keep it twice as big as it needs to be.

President Mourdock: Mr. Norris, could I ask you to come up here so you can see this. Somehow we have to find a way to have everybody to see the same thing at the same time. I don't know how we'll do that.

Commissioner Jerrel: Do you mind showing him?

President Mourdock: This is your lot, correct?

Ray Norris: Yes, it is.

Keith Poff: The intercept swale has been placed on this side of the line that comes down here and essentially turns 90 degrees into that eroded channel and comes down this way. We have water that comes from a natural valley that feeds in that direction as well. We have an obligation to get the majority of our developed water into our detention facility, so we're going to propose rerouting of that lake from that ditch around this area and put it into the lake. We can easily extend this ditch and connect it into that lake and into that ditch and bring it around to here. Of course, it will take some earth work to block that off, but this ditch in the back does need to remain somewhat in place to allow the rear yard drainage, downspout drainage and things like that are already in it, but it could get cleaned up a little.

President Mourdock: But you're dramatically reducing the watershed that would otherwise affect Mr. Norris.

Ray Norris: Sounds great.

Commissioner Tuley: Eliminating that 90 degree turn, it has got to be helpful.

Commissioner Jerrel: Yeah, because if it would come through here and this was

extended it would keep flowing.

Ray Norris: Most of the drainage you say is going into this lake?

President Mourdock: Yeah.

Ray Norris: What we see happening, we're right on the curve. Right at this point the street goes on up this way and under a really heavy rain the water comes running down the hill and it comes on over through the lot and down this way. (Inaudible.) Over the road itself--

Keith Poff: The curb and gutter.

Ray Norris: The curb and gutter part.

Keith Poff: There is pretty good (inaudible)--

Ray Norris: There is around that.

Keith Poff: --around that 90 degree corner.

President Mourdock: Okay.

Ray Norris: But if that was cleaned up and connected on into this part that would probably make a big difference.

President Mourdock: Okay, very good. Thank you. Do you have any other comments, Keith?

Keith Poff: Only one. The 61 acre watershed that our lake is set up for a ten year release for that would be about 79 cfs. The 36 inch pipe is a restriction. In order not to have water ponded greater than the existing top of bank near there we can only carry 50 cfs so our retention lake design does restrict our outflow to a 50 year lake, 50 cfs. So we've restricted it even further to keep that problem from being--

President Mourdock: Oh, I see. Okay.

Tim Kempf: I have a comment to make.

President Mourdock: Sure.

Tim Kempf: My name is Tim Kempf. I am the developer of Hamilton Creek. I just want for the record to show that I do intend to meet personally with Mr. Jeffers to dedicate a permanent easement between Lot 63 at Greenbriar Hills and the adjoining land to the neighbor, Mr. Norris. In answer to his question about the trees and the timber, what has been cut off of there is all you see. They just took some trees down where a home is going to be built in the future. I would recommend, I guess, when those homes were built the county standards weren't the...the floodplain grade elevations weren't required as they are today, so when a home is built next to you you'll see that they will build that up to a higher elevation for their finish floor. That's going to keep the water away from their house, but then it will channel in between the lots in this permanent easement and then that water will go down to the lake, will accept that into the lake.

President Mourdock: Okay, thank you.

Tim Kempf: Thank you.

President Mourdock: Anyone else wishing to discuss Hamilton Creek Condos? Yes, sir.

Ron Talley: I'm Ron Talley. I live at 507 Pleasant View Drive. It's in the middle of the block. The wooded area behind us is at a little higher elevation. I don't have any major problems now. There is some rain water that will come down in a hard rain. My yard will have a little water in it, but nothing of any significance and I just would like to ask, and also express appreciation of Mr. Kempf the way he has handled this all the way from the beginning in keeping us posted, if they see any problem with the homes and streets and such causing more of a runoff or maybe less of a runoff into our yards which are a little bit lower?

President Mourdock: Do you know off the top of your head which lot number is yours?

Ron Talley: No, it's the fifth house on the left on Pleasant View off of Greendale.

Bill Jeffers: I have street addresses on there. What's your number?

Ron Talley: 507.

Commissioner Jerrel: Yeah, right here.

President Mourdock: Okay. Thank you, Mr. Talley.

Commissioner Jerrel: Okay, with the--

Bill Jeffers: Mr. Poff might answer it better than I, but I have looked at the plans and the area that the gentleman is talking about all the hard surface, concrete streets, etc. the drainage from that, and parking areas, will be routed to the lake. However, some grassy back lawn areas that match up with his rear yard the sheet runoff from some lawn areas will continue to cross his line, but 99 percent of the hard surface runoff will be directed through the street system into the lake.

President Mourdock: Very good. It sounds like we got everyone cooperating on this one. Any other comments?

Commissioner Jerrel: With that I'll move approval, preliminary approval, of the Hamilton Creek Condominiums.

Commissioner Tuley: Second.

President Mourdock: So ordered. And I appreciate everyone's sense of cooperation on this. Thank you.

Bill Jeffers: The final plan with be back--

Tim Kempf: The 20th.

Bill Jeffers: The 20th of December.

Commissioner Jerrel: Do you all want to come back the 20th?

Bill Jeffers: It will be about the same time. Possibly a little earlier, 6:30.

Commissioner Jerrel: Yeah, maybe about 6:15 or 6:30.

Charlene Timmons: No, we have a rezoning meeting.

Commissioner Jerrel: Oh, that's right.

Bill Jeffers: At 6:30 or 7:00 like it was tonight.

Commissioner Jerrel: Okay.

President Mourdock: Thank you all.

**Cambridge Villas Condominiums - Preliminary drainage plan**

Bill Jeffers: Here is a pretty one.

Commissioner Jerrel: You really did color it up.

President Mourdock: Cambridge Village...or Cambridge Villas, I guess.

Bill Jeffers: Cambridge Villas. This is another small condominium project which is an extension into an outlot of Cambridge Village that is developing up on Volkman Road. The golf fairway goes all around the outside of this lot. It's got an interior street there serving the individual units. All the water is being routed through a large lake. They're basically...I've been teasing them. They're out there mining dirt to create this golf course and the lake they've created is like five times the volume necessary to meet our requirements even with the 10/100 zone that they're in. All the water is being routed to this lake. The lake is part of the golf course. The outfall is in the appropriate area. This is still preliminary just until I get a comment from the neighboring farmer to his satisfaction and they also need to relax or relinquish or vacate that easement I have outlined in orange that appears on the plat, however officially that needs to be done. As you can see there will be a couple of units over the top of that easement which is no longer needed. Our office recommends approval of the preliminary plan and we will be recommending approval of the final plan on December 20th.

President Mourdock: Okay, anyone in the audience wish to address Cambridge Villas Condos?

Commissioner Jerrel: Move approval, preliminary approval, of the Cambridge Villas Condominiums.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Glenwood Hills Section B - Plan modification**

Bill Jeffers: We have a request from an owner of a lot in Glenwood Hills Section B for a plan modification to allow the installation of a 12 inch corrugated plastic smooth bore pipe into swale number one along the west line of his property. I need to make sure I get the right lot number. This will carry the water down to the backside of the detention lake's dam and put it right onto the same riprap pad in the same outfall channel which is riprap lined that takes this off-site. It's lot number 22. The west line of lot number 22. We are recommending...they have submitted all the necessary details to show the proper bedding and cover of that pipe for any contractor of their choice. This is done by a homeowners association. We will not have to maintain that pipe nor will we ever have to replace it. Morley and Associates has designed this in the proper fashion. It was just that the developer didn't want to pay for that pipe at the time and the lot owner is willing to pay for it, so there it is and we recommend the plan modification for Glenwood Hills Section B allowing a 12 inch corrugated plastic pipe to be put on the west line of lot number 22.

President Mourdock: Any discussion? Is anyone behind the podium? Okay.

Commissioner Jerrel: Move approval of the plan modification for Glenwood Hills Section B.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Ashwood Subdivision Section 2 - Preliminary drainage plan**

Bill Jeffers: I have a plan that was not on the published agenda because I was awaiting some very minor details to be resubmitted from Bill Nicholson on Ashwood Hills...no, excuse me, Ashwood Subdivision Section 2.

President Mourdock: Is this a modification then, Bill?

Bill Jeffers: No, this is a preliminary plan for a new subdivision. We had sent it back for some minor details to be resubmitted and I wasn't sure if they were going to come in when I gave Tony the agenda at noon Friday and Mr. Nicholson brought those Friday afternoon and I have reviewed them. Actually, it's an entire set of street plans, but I have not yet reviewed every detail of them with the County Engineer because he is out of town. I have reviewed the drainage portion of these plans sufficient to recommend them as a preliminary drainage plan so that they will move forward to Area Plan Commission. On that drawing there I have outlined Ashwood Section 2 in orange and shown you that the floodway for Pigeon Creek just north of Lynch Road is the easternmost boundary of that subdivision. They will have to deal with that getting the required permits from the Department of Natural Resources, etc., however the drainage plans that Mr. Nicholson has provided me meet the qualifications for a preliminary set of drainage plans and our office recommends the preliminary plans for Ashwood Section 2 at this time.

President Mourdock: Okay.

Joe Harrison, Jr.: Was there notice on this?

Bill Jeffers: Did you mail notice for an APC meeting on this one?

Bill Nicholson: Oh, yeah.

Bill Jeffers: Yeah.

Joe Harrison, Jr.: So they were notified of tonight's meeting?

Bill Nicholson: Yes.

Bill Jeffers: Oh, yes, sir. I just wasn't sure if I was going to bring...at noon Friday I wasn't sure I was going to bring this, but Mr. Nicholson got the details back in time for me to look at them Friday afternoon. That's why it wasn't on the printed agenda.

Commissioner Jerrel: Okay, with that preliminary approval for...I would move that we approve preliminary approval for Ashwood Subdivision Section 2.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **Report - Koch petition to remove obstruction**

Bill Jeffers: Under old business all I have to bring before you is the John Koch/Wanda Koch petition has been exec...or your order has been executed and the trees have been removed and the dirt has been removed behind their home and the drainage ditch has been restored to its original flow line and it has been reseeded and there is an erosion control mat all in accordance with the plans that we advertised. The contractor was in and out and finished. Both the Kochs and the Winks have been contacted and are completely satisfied with the work that was done in their backyards and expressed their utmost thanks to the board for executing that order. So I guess we're done and there is a claim sitting over with the rest of the claims to pay that fellow for the work he did.

President Mourdock: Okay, very good.

Commissioner Jerrel: Thank you.

### **Willner Tool & Mold - Corrective action request**

Bill Jeffers: Okay, under new business Mr. Gene Willner called a couple of weeks ago and asked me to come look at a drainage problem and I sent a letter to your office via fax to Tony basically asking that you allow our office to go and look at this with the County Engineer's Office. I've got a copy if you need to see it.

Commissioner Tuley: We've got it.

President Mourdock: Let me add to that I went out there. Excuse me, I have gone out there and looked at this. As you said in your note this is a hodgepodge in progress.

Bill Jeffers: Right.

President Mourdock: Because the bed of the railroad ballast has built up, the county built up the road to get further up over the railroad and now it's a real problem, so I would certainly like you to go out and take a look at it.

Bill Jeffers: Right, and I don't want to go back into that railroad right-of-way because there are, what do you call those kind of...million dollar fiber-optic cables on both sides and I don't want to mess with it. I would like to work with the County Engineer and see if we can't route that water in the same direction outside the railroad right-of-way. Here is the letter.

President Mourdock: And I guess we need a motion to direct you to begin that.

Commissioner Jerrel: I would like to move approval that the Deputy Surveyor work for corrective action with the Engineer, County Engineer.

Commissioner Tuley: Second.

President Mourdock: So ordered.

<p style="text-align: center;"><b>Notice to Bidders Audubon Estates Lake - Kolb Ditch and Sonntag-Stevens Ditch</b></p>
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Bill Jeffers: Okay, we had a request earlier this year for Audubon Hills...excuse me, Audubon Estates lakeowners about their lake being below normal pool elevation, etc. I think we've talked about that before. We've been out there on several occasions. Last month we came and asked you if we could remove some trees. That work has been done. The claim is over there to pay 85 percent of that work. I got a little letter here you all can read at your leisure, but basically what I am asking to do is...well, what I am saying is that their lake is about five and a half feet below its normal pool caused by the drought as well as sandy soil that the lake is excavated into is sucking the water out down into the water table. There is a check dam that was at the outlet end of the lake. It has been destroyed by storm water that runs backwards into the lake after Indiana Department of Transportation routed a ditch that drains Ridgeway Drive and I-164 improvements down to this point, that water comes down there with such force that it overcomes the water that is coming out of the lake and makes everything run backwards during a storm, so it washed out this check dam. That check dam actually was a part of a drainage plan that was approved by the Drainage Board back in early 90s. There is a lakeowners association. However, that's a part of Kolb Ditch. We rerouted Kolb Ditch through that lake to use it as an urban drain and detention area. We do have money in that account and I am asking for you to allow us to advertise to install approximately 12 to 15 square yards of riprap...no, wait. Twelve to 15...nine to 12 cubic yards of riprap encased by 12 to 15 yards of wire reinforced concrete and reconstruct that check dam in such a way that it won't be washed out. I have that Notice to Bidders along with incorporated into the same Notice to Bidders for some work on Sonntag-Stevens Ditch we had previously discussed and we're ready to advertise that to receive bids on December 20th for both those projects. I have the specifications for them and would ask you at this time to allow us to advertise for additional work to be done on Kolb Ditch and Sonntag-Stevens Ditch.

President Mourdock: Is there a motion?

Bill Jeffers: Here is the Notice to Bidders.

Commissioner Jerrel: I would move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Bill Jeffers: That single sheet would be the Notice to Bidders that you can pass to your Recording Secretary.

Commissioner Jerrel: Okay.

Bill Jeffers: Oh, I'm sorry. I'll be bringing you a signed copy. I'll assume your signatures on there are tantamount to approval of that request. Oh, it's just one add for both projects.

Commissioner Jerrel: Oh, okay.

Bill Jeffers: That way that ad will serve to advertise both projects. I'm just trying to save a little money on your advertising.

Joe Harrison, Jr.: Did we have a motion?

Commissioner Jerrel: Motion to approve?

Joe Harrison, Jr.: Yeah.

Commissioner Jerrel: I so move.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Bill Jeffers: That's Sonntag-Stevens and Kolb Ditch, both projects.

Commissioner Jerrel: Right.

Commissioner Tuley: Yes.

<b>Kyle Martin - Request to relax drainage easement</b>
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Bill Jeffers: Okay, then there is a fellow here, Mr. Kyle Martin, who is requesting that you relax a drainage easement to allow him to construct a yard barn on his property. I took the liberty to fax him this which is a whole package and I just tried to create a generic agreement to relax an easement. Fill in the blanks. On the second page I am saying that the board would agree to relax its authority sufficiently to allow this construction or any construction that is filled out in this generic form to be placed within the subject easement only as that construction is described and depicted upon the attached drawings and only so long as the owner who is petitioning you continuously complies with these conditions and I tried to cover everything under the sun, you know. Then I took the liberty of putting Joseph Harrison, Jr.'s signature blank at the bottom, so what I told Mr. Martin was, he is in a hurry to do this and go ahead and fill this out, but, you know, give the board and give Mr. Harrison a couple or three weeks to take a look at this and make sure that either I have covered

everything that needs to be covered in those nine different statements or maybe I have done overkill here and something needs to be taken out, but I wouldn't ask Mr. Harrison to sign this tonight, you know what I am saying? It's kind of--

President Mourdock: Mr. Martin, you have seen this?

Kyle Martin: Yes.

Bill Jeffers: But I did include a picture of his building lot so that he could draw his construction on where he wants to locate it and I would like to direct your attention to some statements on his plat. One statement says the individual lot owner shall not construct or place any obstruction within any public drainage easement which will interfere with the flow of surface water along the drainage easements, no fences, etc., okay. Then it says see the owner's certification, you know, restrictions and covenants which I have also attached. That's a standard statement that appear on all of the plats at that time and still appears to some extent on all the plats worded something like that. It's just a warning, do not put anything in these drainage easements that will obstruct the flow of water. I have examined Mr. Martin's location and the way he intends to locate this construction will not interfere with any surface water drainage in that easement. The yard barn will be located in the easement, but it will not interfere with the flow of water. What disturbs me about this plat is that it also says on there no portable or permanent storage sheds, dog houses or other permanent or portable buildings shall be placed within any easement. What I have written on there in my own handwriting is that this statement does not appear on every plat recorded during this same time period. As a matter of fact, I have never seen that statement before, therefore it is in doubt to us whether such a statement is a code requirement that is applied equally to all properties that were platted, you know what I am saying?

President Mourdock: Is this--

Bill Jeffers: I wonder if that was an undue restriction.

President Mourdock: --looking to relax an easement and a condition of an easement or are we looking to vacate the easement?

Bill Jeffers: I'm looking to ask you on his behalf to relax your authority over that easement.

President Mourdock: Okay, but let me--

Bill Jeffers: Only sufficiently to allow him this specific construction.

President Mourdock: And the other question that comes to mind is if, and I take it as fact, that this construction of this building in this easement isn't going to affect the drainage of water then why is it an easement in the first place and why wouldn't we just vacate the easement rather than relax it? If you're telling me we have an easement for drainage that he is going to build something right in the center of it that is not going to affect the drainage then why would we keep that?

Bill Jeffers: There is a swale in the easement--

President Mourdock: How wide is the easement?

Bill Jeffers: Let's see, it's about 20 feet wide.

President Mourdock: And are you using the whole 20 feet?

Kyle Martin: Four feet.

President Mourdock: Only four feet of the 20?

Bill Jeffers: He is using four feet of the 20 foot drainage easement and he is using about six feet of the 10 foot public utility easement adjacent to it. In the remaining portion of this 20 foot drainage easement there is a swale that intercepts water from Mt. Ashley Subdivision farther uphill and intercepts the water before it comes on to...well, as it comes on to Mr. Martin's property and it carries that water down the hill to the east. The swale is there and his yard barn is not going to be located in the swale that occupies that easement, however there is another ten feet or so of easement that is not being used for anything and he would like to use if for the yard barn. That's what it boils down to.

President Mourdock: Joe, you started to say something?

Joe Harrison, Jr.: The only thing I was going to say is that I would feel more comfortable on these types of things if there was some notice of some sort given to neighbors.

President Mourdock: Just as if we were vacating?

Joe Harrison, Jr.: Yes. Well, because technically even though we may...we are relaxing the easement, but there is still going to be a public utility easement in some spot out on that property and that does not mean that he still may not have a problem with these restrictions.

Bill Jeffers: That's correct.

Joe Harrison, Jr.: And that's a whole other issue.

Bill Jeffers: That's correct.

Joe Harrison, Jr.: That's not our issue, but that is his issue.

Bill Jeffers: That's kind of how I tried to write this document.

Joe Harrison, Jr.: Okay, even though we may relax a portion of that easement which essentially makes it as if there is no longer a public utility easement for that portion or a drainage easement for that portion there still will exist a drainage easement out there. You're still going to have to address that issue. I mean, if you're going to put a shed in an area where there still is a drainage easement that's another issue you're going to have to deal with with your neighbors.

Bill Jeffers: Right, and one of his neighbors does have downspouts draining into that swale at a location down hill and remote from the location where he wants to do the yard barn.

Joe Harrison, Jr.: Right, but what I am getting at is that any action this board may or may not take it's up for you to go from there to do whatever you want to do with their

recommendation. That does not allow you to do--

Bill Jeffers: Anything he wants to do.

Joe Harrison, Jr.: --anything you want to do, that is correct.

Bill Jeffers: Yeah, well read this at your leisure and see if it covers it. I mean, Mr. Martin is kind of in a hurry to do this because he wants to do it while the weather is good, etc., so I said, yeah, you can come before them tonight, but I surely am not going to stand up there and ask them to approve something before the lawyer has a chance to read everything and before Mr. Martin has a chance to digest what his responsibilities are going to be because I told him about the statute about if that yard barn were to ever represent an obstruction or any part of it that he might add on to or something hanging off of it or something falls off of it and falls in the drainage swale, some roofing material or whatever, he could be subject to a petition at a later date for the obstruction of it regardless of whether we allowed him--

Joe Harrison, Jr.: The bottom line is this board really can't allow...I mean, any action this board may or may not take it cannot allow you to put that barn there. That would not be its ruling. It would simply be acting on the relaxation of that drainage easement.

Bill Jeffers: So this document may have to be altered substantially or it may be okay. See what I am saying? So why don't you give them about a month to take a look at it.

Joe Harrison, Jr.: And it would be my recommendation that if this pursued that there is some notice given to the adjoining homeowners.

Bill Jeffers: Well, are you saying at least within the plat--

Joe Harrison, Jr.: Yes.

Bill Jeffers: --of the same properties or...well, we'll work that out.

Joe Harrison, Jr.: We can talk about that.

President Mourdock: Okay, so you'll work together and bring that back to us?

Bill Jeffers: Yeah, we'll come back with that. I just wanted to get that up here and Mr. Martin is here in case anybody wanted to ask him anything directly.

Kyle Martin: Good evening. Kyle Martin, a resident at 324 Southbrook. I do feel that this drainage easement at the back of my property it is at the beginning of water flow so that where I have the petition or proposal to have this building is basically at the beginning and it's not at the end or at the middle of a drainage swale. So I just wanted to make that--

Bill Jeffers: Yes, the very, very top of the hill where the intercepting swale actually starts. That's why...I mean, I wouldn't have brought it to you if it was a real problem.

Kyle Martin: Thank you.

Bill Jeffers: That I thought was going to interfere with drainage. The last--

Commissioner Tuley: Wait a minute.

Bill Jeffers: Oh, I'm sorry.

Commissioner Tuley: I'm going to interject my two cents here. I don't have a problem per se with what he is asking, but if everybody else down that line wanted that same thing are we going to impact that drainage?

Bill Jeffers: Yes. And that drainage has already been impacted by people on down the line that have done things without coming to you. I've had calls on that particular drainage swale from other people on down the line that have gone and just totally filled it in. It did not come to you.

Commissioner Tuley: I don't want to chastise him for coming forward and trying to do it the right way.

Bill Jeffers: What he is doing is not going to interfere...the simple thing he is doing will not interfere with it. Other people have already destroyed the swale on down the hill without even coming and asking. I mean, that's the facts of life out there and that is what is going on. I mean, we have these things every day...I mean, every Monday in Site Review somebody wants to pave in a drainage easement. I got two of them right now and I wanted to bring that up tonight, but it's getting too late to do it, but somehow or another I want to be able to sign off at Site Review on these commercial lots like Eye-Mart, Southern Indiana Tire, that's the two right now, that are going to pave over drainage easements, but they need to sign something to indemnify you guys when that pipe has to be dug up and repaired not to come back and say the county should pay for our parking lot because they allowed us to pave over the pipe.

Commissioner Tuley: Right.

Bill Jeffers: And now they are digging up our parking lot to repair the pipe. Well, hey, we didn't go ask them to pave over it, you know what I am saying?

Commissioner Tuley: Sure.

Bill Jeffers: So anyhow, yeah.

Commissioner Jerrel: And we did have that visit from SIGECO about the utilities.

Bill Jeffers: Right, and this is kind of a continuation of that discussion.

Commissioner Jerrel: Yeah.

Commissioner Tuley: That's my concern is, you know. I heard from one of the developers here in this community that by your office and what have you at time of drainage requesting all these easements and they put that on their covenants and restrictions, on their lots and then we turn around and say, well, that's okay we're going to relax this one, you know, it puts everybody kind of in a box.

Bill Jeffers: Well, but probably the same developer came to me on one subdivision and wanted it relaxed out by the Hornet's Nest and then on the next subdivision said-

-

Commissioner Tuley: Don't do it.

Bill Jeffers: --don't do it or there is going to be some action taken. See what I am saying? So--

Commissioner Tuley: You can't have it both ways.

Bill Jeffers: Yeah. Well, yes you can have it both ways because our problem here is to allow people the fullest use of their ground without adversely affecting drainage.

Commissioner Tuley: Yeah.

Bill Jeffers: And that's a helluva balance to have to strike in some cases.

Commissioner Tuley: Yeah, 1996.

Commissioner Jerrel: Uh-huh.

<b>Blue claims</b>
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Bill Jeffers: Okay, so that's your claims for this month and we recommend payment of those claims to the ditch contractors on our regulated drains.

Commissioner Jerrel: And I move approval of claims.

Commissioner Tuley: Second.

President Mourdock: So ordered. Any other new business?

Bill Jeffers: Can I just continue to work with Mr. Harrison on this? Is that okay with you guys if I spend a little time with him on this indemnification thing to keep you guys from--

President Mourdock: Not only is it okay, I think it is recommended.

Commissioner Tuley: Recommended, yeah.

Commissioner Jerrel: Yeah.

Commissioner Tuley: Get the wording where we don't get sued later it's okay with me.

Bill Jeffers: Oh, you're going to get sued anyway, but at least--

Commissioner Tuley: Well, one we can defend then. Don't get us in a box we can't defend.

Bill Jeffers: You're open...it's open season on you guys.

Commissioner Tuley: Yeah.

President Mourdock: We'll get our pictures in the paper.

Commissioner Tuley: That's right.

Bill Jeffers: Just look at it as a photo op!

Commissioner Jerrel: Yeah.

President Mourdock: Okay, any other issues to come before us this evening?

Commissioner Jerrel: I'll move approval that we adjourn.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The meeting adjourned at 8:04 p.m.

***Those in attendance:***

Richard E. Mourdock  
Betty Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Charlene Timmons  
Bill Jeffers  
Ray Norris  
Keith Poff  
Tim Kempf  
Ron Talley  
Kyle Martin  
Bill Nicholson  
Others unidentified  
Members of the media

**Vanderburgh County  
Drainage Board**

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Richard E. Mourdock, President

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Betty Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Drainage Board Meeting  
December 20, 1999**

The Drainage Board Meeting was called to order at 7:30 p.m.

**Call to order**

President Mourdock: Good evening again. We'll call to order the December 20, 1999 meeting of the Vanderburgh County Drainage Board. As you probably know, the three County Commissioners also sit as the Drainage Board. As in our prior meeting all of our notes are taken verbatim which means Charlene has to spend hours and hours typing every word that is said here, so if you wish to address the board you must come to the microphone, state your name and address for the official record. Also, as you can see by looking around the room we have a number of people here tonight and I would ask you to be as brief as possible with your comments. Everyone will get a comment to speak, but please remember that brevity can be important.

**Approval of minutes**

President Mourdock: The first item on our agenda is to approve the minutes of the past meeting which was November 22nd.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered. The Chief Deputy Surveyor, Bill Jeffers, is our technical representative and presents our agenda tonight, so you're on, Bill.

**Kyle Martin - Encroachment request**

Bill Jeffers: The first item on our agenda tonight is under old business Kyle Martin's request to encroach on an easement. In anticipation of his continued request from last month to be allowed to encroach in a drainage easement at 324 Southbrook Drive, Lot F26, in Brookview Subdivision Section F3 anticipating that he will continue to ask your permission to encroach into the easement with a yard barn I will make the following brief comments. I have handed everyone concerned in this matter a copy of the report from which I will read. Basically, last month Mr. Martin asked for permission to encroach in an easement and we heard comments from a representative of SIGECO Land Management Office, Mr. Ron Jourdan, who is also here in the audience and has a copy of this report handed to him, and I anticipate an objection to be lodged from a neighbor adjacent to the same easement tonight so I make these comments and these are the preliminary conclusions of the research that we did. Rather than give Mr. Martin an application to encroach in an easement since the county does not have a formal application, we are still working on the wording of that application, I do have attached at the very last two pages, 14 and 15, the front and back of the City of Evansville's application for encroachment permit. This is a generic application whereby the Board of Works of the City of Evansville allows a property owner to make application to encroach in an easement or a right-of-way and this is very generic, street, alley, other public place, etc. I went down and talked to the City Engineer and the current practice over the last year or so has been that they do allow fences to encroach in easements where there are no identifiable ditches or drainage pipes. I'm speaking strictly of drainage easements

not other types of easements, alleys, etc., just drainage easements is all I am addressing tonight. The City Engineer told me that they do not allow yard barns in easements at the current time. His rationalization for that was that fences are more easily removed than yard barns. I'm not ready to make that distinction at this time, I just am giving you that for your information. Other comments and conclusions of our research at this time the plat of Brookview Section F3 which contains the property requesting the encroachment was recorded on August 27, 1992 and a portion of the plat is found on page 8 of this report showing the stamp that it was entered into taxation on that day. Two, the recording date, August 27, 1992, proceeds the adoption of the current county drainage ordinance which was adopted November, 1994 therefore the ordinance that would govern the enforcement of the plat restrictions found on the plat for F3 would seem to be a subdivision code Section 151.36 attached. That's attached to page 9. A couple of pages that have anything to do with drainage under the Area Plan Commission's subdivision code. You'll notice on there some language about easements. Number four, Brookview Section F3 plat shows drainage easements and notices printed on the plat in compliance with the county's subdivision code just noted as Section 151.36. That can be found on page 12 and 13. Those are the notices that the Area Plan Commission's subdivision code requires. They are found on this plat. Five, on September 30, 1999 the Area Plan Commission issued a site improvement permit for a yard barn at 324 Southbrook. The permit is conditioned as noted on the attached copy. That can be found on page 4. There is your improvement location permit where the Area Plan Commission permits the applicant, Mr. Martin, to build an unattached garage or accessory building you might call it at that location with certain conditions highlighted at the bottom of the page under the title "Conditions". Number six, the location of the barn violates two of those conditions and on pages 5, 6 and 7 you will see the extent of the violation is simply that the barn was located inside the drainage easement as shown on page 5, which is Mr. Martin's sketch of the project. Page 6 which is the portion of the recorded plat that shows that Mr. Martin's sketch is in conformance with the recorded configuration of the property, and page seven which shows you the property adjacent to Mr. Martin from which I expect an objection and all with the approximate location of the yard barn within the drainage easement. Number seven, rather than revoke Mr. Martin's permit the Area Plan Commission instructed him to petition the County Drainage Board for permission to encroach in the drainage easement. What I mean there is an employee in the Area Plan Commission suggested to Mr. Martin that he come before this board. Number eight, the Area Plan Commission does allow encroachments of easements for commercial development when the developer shows the requested encroachment on a site plan at the Site Review Committee meeting accompanied by letters from all utilities, agencies and boards who may use or supervise the use of the easement. What I am saying there is that Area Plan Commission Site Review on Monday mornings if the parking requirements for a commercial development or restaurant, so forth, requires so many parking spaces that the parking lot has to be paved over the top of utility and drainage easements that occurs very frequently and the developer and his engineer are instructed to go get letters from about seven of the utilities, SIGECO, Water Department, Sewer Department, telephone, etc. Generally, letters from pertinent utilities, agencies and boards follow unnotified in-house review. In other words, they are not open door meetings. Number ten, a representative of SIGECO has expressed the wish that all pertinent utilities, agencies and boards be notified in the future of requested encroachments on easements by residential development the same as for commercial development. Eleven, to process all residential encroachment requests the same as commercial encroachment requests will require that all residential encroachment requests pass through Site Review or Sub Review. I mean, to do it the same for everybody you

would have to do it in the same place that it is done for commercial. Okay, then the next page is a letter that I sent to an individual that I expect to object to the placement of this yard barn and I just have highlighted the dates and the pertinent statements. The rest of the attachments are self-explanatory. Mr. Martin is in the audience and possibly another person who would like to speak.

President Mourdock: Okay, who would like to speak to this issue? Pro or con, it does not matter one way or the other. Please come forward.

Greg Meyer: Good evening, my name is Greg Meyer. I'm here on behalf of Mahmet Kocokulah who is a professor out at the University of Southern Indiana. He is an adjacent property owner. He lives behind and north of the subject property. This yard barn originally was...construction originally began without a building permit, as Mr. Jeffers mentioned. It was then stopped and the building permit was applied for with certain conditions that were pointed out by Mr. Jeffers on page 4 of his handout one of which is that it must be out of all easements. The construction never stopped as we understand it at the original location which is shown on page 5 and that is where the yard barn currently sits. He now comes before you for an easement encroachment. There are four reasons why Professor Kocokulah is opposing this. Number one, of course, is that it encroaches on the drainage easement and creates a very dangerous precedent for this area. There are 20 or so neighbors along that drainage easement and if you have 20 yard barns sitting in that drainage easement then there would be a big problem. It also encroaches upon the easements of several of the utilities, SIGECO, SIGECOM, Insight, Ameritech, Evansville Water & Sewer. That violates not only the easements that those companies have but also violates the subdivision plat which is in the documents that Mr. Jeffers provided at page 12. The second paragraph specifically says no structures other than such utility facilities shall be erected within said strips of land. There is also a provision in that same document that is not shown on the copy that Mr. Jeffers put in the packet and that says that no portable or permanent structures--

Bill Jeffers: That's in there.

Greg Meyer: It wasn't on page 12. It's on--

Bill Jeffers: It's in there. It's in the packet.

Commissioner Jerrel: It's in our packet.

Greg Meyer: Yeah, I understand. I'm just saying it's not on that same page 12 that I was referencing. I didn't mean to mention...to infer that you had left it out.

Bill Jeffers: Put a few more words in my mouth.

Greg Meyer: But that says that no portable or permanent storage sheds, dog houses or other permanent or portable buildings shall be placed within the easement. That is another violation of the subdivision plat that this request would be making. This is a portable building. It's our understanding 12 x 12 which is 144 square feet and that in itself violates another provision of our Building Commission regulations which says that buildings over 100 square feet much be attached to a foundation. So there are several problems why this should not be approved, several reasons why it shouldn't be approved. The final mention is that this particular lot is almost an acre, so it's not as if there is no other area within this lot where that yard barn could be located. We've got ninety-two hundredths of an acre, plenty of room for the location

other than creating a precedent that we're going to put yard barns down the drainage easement. Anything else?

President Mourdock: Thank you, Mr. Meyer. Okay. Anyone else wishing to speak? Yes, sir.

Kyle Martin: Good evening, Kyle Martin, resident at 324 Southbrook Drive. To give a little history quickly on building this storage shed, to my knowledge I did not need a permit to build, in consulting with others in my area that have done similar structures, so I did not pursue that option. However, I did continue to build this barn on my own and when it was brought up to my attention that it was not able to be moved I had to have a building permit I did pursue to get the building permit and in negotiations with the Building Commission office it was advised to me to go ahead and get the structure solid, solidified, and then move it. And pursuant to the new location on the plans waiting for October 2nd to get my lines marked on my property it uncovered three additional lines outside of the easement, two of which were either telephone and cable and one which was electric. Rather than moving out of an easement where I was covering one electric line and moving it to the...out of the easement, the permit area, I was going to be covering three lines. It was questioned by me as to whether those were service lines or if those were lines that had come out of the easement, I did not know.

President Mourdock: Excuse me, let me clarify that, Mr. Martin.

Kyle Martin: Yes.

President Mourdock: Are you saying that the lines...the electric lines that are there are outside the current easement for which they were specified, is that what you are saying?

Kyle Martin: There are lines outside of the easement. However, whether they are service lines or lines that service all the subdivision I have no idea. Only that the colored lines, when I called the underground service, marked one red line under the barn and two orange and one red outside of the easement which is at the proposed location to move my shed to which is where the permit is granted.

Bill Jeffers: These utilities don't take the time to hire anybody to survey, so they just cut the corners.

President Mourdock: Okay, go ahead, Mr. Martin.

Kyle Martin: So with my job I had to travel out of the country and I asked permission from the Building Commission to delay this and also in order to pursue this for safety from a number one reason I think one of the reasons Mr. Meyer mentioned was that...I have almost an acre and there is nowhere else on my property to put this. However, he did not state how gently sloping my property is and my backyard is pretty much a severe slope over a ten or a twelve foot span from one side to the other. Downhill is probably at least an 18 inch drop which for safety in order of placing this in back of my house for my wife and family number one to pull a lawnmower in and out of, the top of the easement is the most safe area of the backyard, so that is the reason I originally put it there not to cause harm to any other situation. So safety was a reason. Additionally, when uncovering the other lines when I did get the permit to move it out of that location I was concerned about covering lines again and having to go through the same thing where this barn was

located. So at this point I am still pursuing...to my knowledge there was no document for 100 square feet building that I could come across, however, there was a...I don't know if it was an ordinance or...uncovered by the building planning commission, but there was nothing about a 100 square feet building.

President Mourdock: Okay.

Kyle Martin: So I guess in closing for myself I would like to state that I am still pursuing this option. The Building Commission did recommend that I try to get a variance for being in the drainage easement and Mr. Jeffers verified that it is in no way that he sees that it interferes with the drainage of water. Also, I mentioned my land is sloping. It's at the very beginning of the easement. The easement starts at my property, so I am not in the middle or the end causing some obstruction in any way. For that reason getting a variation in the easement seemed to be a good idea and not to have to go through the process of moving the shed.

President Mourdock: Okay, any questions? Betty Lou.

Commissioner Jerrel: I have a question. The map that we have of your proposed new location you did indicate you found three lines under the new location spot?

Kyle Martin: That's correct.

Commissioner Jerrel: How many lines would be located in a utility normally?

Bill Jeffers: Well, you could have up to...have sanitary sewer, storm sewer, telephone, cable, SIGECOM, SIGECO. That's six.

Unidentified: Water.

Bill Jeffers: Water, that's seven.

Commissioner Jerrel: Okay, and I know you didn't want to say this on the record, but the reason those cables are not in the easement is because when they were installed they didn't determine where the easement was really located, is that correct?

Bill Jeffers: I would say that on many occasions I have seen utility companies install utility lines outside easements simply because they didn't have the location exactly surveyed and the easements are narrow. Especially they would cut corners at the corners of lots and I am speculating that is what happened in this instance.

Commissioner Jerrel: Mr. Jourdan.

Ron Jourdan: Ron Jourdan, representing Southern Indiana Gas & Electric Company. As far as Mr. Jeffers' claim I am going to take the Fifth Amendment.

President Mourdock: Always wise.

Ron Jourdan: But at this particular location I have a drawing that our engineer prepared this afternoon. The electric line does follow the public utility easement and goes under the yard barn. At least the electric line that is out of the easement is the service line into his home. It comes from a transformer around the backside of his home this way. I don't know about Ameritech and cable television, whether those

are service lines or trunk lines, but I do know that ours is a service and I suspect theirs is probably, too. So these lines would serve Mr. Martin. These lines serve the neighborhood.

President Mourdock: And if I can just keep us on point for a minute, whether those lines, those utility lines, are inside the utility easement or not is not an issue for the Drainage Board.

Ron Jourdan: Correct.

President Mourdock: I mean, your point is valid, your point is valid and your point is valid, but for the Drainage Board issue let's move past it.

Kyle Martin: Okay, if I could please on page five just a small error. The current location of the structure with an X, it actually should be touching the edge of the proposed location or maybe a foot off of it. I am in the utility easement and only four feet over into the drainage easement for the Drainage Board's review.

Bill Jeffers: I plead that I am also guilty of not doing accurate surveys in every instance and I just eyeball it and that's why I wrote approximate there instead of exact.

Kyle Martin: Just a note for that.

President Mourdock: Okay.

Kyle Martin: I do have in support of trying to get the drainage approval I did pursue getting the letters from the individual utility companies and I have obtained two approvals and one basically non-approval which was SIGECO. However, we have discussed further options of being able to reroute some of those lines and, of course, I would have to be the one to pay for that.

President Mourdock: And again, that is not our issue.

Kyle Martin: Right, so in order for the Drainage Board I do have the documents that support in my request to get this approval.

President Mourdock: Okay, anyone else wishing to speak to this issue? Questions from the board? Pat.

Commissioner Tuley: Not so much a question just as much as a comment. I have been sitting here seven years and I don't know how many times Bill has been in here when we've had a subdivision wanting to go in and we've had abutting neighbors complain about water problems and drainage problems in that particular area only to find out that they have built yard barns, filled in, built bridges, trellises, whatever, in those drainage easements creating a lot of their own problems. Say we permit this one, then the next one, and the next one, and the next one, personally I think it's a mistake. That's why we ask for these easements and what have you to begin with. Just a comment.

Commissioner Jerrel: You ready to make a motion to that effect?

President Mourdock: We would need to make a motion in the positive.

Commissioner Tuley: At this time then I would move approval of this request for a drainage...I'm sorry, a variance to put the structure in that easement.

Joe Harrison, Jr.: Relaxing it.

Commissioner Tuley: Relaxing it, right.

Commissioner Jerrel: And if I don't second it?

President Mourdock: If you do not second it, it will die for lack of a motion...or for lack of a second.

Commissioner Tuley: Well, I was going to vote no. I was going to take it for a vote.

President Mourdock: You were bringing it for a roll call vote?

Commissioner Tuley: Right.

Commissioner Jerrel: Alright, then I'll second.

President Mourdock: Okay, for the purpose of the roll call vote there was a motion and second and I will say so ordered and I'll call the roll. Commissioner Tuley?

Commissioner Tuley: No.

President Mourdock: Commissioner Jerrel?

Commissioner Jerrel: No.

President Mourdock: And I vote no, so just to emphasize something Pat said, we strive to be consistent. When you came to us, Mr. Martin, last month or two months ago, I don't recall, I think it was last month, we always get concerned when we are approached to make a variance on a very quick situation like that because we want to make sure the neighbors have a chance to speak out and we have a chance to get all the facts. Mr. Jeffers brought those facts to us and as Pat said we try to be consistent because once we go that extra step across the line with one person we hear about it for the next several years as far as people, well, you gave them a variance why not give us a variance?

Kyle Martin: So the appearance thing was over the safety of my family?

President Mourdock: The issue that is before us and that we've just acted on is one regarding the drainage powers that were given by the state and we deal with that issue, so that is how we voted.

Kyle Martin: Okay, thank you.

President Mourdock: Thank you.

**Open bids - Sonntag Stevens/Kolb Ditch repair work**

President Mourdock: The issue before us then is new business, Bill.

Bill Jeffers: Yes, sir. Open the bids that we received for repairs that were advertised.

President Mourdock: Sonntag Stevens?

Bill Jeffers: Sonntag Stevens Ditch, yes, sir.

President Mourdock: Is there a motion to open those bids?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

### **Hamilton Creek Condos - Final drainage plan**

President Mourdock: Okay, while the County Attorney opens those bids we'll go ahead and proceed with our other business.

Bill Jeffers: Okay, under final drainage plans the first item is Hamilton Creek which as you know is located on Old Petersburg Road just east of Senate Avenue and west of Greendale Drive. We still have a couple of folks in the audience who are neighbors and the way we left it last month was that the developer would upgrade and fix some erosion problems and fix that ditch along the boundary between this project and the existing neighborhood and also the developer agreed to that and also the developer agreed to fix up the drainage swale that is created between a lot that he has turned control over to someone who is going to build a house and that is where the little red arrow is on the plat. The neighbors are here in the audience and I am sure they want to be reassured that this will be carried out. There is an intercepting swale along their common lot line to capture water from the west and direct it into the creek where it will continue down it's current course into, I believe, it's a 30 inch pipe. The developer's engineer, Mr. Poff, is here. The developer has assured us on the microphone last month that he will carry these things out and Mr. Poff has submitted additional information showing how large the ditches have to be and added those notes to this plat and we recommend approval of the final plan.

President Mourdock: Okay, before we act is there anyone in addition to Mr. Poff who wishes to address the Hamilton Creek Condos drainage plan? We see none...or--

Commissioner Jerrel: Mr. Norris.

President Mourdock: Yeah, please come forward and state your name and address then.

Ray Norris: I'm Ray Norris. I live at 379 Pleasantview Drive which is just east of the property that we're talking about the drainage. We were here two weeks ago, I think, and discussed this and I was assured at that time by the engineer that this would be taken care of so that we would be able to have the drainage go on into their area. That's the only reason I am back because I wanted to be sure that what we discussed is going to be taken care of and it sounds like it is.

President Mourdock: Okay, and, Bill Jeffers, you concur with the discussion of two weeks ago?

Bill Jeffers: It is shown on the plan that way, yes, sir.

President Mourdock: Okay, very good. The system works. How about that?

Ray Norris: Thank you.

Commissioner Tuley: Sometimes!

President Mourdock: Yeah, sometimes.

Commissioner Jerrel: I would like to move approval of the final drainage plan for Hamilton Creek.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Villas at Cambridge - Final drainage plan**

President Mourdock: Thank you for your patience.

Bill Jeffers: The next item is Villas at Cambridge, also condominiums. The actual address is 1000 Beacon Hill, Lot 125, Cambridge Section 1. Again, this one was before you as a condominium development last month with a preliminary plan. Certain items have been addressed and addendums are attached and notes on there to indicate the final details that were required and the Vanderburgh County Surveyor's Office recommends approval of the final drainage plan for Villas at Cambridge.

President Mourdock: Again, is there anyone wishing to address his particular plan, Villas at Cambridge? Seeing none, is there a motion?

Commissioner Jerrel: I would like to move approval of the final plan for Villas at Cambridge.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Stonecreek PUD Section 1 - Final drainage plan**

President Mourdock: Next we have Stonecreek, Bill?

Bill Jeffers: Yes, sir.

President Mourdock: This is the one off 57 and Kansas.

Bill Jeffers: Just off of 57 and Kansas. This is the one that enters on to Kansas. This is the area right here actually.

President Mourdock: So the plan we're discussing concerns only this area?

Bill Jeffers: Ron, do you have the plan on that one? The one we were talking about today? (Inaudible comments.) Here is the one that Ron and I were discussing today. Just the area on Kansas.

Commissioner Tuley: Right.

Bill Jeffers: Okay, Mr. Ron London from Morley and Associates is here with the developer representing Jagoe construction or Jagoe Homes. This is a PUD. Small lots known as Stonecreek Section 1. They have a drainage basin that captures off-site water as well as water from their subdivision and releases it at a lower rate into Furlick Creek. There are areas of this development that cannot be captured because of the topography and flow directly into the floodway for Furlick Creek, therefore they are collecting off-site water from adjacent farmland to the west and choking down the runoff from that area. If that area is ever developed the drainage plans that will cover that area will have to perpetuate this pattern. Everything is in conformance with our ordinance. They have several emergency overflows. One takes quite a bit of water out to Kansas Road and down to the bridge that passes under Kansas Road. Several other emergency overflows take the water directly into the floodway and away from the development. We find it to be a sufficient plan and recommend the approval of Stonecreek Section 1 final.

President Mourdock: Is there anyone here wishing to discuss the final plan for Stonecreek PUD Section 1?

Glen Schlensker: I'm Glen Schlensker representing Ms. Frances and Ms. Eloise Erskine, property owners to the immediate west of this proposal. I don't know, I'll swear if I am suppose to swear.

President Mourdock: No, you don't need to.

Glen Schlensker: We don't swear here?

President Mourdock: No, not at this one.

(Several inaudible comments made at once.)

Glen Schlensker: I have talked to Mr. London at his office and my concern is and he has alleviated all my fears that the open ditch that runs on the north portion of this and through it from west to east will be maintained with adequate flow and also elevation to service a couple of field tile exits that are immediately in the vicinity there. Also, the thing that was kind of brought up here by the County Engineer that kind of threw me for a little curve here is how would the Erskine property be drained in the future if possible beings they are blocked off from the major drainage? When you made reference that the land would have to make a plan somehow, how would it get through a 12 inch road culvert is I think what they are talking about or 16 inch? What will be--

Bill Jeffers: If you look at the plan up here it is very simple. I'm talking about this area right here, the Erskine property where it forms a boundary. This area will utilize some of the--

Glen Schlensker: I know what you're saying there, I understand that.

Bill Jeffers: Oh, down there?

Glen Schlensker: If we are faced here with a pipe size here that is now sized and I don't know how well it was sized for the upstream flow, if we're sized here for a size that we're going to capture this water just where is this water ever going to go?

Bill Jeffers: Well, you'll have to do...or the Erskine property will have to be developed the same way as the property that is being developed--

Glen Schlensker: It's totally blocked up. There is development here. This is totally blocked, the outlets here. How will we get this water through here if they've got the size culvert here that is now sized--

Bill Jeffers: You'll do the same thing they did. You will detain water and release it at the slower rate that the pipe will handle.

Glen Schlensker: Okay.

Bill Jeffers: So that the downstream properties aren't flooded.

Glen Schlensker: Just making sure we had everything under control.

President Mourdock: Okay.

Bill Jeffers: I swear!

Glen Schlensker: Okay, beings everybody swore, I'm fine.

President Mourdock: Thank you, Mr. Schlensker. Anyone else wishing to address the Stonecreek request? Okay.

Commissioner Jerrel: I would like to move approval of the Stonecreek Section 1.

Commissioner Tuley: Second.

President Mourdock: So ordered.

<b>Wellington Acres Phase 1 - Final drainage plan</b>
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Bill Jeffers: The next item is Wellington, the final plan for Wellington Acres, is that correct? Wellington Acres Section 1 or Phase 1. Basically, what is going on with this project is that it was submitted as a subdivision of very large lots by a developer named Dale Shanks. Phase 1 has eight of those large lots shown with a street entering from Boonville-New Harmony Road. I wish I had a better plan to give you. That's very cluttered, but the eight lots...the numbers are very small, but there are eight lots starting right there with one and then moving around down the cul-de-sac and back up to eight. It has two existing lakes. One is a small pond listed as lake number one up near the entrance. There is another lake that is two and three quarter acres listed as lake number two. That is an existing natural...not natural, manmade lake. And then they propose to have two more ponds. One at the very end of the cul-de-sac I believe is listed as pond four or lake four. That will be in phase one and partly in phase two. Then there is a very small detention pond that is most likely temporary in the area that will become phase two. The reason that is temporary is Mr. Shanks, who is the developer, is waiting for an adjacent development to take place that will extend sewer lines to his east boundary. At that

time he may be able to reconfigure his lots and gain a lot or two or whatever, so he is providing a stub of a street out into phase two and he is working with the adjacent landowner, and with EUTS, and with the Area Plan Commission, and the County Engineer to provide a connector that eventually may connect Petersburg Road with Boonville-New Harmony. This is near Browning Road, so you can imagine the value of that. You're half a mile or so north of the Hornet's Nest on Petersburg and you'll be able to connect all the way back to almost Browning Road on Boonville-New Harmony. That's quite a gift. So we're working with this developer. There was a previous plan that he had to make some major adjustments to to make this a final plan. We ran across some typographical and other transposition errors that weren't made properly between the two plans. We weren't sure we would be ready to come to you tonight with that, but we were able to work it out this afternoon in our office. I've talked to John Stoll about it. The street plans have been approved. Much of it is in place in the ground. The lake has been improved. Some of the erosion concerns that Mr. Wathen had with regard to Lake 2 have been addressed. The developer told me this afternoon that he is under seed. I have not visited the site recently so I don't know exactly what the condition of the grass growth is, however much of our concern is addressed adequately, sufficiently and we are recommending approval of the final plan for phase one. There are several sales pending and home loans pending that require immediate action on this so that those may proceed and that would be the major cause for our urgency at this time.

President Mourdock: Okay, anyone here wishing to address the Wellington Acres Phase 1 drainage plan? Seeing none, is there a motion?

Commissioner Jerrel: Move approval of the Wellington Acres Phase 1.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **Church Road Estates - Preliminary drainage plan**

President Mourdock: I believe that was our last final plan.

Bill Jeffers: Yes, sir, that I know of. Are there any other final plan that anyone has to bring before the board at this time?

President Mourdock: Okay, the first preliminary drainage plan then is for Church Road Estates.

Bill Jeffers: Church Road Estates is a large land area divided into huge lots. It's thirty-eight and three quarter acres. Almost a 40 acre parcel. It's divided into five lots ranging from five acres to 8.8 or almost nine acres in size. The drainage plan is very simple. There is an insignificant increase or actually depending on how they manicure their lawns there may be no increase or an actual reduction in flow from the design storm off this property. The preliminary plan shows the intention to create natural drainage easements or natural watercourses as we do on these large lots and the final plan will actually prove out whether there will be any increase in runoff that has to be detained, but I don't anticipate that at this time and recommend approval of the preliminary plan for Church Road Estates as submitted by Veach Nicholson on behalf of the developer.

President Mourdock: Any comments?

Commissioner Jerrel: I would move preliminary approval of the Church Road Estates.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **Links at Cambridge - Preliminary drainage plan**

Bill Jeffers: Okay, the Links at Cambridge, another condominium project listed as 101 Beacon Hill. The developer is Al Bauer, Jr. for Sagamore Creek Development. This is another one that is part of the Cambridge Golf Course. It's a preliminary plan very, very similar to what the other two condominium plans propose. This is a sliver of land between the golf course and the adjacent farm ground owned by Mr. Rexing...yes, Ray Rexing. Really, the overall drainage plan has already been approved, but this just details what has to be done for a condominium. It's a preliminary plan and we recommend approval of it as shown and presented by Sitecon. Mr. Poff is here in the audience if you have any questions to address to him.

President Mourdock: Anyone here to address the issue of Links at Cambridge? Is there a motion on preliminary?

Commissioner Jerrel: I'll move approval...preliminary approval of Links at Cambridge.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### **Aspen Hills Phase 1 - Preliminary drainage plan**

Bill Jeffers: Aspen Hills is the project that is adjacent to Wellington Acres that you just approved and it's a primary drainage plan. It has a very long entrance road coming off of Petersburg through an adjacent piece of property and then entering into the approximately 40 acres that is being developed as Aspen Hills. They're bringing the sewer in along that road, sanitary sewer, so that this will be a collection of smaller...a subdivision of smaller lots and providing the connector road that we were talking about earlier. Do you have a overall plan of that? I just tore up--

Commissioner Jerrel: Can you not bring that over, Bill, and let's open it up. We can see it well enough even though you have torn it.

President Mourdock: That will drain!

Bill Jeffers: That's that ultraviolet degradation that they talk about. See that's been under those lights too long.

Commissioner Jerrel: That's going to work.

President Mourdock: Where is the media when you need them?

Bill Jeffers: Here is your long entrance road off of Petersburg and coming into the subdivision itself. And then the proposal is possibly to link up with Del Shanks' development over here. Now, it is preliminary because they do not show the link yet and there will be a final drainage plan and street plans if a link is made. So there will be some modifications made to the plan as presented. However, the calculations that were presented by Mr. Jon Kipling from Morley and Associates show the collection of all off-site drainage to match up with the plan you approved from Wellington. Whatever is leaving Wellington into this area will be captured and the requirements of the ordinance are being met by the plan and then the water from this project, storm water will be discharged into Schlensker Creek in an orderly fashion and we recommend approval of the preliminary drainage plan for Aspen Hills.

President Mourdock: Anyone wishing to comment on Aspen Hills? Yes, sir.

Scott Berry: Scott Berry, 13101 Old Petersburg. I guess I have a question for the board not necessarily related directly or indirectly to Aspen Hills, but with the continued development around this area the last development that was approved in this same vicinity I think the question was raised during the Drainage Board meeting about Schlensker Ditch becoming a legal drain. I guess once again I would like to bring to this board that some consideration be made that that happen with continued drainage--

President Mourdock: Did we discuss that night how that process works?

Scott Berry: Briefly, I think.

President Mourdock: Okay, let me very briefly state it again because this board is not against the establishment of legal drains, however, this board is not empowered to establish legal drains. It is a process that must be publicly driven by the landowners within that watershed. There is a petition format that basically goes forward because the landowners within that watershed are in fact assessed a tax levy to maintain that legal drain, so the County Attorney can certainly provide you with information as to how that process works.

Joe Harrison, Jr.: If you would like I can send you a copy of that statute.

Scott Berry: Okay, sure. I would appreciate it.

Joe Harrison, Jr.: Can I get your address again?

Commissioner Jerrel: That might be something that you might want to begin talking to some of your neighbors about.

Scott Berry: Okay, I know it was an issue the last time.

Commissioner Jerrel: Right.

President Mourdock: And it has come up in other parts of the county. At this point we have only the one legal drain, I guess, Big Creek?

Bill Jeffers: Schlensker Ditch is a legal drain up several thousand feet to a point. However, the land...I want to point out and it is a matter of interest and direct

concern to the people who would like to reactivate the ditch the landowners petitioned that we stop assessing and stop maintaining that drain.

Commissioner Jerrel: They have done that?

Bill Jeffers: They did that at a previous Drainage Board hearing.

President Mourdock: Do you have any idea how long ago that was?

Bill Jeffers: That was probably in the late '60's or early '70's. It was before 1977 when the current administration took over.

Commissioner Jerrel: But none of this development had really--

Bill Jeffers: That is correct and at the time Mr. Stahl and the other farmers there had the adequate equipment to maintain the portion of the drain which is a legal drain, so they said can't we just do that ourselves as we always have before the 1967 drainage law took effect because we don't want to pay the assessment? So now it would be a matter of extending the drain, but it would require the hearings that Mr. Mourdock is speaking of and to which Mr. Harrison can inform the gentleman because 51 percent of the residents of that watershed would have to agree to the assessment.

President Mourdock: The residents or the owners?

Bill Jeffers: Excuse me, the property owners. It is also a matter of interest that Morley and Associates and Veach Nicholson have submitted studies of that creek to the Department of Natural Resources and if you would like to talk to Mr. Morley about acquiring copies of that, or Mr. Nicholson if he is available, it will give you an idea of just what that ditch can handle at this time and how far outside the ditch banks you could expect water to spread during a 100 year rain. That might be of interest to you as well. I assure you that this board and our office are very concerned about any negative impact any of these developments would have on your creek. We're not out to throw more water on you quicker than it is being done now.

President Mourdock: Okay, thank you for the interest and, Joe, if you would get the information.

Commissioner Jerrel: For preliminary approval I would like to move we accept the Aspen Hills.

Commissioner Tuley: Second.

President Mourdock: So ordered.

<b>Daylight Industrial Park - Preliminary drainage plan</b>
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President Mourdock: Aspen Hills.

Commissioner Tuley: That was Aspen. We're getting ready to do Daylight now.

Bill Jeffers: Okay, then the last preliminary drainage plan that I have to bring before

you, and hopefully there are no others that have been forgotten or overlooked, is the Daylight Industrial Park at the corner of Green River Road and Boonville-New Harmony Road. This plan is from Morley and Associates. The reason that is colored up is to show the individual drainage areas and how they are collected and routed to the drainage basin. This is an industrial park that will drain into the downstream side of Schlensker Ditch downstream of the bridge that the state built on Boonville-New Harmony Road that connects that area with I-164 cloverleaf. I don't know if I said that right, but the only exit north of Morgan off of I-164 into Vanderburgh County industrial area is this Boonville-New Harmony. There is a bridge over Schlensker Creek right there that was built by the state as a part of the I-164 deal. The reason I say that is because the water from...even though it is being detained and discharged at a slower rate there was some concern about being discharged into Schlensker Ditch near some folks named the Stuckeys. This will be discharged to the south of the bridge opening, so it will be discharged into that portion of Schlensker Ditch that flows directly downstream and is maintained by Quentin Stahl and his family that I mentioned earlier and it will flow directly into Bluegrass Creek without any obstructions between the point of discharge and Bluegrass Creek in the form of bridges and railroad tracks and the other things that concern the residents in this area. It's just another industrial park up there in an industrial area near the Vanderburgh Industrial Park. They anticipate pretty rapid growth in that area. It is quickly accessible to I-164 and I-64 and the preliminary plan meets with all the requirements for a preliminary plan and the Vanderburgh County Surveyor's Office recommends approval of the preliminary plan for Daylight Industrial Park.

President Mourdock: Did you say, Bill, who the developer was?

Bill Jeffers: I believe it is Mr. Buck, Dan Buck, and James Morley who is right here is the engineer representing the project. Here are the revisions that were made to provide possible connection to the land to the south that the Area Plan Commission was concerned with, okay, but it is basically the same plan and they have just provided a connector.

President Mourdock: Okay, anyone here wishing to speak to the issue of Daylight Industrial Park?

Commissioner Jerrel: I would like to move approval of the preliminary plan for Daylight Industrial Park.

Commissioner Tuley: Second.

President Mourdock: So ordered. You have the topic on the agenda, Bill, as other drainage plans.

Bill Jeffers: That would be if I overlooked something or someone had an appeal to make.

President Mourdock: Okay. I don't see anyone raising their hands or otherwise jumping to their feet.

<b>Bid recap - Sonntag Stevens/Kolb Ditch repair work</b>
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President Mourdock: We have the bids that were submitted. Joe, would you please

read those into the record?

Joe Harrison, Jr.: Yes, there were 12 bids that were submitted concerning the repair of the Sonntag Stevens Ditch. They are as follows:

<b>Company name</b>	<b>Amount bid</b>
Phoenix Construction Company Evansville, IN	\$40,855.00
CCC of Evansville, Inc. Evansville, IN	\$44,118.96
Knights Construction & Excavating Slaughters, KY	\$33,800.00
ECI Construction, Inc. Wadesville, IN	\$32,263.00
Koberstein Trucking, Inc. Princeton, IN	\$22,970.00
Holweger Development & Constr. Evansville, IN	\$27,994.00
A & M United, Inc. Evansville, IN	\$29,590.00
Naas Brothers Trucking, Inc. Haubstadt, IN	\$30,320.00
Floyd Staub, Inc. Evansville, IN	\$25,750.00
Ray Stradtner Excavating, Inc. Boonville, IN	\$22,700.00
Deig Bros. Lumber & Constr. Evansville, IN	\$53,820.00
Russell's Excavating & Septic Tanks Mt. Vernon, IN	\$66,400.00

I would ask that you take these under advisement.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Bill Jeffers: I'm sorry Mr. Harrison began reading those so quickly I wasn't able to hand you the engineer's estimate that was prepared by Jim Josey and Carl Hansert, but as you can see it is a copy. I didn't make it up just now today, but it's right there on your desk and it's \$32...what is it?

Commissioner Jerrel: Thirty-two.

Bill Jeffers: Thirty-three? Thirty-three thousand dollars was--

President Mourdock: Two.

Commissioner Jerrel: Thirty-two.

Bill Jeffers: Thirty-two thousand was their estimate of the materials and labor for that project. Thank you for taking that under advisement and we'll be back with you in January with a recommendation.

<b>Blue claims</b>
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Bill Jeffers: The last item is the ditch maintenance claims which I have placed on your desk with a recommendation to pay them.

Commissioner Jerrel: I move approval of the claims.

Bill Jeffers: These are the vendors--

Commissioner Tuley: Second.

President Mourdock: So ordered. Do you have the original minutes? I sent some back here for signature.

Charlene Timmons: I have the minutes.

President Mourdock: Oh, you have the minutes so you just need these?

Charlene Timmons: Yes.

President Mourdock: Okay, any other business to come before the board this evening?

Commissioner Jerrel: Move that we adjourn.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The meeting was adjourned at 8:28 p.m.

***Those in attendance:***

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Charlene Timmons  
Bill Jeffers  
Greg Meyer  
Kyle Martin  
Ron Jourdan  
Ray Norris  
Glen Schlensker  
Scott Berry  
Others unidentified  
Members of the media

**Vanderburgh County  
Drainage Board**

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member