

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
JANUARY 6, 2009**

The Vanderburgh County Board of Commissioners met in session this 6<sup>th</sup> day of January, 2009 at 5:48 p.m. in room 301 of the Civic Center Complex.

**Call to Order**

Commissioner Tornatta: Mr. Jeffers, welcome. This is the Tuesday, January 6, 2009 Vanderburgh County Drainage Board meeting. It is about a quarter till six, close enough.

**Approval of December 16, 2008 Drainage Board Meeting Minutes**

Commissioner Tornatta: Let's see, we have to, I have to actually approve the minutes. So, I'll move to approve the previous meeting's minutes, second it. Roll call vote.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes.

**Election of 2009 Drainage Board Officers**

Commissioner Tornatta: Alright, we need a nomination for the Board President, please.

Commissioner Melcher: I move that the Drainage Board President be Commissioner Lloyd Winnecke.

Commissioner Tornatta: Second. Any discussion? Roll call vote.

Madelyn Grayson: Okay, you threw me a loop here. Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes.

Madelyn Grayson: And President Winnecke?

President Winnecke: Yes.

**(Motion approved 3-0)**

President Winnecke: Do I get a gavel? Just kidding. At this time I would nominate, I would entertain a motion for Vice President.

Commissioner Melcher: I'll move that Commissioner Troy Tornatta be Vice President.

President Winnecke: I'll second that. All in favor say, oh, I'm sorry, roll call vote.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes.

Madelyn Grayson: President Winnecke?

President Winnecke: Yes.

**(Motion approved 3-0)**

<b>Approval of 2009 Drainage Board Meeting Dates</b>
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President Winnecke: At this time we'll schedule our regular meeting dates and times. They will follow each of our regularly scheduled Commission meetings for the year. Is that correct?

Bill Jeffers: I would suggest that, are you having one on the 20<sup>th</sup>? Are you having, you're having a meeting on the 20<sup>th</sup> of January?

President Winnecke: Right.

Bill Jeffers: And it's probably will be a very extensive—

President Winnecke: Right.

Bill Jeffers: —Rezoning hearing. You might want to skip that one meeting, and declare at this time not to have a Drainage Board on January 20, 2009. Other than that, follow the rest of your meetings.

Ted C. Ziemer, Jr.: Yeah, I think, what they would want to do is vote to have a Drainage Board meeting after every meeting of the Commissioners, and then cancel any one that they're not going to have.

Bill Jeffers: I'm just cancelling cancel that one, because that one is going to be a long Commissioners meeting.

Commissioner Tornatta: Okay, I would make a motion to have a meeting after every scheduled Commissioners meeting, with the exemption of the 20<sup>th</sup> of January. I make that in the form of a motion.

Commissioner Melcher: I'll second.

President Winnecke: A motion and a second. Questions or discussion? Roll call vote, please.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes.

Madelyn Grayson: President Winnecke?

President Winnecke: Yes.

**(Motion approved 3-0)**

President Winnecke: Okay, Bill?

<b>Request to Set Hearing Date for Joe Nickolick Obstruction Petition</b>
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Bill Jeffers: I have a request to set a hearing date for Joe Nickolick's petition. To hear that either on January 27<sup>th</sup>, if you meet on that day, or February 3<sup>rd</sup>. Any date after that would be outside the 90 days allowed to have the hearing.

Commissioner Tornatta: I make a motion to do that February 3<sup>rd</sup>.

Commissioner Melcher: I'll second.

President Winnecke: Motion and a second. Questions or discussion? Hearing none, roll call vote.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes.

Madelyn Grayson: President Winnecke?

President Winnecke: Yes.

**(Motion approved 3-0)**

<b>Approval of Ditch Maintenance Claims</b>
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Bill Jeffers: And I have one claim for you in a folder in front of Madelyn Grayson for ditch work that has been completed, has been inspected, and the proper paperwork is attached. The recommendation is to pay the contractor.

Commissioner Tornatta: Motion to approve.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, roll call vote please.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes.

Madelyn Grayson: President Winnecke?

President Winnecke: Yes.

**(Motion approved 3-0)**

Bill Jeffers: Other than that, the County Surveyor has no other business, except to say that I look forward to working with all three of the Commissioners, two new Commissioners. Congratulations, Steve, on skating by on any appointments in the Drainage Board.

Commissioner Melcher: You have to work hard to do that.

Bill Jeffers: It's nice to see David Miller. I worked with him under a different administration several years ago, and that's going to be refreshing to see him back.

<b>Other Business</b>
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Commissioner Tornatta: Okay, how about other business? I did want to clarify, if we can clarify, what are we going to do about the delinquent bills that are outstanding and getting those paid back to their proper funding bases?

Bill Jeffers: Okay, the State Board of Accounts sent us a message this morning that said that the County Surveyor, on behalf of the Drainage Board, rather than the County Auditor, should send the billings out for the statutory due bills. Those are the ones under the State statute to, for the petitions to remove obstructions from natural water surfaces, natural watercourses and drains. We have one outstanding bill on Anthony Drive. Four people agreed to pay equal shares, and Linda Freeman, Chief Deputy Surveyor, sent out that billing this morning. State Board of Accounts says we are to collect it on your behalf, and then take the checks to the Auditor's Office, and the Auditor is to enter them into the account from which the contractor was paid.

Commissioner Tornatta: Okay.

Bill Jeffers: So, that's the statutory end of it. Under your local code we have one outstanding bill where the work has been accomplished by a contractor in November. The bill was sent December 1<sup>st</sup>. We received a green card acknowledging receipt of that bill by the property owner to whom it was billed on December 2<sup>nd</sup>. So, that property owner has 90 days, under the code, to pay that bill directly to the contractor. As of today the bill has not been paid. So, we will wait 90 days, according to the code, from December 2<sup>nd</sup>, when she received the bill. If it has not been paid at that time, I will come back to you and ask that you attach that to the tax bill.

Commissioner Tornatta: Okay, and we did discuss that we could or could not attach it to a tax bill?

Bill Jeffers: I believe, under the local code, the county's drainage code, you can attach it—

Commissioner Tornatta: Okay.

Bill Jeffers: —that's one of the options, you can attach it to the tax bill. Under the State statute, the State Board of Accounts says the only way you can collect a delinquent bill is to go to Superior or Circuit Court and collect it through those means.

Commissioner Tornatta: Okay, and, so, I've got two questions, Bill. If we are to, if she does not pay this bill and we do pay it and then attach or whatever means we have, where are we going to take that money from, in your opinion?

Bill Fluty: Well—

Commissioner Tornatta: Will we have to go back to the Council?

Bill Fluty: We have a fund that we can spend that out of right now.

Bill Jeffers: Okay, under the one, under the one where it was a code violation, a drainage code violation, that's the one out in Clear Creek Village.

Commissioner Tornatta: Alright.

Bill Jeffers: A subdivision that's relatively a new subdivision. After 1994 we collect escrow, we collect a fee of two dollars per lineal foot of pipe, goes into an escrow account that's held by Mr. Fluty in the Auditor's Office. Each account is for a specific subdivision. If there's a failure in the pipe structures, etcetera, drainage system in that subdivision, outside the county right-of-way, that's what that account pays for. Also, our code allows you to pay a contractor to correct a code violation for that subdivision out of that account, and then recoup that cost by attaching a tax lien if the bill is not paid. That's the way I read the code, and I believe I forwarded an e-mail to Mr. Ziemer last year, and pretty much we're in agreement with that.

Commissioner Tornatta: So, do you have the proper amount of funds in that—

Bill Jeffers: Yes, sir.

Commissioner Tornatta: Okay.

Bill Jeffers: We have sufficient funds in that account to pay the bill.

Commissioner Tornatta: Okay.

Bill Jeffers: But, it's my understanding from your attorney that we cannot pay the bill until we have given the property owner 90 days to pay it.

Commissioner Tornatta: Okay.

Bill Jeffers: That's my understanding at this time.

Commissioner Tornatta: Okay.

Bill Fluty: One issue, and I don't know if we've discussed it, but you're actually waiting 90 days, and I think that's a local ordinance. That may be, it would be at your pleasure to change that to something a little less than that. So, it wouldn't be three months before that contractor would be paid if we got in this thing again.

Commissioner Tornatta: Right. I mean, what we're going to run into is we're going to have contractors, good contractors that would normally do our work that won't do our work because they don't want to bridge the gap.

Bill Jeffers: That's correct. That's, this is the first time we've ever done this. This is the first time we have ever gone to that fund to pay a bill for a property owner who has not yet paid a bill.

Commissioner Tornatta: But, we can see that there's potential that this could be on the horizon.

Bill Jeffers: Right. When we adopted that ordinance in 1994, it was based on a model ordinance from Tippecanoe County, and we just never took that under consideration. Now that it's happened, we see that that was an oversight on our part in 1994. 90 days is a little long to expect a contractor to wait to be paid.

Commissioner Tornatta: Alright, is this something we want to make in the form of a motion to get it on the table? Or just look into it?

President Winnecke: It's a local ordinance that requires the 90 days?

Bill Jeffers: Yes, sir?

President Winnecke: Why don't we just ask the County Attorney to draft an amendment to the ordinance to make it something less than that, and we can act on it at a future meeting?

Commissioner Tornatta: I make that in the form of a motion.

Commissioner Melcher: I'll second.

President Winnecke: What time frame do you have in mind? We need to give him a little direction here.

Commissioner Tornatta: The 27<sup>th</sup>.

President Winnecke: No, I'm talking about in terms of do you have a recommendation on how long the period should be? Is it 60 days? 30 days?

Bill Jeffers: I would say 60 days would be the maximum. How long does it take, Bill Fluty, how long would it generally take to pay our claims to other contractors?

Bill Fluty: If you actually do a contract, you'll turn a bill in on a Friday, and it will be paid the next Friday. If you actually, if it's in the weekly, or in the monthly where we have to do advertising, it will range around 40 days to 45, depending on—

Commissioner Tornatta: I was going to say 45.

Commissioner Melcher: Let's do the 45 days.

Bill Jeffers: Now, take into consideration now, this bills only maybe \$2,100, \$1,800 or \$2,100, I don't remember exactly. Some of these bills, there's one bill in the past that ran \$10,000. The person paid it, but, I mean—

President Winnecke: Right.

Bill Jeffers: —there's a potential for these bills to be as high—

Commissioner Tornatta: Well, could we say no longer than 45 days?

Commissioner Melcher: I think the object is getting it paid. You've got to give the owner some time to pay. You've got to give the county, I think 45 days is enough, because by the time the county does it, it will be 60 days.

Ted C. Ziemer, Jr.: Well, I'm hearing, President Winnecke, is that we would reduce 90 days to 45 days.

Commissioner Melcher: Yes.

Ted C. Ziemer, Jr.: And if it's the Commissioners wish, we could have an ordinance to that effect ready for first reading next Tuesday.

President Winnecke: I think that's the consensus I hear.

Commissioner Tornatta: Okay.

President Winnecke: So, that's the direction.

Commissioner Tornatta: So, it would be on the 13<sup>th</sup>. I made all of that in the form of a motion. And he seconded.

President Winnecke: Any other discussion on that? Mr. Jeffers, your opinion?

Bill Jeffers: That's fine.

President Winnecke: Are you okay with that change?

Bill Jeffers: Yes, sir.

Commissioner Melcher: Since we have an audience, anybody in the audience that would like to chime in on that? Okay.

President Winnecke: Roll call vote, please.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Aye.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes.

Madelyn Grayson: President Winnecke?

President Winnecke: Yes.

**(Motion approved 3-0)**

Bill Jeffers: Thank you, and that's all I have to bring before you.

Ted C. Ziemer, Jr.: I'm only sorry that Mrs. Phillips isn't here. I know she would like to chime in on that.

Commissioner Tornatta: So, she can call what number, if she needs to? Alright.

<b>Public Comment</b>
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President Winnecke: Any other public comment for the Drainage Board? Hearing none, I would entertain a motion to adjourn.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

Bill Jeffers: Thank you.

President Winnecke: Thank you.

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

**Those in Attendance:**

Lloyd Winnecke  
Bill Jeffers  
Madelyn Grayson

Troy Tornatta  
David Miller  
Others Unidentified

Stephen Melcher  
Ted C. Ziemer, Jr.  
Members of Media



**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
JANUARY 13, 2009**

The Vanderburgh County Drainage Board met in session this 13<sup>th</sup> day of January, 2009 at 6:04 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

President Winnecke: Okay, I would like to call the January 13<sup>th</sup> meeting of the Vanderburgh County Drainage Board to order.

**Approval of January 6, 2009 Drainage Board Meeting Minutes**

President Winnecke: First, I would entertain a motion to approve the minutes.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Discussion? Hearing none, roll call vote.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Winnecke?

President Winnecke: Yes.

**(Motion approved 3-0)**

**Approval of Notice of Hearing for Nickolick Obstruction Petition**

President Winnecke: Mr. Jeffers?

Bill Jeffers: Good evening, President Winnecke, and other Commissioners. First, I have a notice of the hearing to be held February 3, 2009 of the Joe Nickolick petition. I would ask that you would sign that and authorize the mailing of this notice to the interested parties please.

Commissioner Tornatta: Motion to approve.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, roll call vote, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Winnecke?

President Winnecke: Yes.

**(Motion approved 3-0)**

<b>Other Business</b>
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Bill Jeffers: Okay, the second item I have, of business is, we did mail out those notices to the folks on Caesar's Court, Pine Tree Drive, Anthony Drive regarding the Clark-Dennis, or, excuse me, Conway-Dennis and Wazny petition. Each of those persons had agreed to pay one quarter of the bill, 25 percent of the bill being \$462.50. We just mailed that out last week, and we've already received \$462.50 from Gerald and Linda Dennis. we're mailing a reminder to the other three parties. I wanted to bring you up to date on that. I'll give a copy of that to the secretary in a moment. If any of you would like copies, there's extras. Then, our contractor, Mr. Martin Woodward, had asked that we send him some type of letter that he could take to his accountant explaining why we had the 90 day wait for his payment on Linda Phillips' bill. So, we did mail that, and we mailed a copy to Mrs. Phillips. So, I will enter those for the record. There's extra copies here, should any of the Commissioners wish to take a look at that, or enter that into their file.

President Winnecke: Thanks, Bill.

Bill Jeffers: Gosh, I don't have anything else, except to tell everybody out there watching this broadcast to please stay warm the next few days. It's going to get down in the single digits possibly. Don't go out unless you have to. If you see ice on the detention basins, it hasn't been there long enough to go skating. Don't let your kids play around those hazards, even if you see ice. Please stay off those detention basins. Thank you.

<b>Public Comment</b>
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President Winnecke: Thank you, Bill. Any other comments or questions for Mr. Jeffers? Any public comment? Hearing none, I would entertain a motion to adjourn.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: We're adjourned.

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

**Those in Attendance:**

Lloyd Winnecke

Bill Jeffers

Others Unidentified

Troy Tornatta

David Miller

Members of Media

Stephen Melcher

Madelyn Grayson

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
JANUARY 27, 2009**

The Vanderburgh County Drainage Board met in session this 27<sup>th</sup> day of January, 2009 at 6:00 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

President Winnecke: At this time I would like to call to order the January 27<sup>th</sup> meeting of the Vanderburgh County Drainage Board.

**Approval of the January 13, 2009 Drainage Board Meeting Minutes**

President Winnecke: First, I'll entertain a motion to approve the minutes of the previous meeting.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? Roll call vote.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Winnecke?

President Winnecke: Yes.

**(Motion approved 3-0)**

**Kingsmen's Club Site Renovation: 15901 Petersburg Road: Final Plan**

President Winnecke: Mr. Jeffers, good evening.

Bill Jeffers: Good evening, Commissioner Winnecke. We have one drainage plan tonight. It's very simple. It's the Kingsmen's Club. I'm sure most people are familiar with its location on Petersburg Road, just south of Baseline. The property also abuts Highway 57, it's just north of VIP, or the county's industrial park. There's one large lake in the southeast, southwest corner of the property. All the water from the building, the existing building, and the improved driveway and the new parking area they plan to build will all drain into that lake. I believe they are going to turn it into a public party house, rather than a private facility. This came before the Area Plan Commission a week or so ago, and there were comments made about some work that had started without permits. Those comments were repeated in front of, to some extent, in front of your board last week during the rezoning. All that has been resolved. We had a site review committee meeting yesterday at 9:30, where both

developers were present, with their engineer, and the applicants are very aware of the various permits and processes they must go through. So, the County Surveyor's recommendation at this time is to approve the final drainage plan for Kingsmen's Club site renovations, as it appears on your desk.

President Winnecke: Any remonstrators here tonight? Seeing and hearing none, at this time I would entertain a motion to approve the Surveyor's recommendation.

Commissioner Tornatta: Upon the recommendation of the Surveyor, I would approve the Kingsmen's Club site, 15901 Petersburg Road for its final plan.

Commissioner Melcher: I'll second it.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, roll call vote, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Winnecke?

President Winnecke: Yes.

**(Motion approved 3-0)**

<b>Nickolick Hearing Reminder</b>
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President Winnecke: Old business?

Bill Jeffers: Under old business, Commissioner Winnecke, I have just to remind the board of the Nickolick hearing, next week, February 3<sup>rd</sup>, Tuesday. There does seem to be some progress towards a resolution between Vectren and Motel 6 as to who they'll hire, half of the work's already been done, who's going to finish the rest of the work and how they're going to pay for it. It's a joint property line ditch, and they seem to be moving towards resolving it on their own, but the hearing's scheduled, and it's just a destination point for us to arrive at a mutual agreement between all the parties next week.

<b>Discussion of Possible Joint Pigeon Creek Project with Warrick County</b>
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Bill Jeffers: I had hoped, and I had it on the agenda for some representatives from Warrick County to come present to you some of the progress they're making on Pigeon Creek in their county. I think they have an 11 mile project, and they were hoping to have a joint Drainage Board meeting with you sometime in the near future to talk about extending that project into Vanderburgh County, at least down to Green River Road. But, apparently, due to the weather, and possibly them having a bit of trouble on the State Road 62, or 66, getting over here, they were not able to make it tonight. So, I'll just put that off until a future meeting.

**Norfolk Southern Railway: New Structure: Crawford Brandeis Ditch**

Bill Jeffers: Under new business, Norfolk Southern Railway, a fellow by the name of Howard Swanson called Friday. He's responsible for bridges and structures, and he called regarding the wooden trestle that's located on your picture here, Morgan Avenue, apparently we need a battery in the pointer that Brenda was so kind as to run down and get for me. But, it's in the yellow circle there, Morgan Avenue. There's an old wooden trestle that carries Crawford Brandeis ditch, which is called Lockwood Ditch by the State and the railroad, but, it's Crawford Brandeis ditch, crosses under and goes north to Pigeon Creek at that point. That's our emergency overflow for the entire southern half of the Eastside Urban drainage system. There's 12 miles of drain that arrive at that point, and the major flow continues west to Pigeon Creek, but during high flow conditions, when the water gets four feet deep or deeper in the ditch, the emergency overflow takes a portion of it north. There's, that trestle is in a deteriorated condition, and they would like to replace it using a pipe. I think what Norfolk Southern had hoped is that they could use a small diameter pipe, to save some expense, but I informed Mr. Swanson, much to his chagrin, that we would most likely require a larger structure than that. I have instructed Structurepoint, American Structurepoint, who is our consultant, right now they're designing an improvement, this is Stockfleth Ditch headed north, right towards that point, they are designing an improvement for approximately 500 or 600 feet upstream, a couple or 300 feet downstream to this next crossing, and just that whole general area, to improve it, because we're having problems at that particular point, to include in that improvement a discussion with Norfolk Southern as to what size structure would be required there. Mr., I just wanted all this on the record to make sure that he was aware that we're moving in that direction. Mr. Swanson plans on being here next Thursday, or the day after tomorrow, and by that time I should have an answer from our engineers as to what size pipe would be required. That's an update on that project.

**Approval of Ditch Maintenance Claims**

Bill Jeffers: I have a large folder full of claims for all the work that's been done on the regulated drains last year, and some extending into this year. All the paperwork is in order. It's all been signed, and the recommendation is to approve those claims.

Madelyn Grayson: President Winnecke, in past years the Drainage Board has made a motion allowing myself to stamp the Commissioners names on these claims because there are so many. The State Board of Accounts has approved that process. So, unless you just prefer to sign each one—

President Winnecke: That sounds like—

Commissioner Tornatta: I would make a motion to do just that.

Commissioner Melcher: I'll second.

President Winnecke: All in favor? Aye.

Commissioner Tornatta: Aye.

Commissioner Melcher: Aye.

<b>Other Business</b>
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Bill Jeffers: Under other business, and since there probably is no public comment, the only thing I would say is that it looks like school is out today, probably out tomorrow, and I want to repeat–

Commissioner Tornatta: It is out–

Bill Jeffers: It is out tomorrow?

Commissioner Tornatta: –on the 28<sup>th</sup>.

Bill Jeffers: The 28<sup>th</sup> of January.

Commissioner Tornatta: The 28<sup>th</sup> of January, there will be no school–

Bill Jeffers: That's correct.

Commissioner Tornatta: – for the EVSC, and all its affiliates.

Bill Jeffers: For those of you who are watching at home, we're just talking about the Evansville-Vanderburgh School Corporation and affiliates on January 28<sup>th</sup>.

Commissioner Tornatta: The 28<sup>th</sup> only, as of now.

Bill Jeffers: Since school will be out on the 28<sup>th</sup> of January, 2009, there's a lot of young people who will be out there, possibly playing outside for short periods of time, I hope, before coming in and warming up. Please, parents, know where your children are. We do have a lot of detention ponds that have a depth of anywhere from five to 20 feet deep in these new subdivisions. The ice is not necessarily thick enough, it may be, children are adventurous. We've had an ice storm, so it may look thick, it may not be structurally strong enough to hold children.

Commissioner Tornatta: So, long story short, stay out of our drains.

Bill Jeffers: Do not go on that ice. Also, be aware that dogs, a lot of dogs are curious, and especially retrievers and so forth will chase ducks out there and get under the ice and cannot find their way out. Know where your children, know where your young people are, and know where your pets are in this kind of weather.

President Winnecke: Good advice. Thank you, Mr. Jeffers.

Commissioner Tornatta: Thank you.

President Winnecke: Any other business to bring before us?

Bill Jeffers: No, sir.

President Winnecke: At this time I would entertain a motion to adjourn.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.



President Winnecke: We are adjourned.

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

**Those in Attendance:**

Lloyd Winnecke	Troy Tornatta	Stephen Melcher
Bill Jeffers	David Miller	Madelyn Grayson
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
FEBRUARY 3, 2009**

The Vanderburgh County Drainage Board met in session this 3<sup>rd</sup> day of February, 2009 at 5:35 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

President Winnecke: At this time I would like to call to order the Tuesday, February 3<sup>rd</sup> meeting of the Vanderburgh County Drainage Board. We'll start with attendance roll call, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Winnecke?

President Winnecke: Here.

**Nickolick Petition to Remove Obstruction from Drain**

President Winnecke: Good evening, Mr. Jeffers.

Bill Jeffers: Good evening, President Winnecke. Our only item of business, besides some claims I have on your desk to pay for ditch work, is the hearing of the Joe Nickolick petition to remove an obstruction in a drain that serves his property. The hearing is required by state statute. It was set for today, so it will be held today. You'll receive a very brief report from me, which basically is the same thing I've sent you by e-mail earlier. Mr. Nickolick is an elderly fellow who had some concerns about coming in today with the weather and the roads the way they are, so, he asked if he could be excused from coming in today. That's fine. I think he's satisfied with the progress that's being made, and sees that it will be completed in a timely fashion. I don't know if any of the representatives from Vectren or Motel 6 are here today. If they are, they can speak if they wish. But, briefly, the drain is along this yellow line through the property of Motel 6, which is over here on your left, and Vectren, which owns the property on the right, to the east. The ditch flows from Yokel Road, due north, along the property line, and out to Sonntag Stevens, which is a regulated drain operated by Vanderburgh County. At the south end of, this is basically the south end of the Whirlpool parking lot here. Okay, along in here, right there, as a matter of fact, is a pipe crossing, because this is a power line, and you'll see it in the next picture, Vectren needs a pipe at that point to cross and do service on their power line. Now, the pipe was buried by sedimentation, weeds, what have you, that's all you could see of the pipe when Mr. Nickolick filed his petition. That's just the top of the concrete pipe. Then, in the next picture you can see what Vectren has accomplished. They've put in a new pipe, put the crossing back across it and opened the ditch up. So, now it's carrying the flow that it was designed to carry. There may be some problems in the future, this isn't exactly the way I would have put a pipe in, but this is the way Vectren chose to put it in, and I'm not going to complain about it because it's working. We may ask them to do a little dressing up

at both ends of the pipe to keep the gravel from falling in front of the pipe, but this is very minor. This is their crossing, you can see the power line, you can see the old pipe's been removed and the new pipe is in the ground. That's basically it, other than to say that there is some brush and tree removal in the ditch between Yokel Road and this pipe that need to be removed. Since it runs along the property line, Vectren secured an estimate of \$1,900, excuse me, \$1,290, proposed to be split between Motel 6 and Vectren. I have a copy here of an e-mail from Mark Conn, C-o-n-n, Motel 6 RME, stating that he left a voice mail with Vectren, indicating that he was willing to pay his half, \$645.28, so long as an invoice was made out to Motel 6, 1157 U.S. 41, no, that's Motel 6 number 1157, that's the unit number. So, as you can imagine, Vectren has some more important business to attend to after the ice storm than to clear this ditch. I think the ditch is operating sufficiently for this time of year, being it's frozen up. I feel confident that Vectren and Motel 6 will work together to have this ditch cleared by the time we have any spring rains. Mr. Nickolick is aware of this. Chief Deputy, Linda Freeman, spoke with him today, explained it all to him. He seemed satisfied with her explanation. I will be out of town February 17, that's your rezoning night anyway. I'll be out of town if you want to cancel the Drainage Board for that night. On March 3<sup>rd</sup> I will be bringing bid documents to be advertised in the paper, and I'll update you on this issue, if you would like to keep the hearing open. Then, by March 31<sup>st</sup>, I think we should have a conclusion. Then, I'll bring that conclusion to you and you can have your findings or make your declarations at that time, if that sufficiently addresses the situation in your opinion.

President Winnecke: Any questions for Mr. Jeffers? Anyone here from Vectren or Motel 6 that would care to speak during this hearing?

Unidentified: ( Inaudible. Not at microphone.)

President Winnecke: Okay, that's fine.

Unidentified: I think he addressed everything that I would say.

President Winnecke: Okay.

Commissioner Tornatta: Okay.

President Winnecke: Fair enough.

Bill Jeffers: We do appreciate Vectren working diligently toward this end while having to deal with everything they've had to deal with in the recent past, to put people back in service.

President Winnecke: At this time I would entertain a motion to continue this hearing until the, I'm sorry, did you say March 30<sup>th</sup>?

Commissioner Tornatta: March 3<sup>rd</sup>.

Bill Jeffers: I think March 3<sup>rd</sup> I'll come back with a report, and March 31<sup>st</sup>, maybe have a wind up.

Commissioner Tornatta: I make that in the form of a motion.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, roll call vote, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Winnecke?

President Winnecke: Yes.

**(Motion approved 3-0)**

<b>Cancellation of the February 17, 2009 Drainage Board Meeting</b>
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Commissioner Tornatta: I would also like to make a motion to cancel the, what did we say, the February 17<sup>th</sup>—

Bill Jeffers: February 17<sup>th</sup>.

Commissioner Tornatta: –Drainage Board meeting.

Commissioner Melcher: I'll second that.

President Winnecke: A motion and a second. Questions or discussion? Roll call vote.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Winnecke?

President Winnecke: Yes.

**(Motion approved 3-0)**

<b>Approval of Ditch Maintenance Claims</b>
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President Winnecke: Okay, other business, Bill?

Bill Jeffers: I just would ask that you would approve the claims that have been, the proper paperwork is attached, signatures are on the claims, and that's for ditch work completed in 2008 and the first part of 2009.

Commissioner Tornatta: Motion to approve and stamp.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, roll call vote.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Winnecke?

President Winnecke: Yes.

**(Motion approved 3-0)**

<b>Approval of the January 27, 2009 Drainage Board Meeting Minutes</b>
--

Madelyn Grayson: And I think we did not approve the minutes from the January 27<sup>th</sup> meeting for Drainage Board.

Commissioner Tornatta: And, I'll make a motion to approve those minutes.

Commissioner Melcher: Second.

President Winnecke: A motion and a second to approve our minutes from our previous meeting. Roll call vote please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Winnecke?

President Winnecke: Yes.

**(Motion approved 3-0)**

President Winnecke: Any other business, Bill?

Bill Jeffers: No, sir.

President Winnecke: Thank you very much.

**Public Comment**

President Winnecke: Any public comment for the Drainage Board.

Commissioner Tornatta: I would say that there's no public comment for the Drainage Board, but would like to make, since we forgot to do this in the Commissioners meeting, talk about our road hearings, which are tentatively scheduled for March 4<sup>th</sup>. So, I would ask both Commissioners, if they would, please, to check their schedules and see if March 4<sup>th</sup> is a date that would work for you. We would announce it, obviously in the 17<sup>th</sup> meeting, and the March 3<sup>rd</sup> meeting to the public, but trying to get a little bit ahead of time. We would just have one meeting on that night, and at one central location. We're now trying to confirm the location which will be known by the 17<sup>th</sup>. Thank you.

President Winnecke: Great, and did we introduce, Alex?

Commissioner Tornatta: Let's introduce Alex.

President Winnecke: Alex Young from Memorial High School , he's our baseball player, had conditioning practice before, so he was a little late. So, we welcome him along with Carolyn and Chris, as our shadows.

Commissioner Tornatta: Thanks for coming.

President Winnecke: At this point I would entertain a motion to adjourn the Drainage Board.

Commissioner Melcher: So moved.

Commissioner Tornatta: Second.

President Winnecke: And, we are adjourned.

(The meeting was adjourned at 5:45 p.m.)

**Those in Attendance:**

Lloyd Winnecke

Bill Jeffers

Others Unidentified

Troy Tornatta

Ted C. Ziemer, Jr.

Members of Media

Stephen Melcher

Madelyn Grayson

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
MARCH 3, 2009**

The Vanderburgh County Drainage Board met in session this 3<sup>rd</sup> day of March, 2009 at 6:17 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

<b>Call to Order</b>
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President Winnecke: At this time I would call to order the Tuesday, March 3<sup>rd</sup> meeting of the Vanderburgh County Drainage Board. We'll begin with attendance roll call.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Winnecke?

President Winnecke: Here.

<b>Tri State Module 2009 Building Expansion: 200 E. Inglefield Road Final Plan</b>
--

President Winnecke: Mr. Jeffers, good evening.

Bill Jeffers: Good evening, President Winnecke, and members of the Board, staff. We have two drainage plans tonight for approval. The first one is Tri State Module, 2009 building expansion. This is located at 200 East Inglefield Road. It's a final plan. On your overhead projector we have the area for the building expansion and new parking lot outlined in red. PPG's property is over here on the right hand side, the east side of the railroad track. The existing Tri State Module factory, it's a tool and die manufacturer, is located immediately on the west side of the track. This is Inglefield over here, and the new facility will be inside that red square. It's a pretty neat operation, if anybody's had the chance to go out there. It used to be called Willner Tool and Die, but they have updated and use some sort of high pressure, very exacting water jet to cut the mold. It's really a neat operation. Anyway, the drainage plan is prepared by Reggie Heck, a registered engineer and land surveyor, and the recommendation is to approve the plan.

President Winnecke: Questions or discussion?

Commissioner Tornatta: Motion to approve.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Any other discussion, public discussion? Hearing and seeing none, all in favor say aye.

All Commissioners: Aye.



President Winnecke: Aye, sorry. Opposed, like. Sorry, I threw a little curve ball at you. I didn't mean to do that. Thank you, Bill.

**Evansville Health Campus: 8530 Middle Mt. Vernon Road  
Preliminary Plan**

Bill Jeffers: Okay, thank you. The second drainage plan recommended for approval is Evansville Health Campus. It's located at 8530 Middle Mt. Vernon Road. I believe you considered this as a rezoning a week or so ago. It's alongside, on the east side of University Parkway, north of Middle Mt. Vernon Road, west of Cherry Hill Drive, and immediately across the Lloyd Expressway from USI, the University of Indiana. Excuse me, University of Southern Indiana. This is a large campus. I think it's a mixed use of senior facilities and doctor's offices. The drainage plan is prepared by Cash Waggoner and Associates. The engineer is here in the audience, if you would like any questions of him. The recommendation is for approval of the preliminary plan.

President Winnecke: You've heard the Surveyor's recommendation. Is there a motion?

Commissioner Tornatta: At this time, would we be hearing any remonstrators?

Bill Jeffers: You may, if there are any here present.

Commissioner Tornatta: Would there be any in the audience at this time? Upon the recommendation of the Surveyor, I would make a motion to approve.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions, discussion? Hearing and seeing none. Roll call vote, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Here. Yes, good grief.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Winnecke?

President Winnecke: Yes.

**(Motion approved 3-0)**

Bill Jeffers: Well, everything's very positive so far.

**Nickolick Hearing Follow-Up Report**

Bill Jeffers: Our next item is an old business item. It's an update of the Nickolick hearing. It's a follow-up report from us. Because of the weather event, we were waiting for Vectren to have a chance to go out and clear the ditch. You can see from

the pictures over here on your overhead projector, they had cleared the ditch, the pipe, that's a new pipe they put in to replace the previously obstructed, collapsed pipe. A much larger diameter pipe. There's the old pipe out there. So, it's about 40 percent larger. There is one issue remaining, there it is. It's hard to see without the lights being turned down, but this is a sewer line that runs in an easement, a sanitary sewer line that runs across the ditch and happens to protrude above the flow line of the ditch. Mr. Nickolick, the petitioner, who asked you to remove all the obstructions is aware of it. The sewer department is aware of it. It's really beyond our control. Obviously, a private developer placed it there, and the sewer department assumed, I believe, has assumed the maintenance of it. So, we'll just have to keep an eye out on it and make sure that the property owners remove anything that might lodge up against it in the future. There's a close up of it. You can see how, at the last rainfall some corn stalks kind of gathered up around it. We'll just have to keep an eye on it. Other than that, the ditch looks wonderful to me, and I appreciate Vectren acting as quickly as they did, considering all the other work they've had over the past month, and recommend that you find that the obstructions previously in the ditch have been removed satisfactorily.

President Winnecke: You've heard the recommendation of the Surveyor. Is there a motion?

Commissioner Melcher: So moved.

Commissioner Tornatta: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing and seeing none, roll call vote, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Winnecke?

President Winnecke: Yes.

**(Motion approved 3-0)**

<p><b>Update and Action Regarding Martin Woodward's Backhoe Service's Outstanding Bill for Work Completed at Linda Phillip's Property</b></p>
---

Bill Jeffers: Okay, under new business, the first item is to update the Board regarding a project that was completed several months ago, in the fall, on Ms. Linda Phillips' property at 9223 Big Hill Road. Subsequent to your order to repair some conditions that existed due to a violation of the drainage code, Ms. Phillips failed to carry out those instructions. We then came back and hired Martin Woodward Backhoe Service. He did complete it satisfactorily. Mr. Woodward sent the bill to Ms. Phillips, and, actually, he sent it to us and we forwarded it to Mrs. Phillips via certified mail, return receipt was requested. We got the receipt back. It showed that she received

it on December 2<sup>nd</sup>. The drainage code allows that after 90 days of no payment that the Drainage Board can pay Mr. Woodward out of an account, which I have a claim over here, it's an account held in the Auditor's office for repairs to drainage systems in new subdivisions. The amount is \$2,150. Twenty one hundred fifty dollars, excuse me. I am recommending at this time that that bill be paid out of the account that's indicated on that blue claim. The Auditor upon, if you do approve my recommendation and order the bill paid from that account, I'm sure the Auditor will decide whether the County Engineer should also sign that claim, because the County Engineer, in fact, administers that account. Right now my signature appears on that claim. But, basically, that's my recommendation is to go forward by paying Mr. Woodward what he's been owed for the past 90 days, and to attach a tax lien to the property at the address I've indicated.

Commissioner Tornatta: On the recommendation of the Surveyor, I would make that in the form of a motion.

Commissioner Melcher: Second.

President Winnecke: A motion and second. Questions or more discussion? Roll call vote, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Winnecke?

President Winnecke: Yes.

**(Motion approved 3-0)**

Commissioner Melcher: Bill, before we get started, was there some discussion, or are we moving to, I think we talked about it too, about making that 90 days shorter?

President Winnecke: We voted to--

Commissioner Tornatta: We did.

Bill Jeffers: I think you went to 45 days, I believe.

Commissioner Melcher: That's what I thought.

Commissioner Tornatta: But, we couldn't do it. This was--

Commissioner Melcher: No, no, I understand, but I wanted to make sure that we did that.

David Miller: The ordinance was amended.

Commissioner Melcher: Right, just wanting to remember.

Bill Jeffers: That was done in the Commissioners meeting, I believe.

Commissioner Melcher: Right.

<b>Receive Surveyor's Annual Report/Specifications/Notice to Bidders</b>
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Bill Jeffers: Okay, yes. Okay, you have in the clear front with the black back folder, the County Surveyor's annual report on regulated drains in Vanderburgh County, wherein it's stated that the condition, the general condition of the drains remains in very good, or excuse me, that regulated drains in Vanderburgh County generally remain in good condition. Also, you've received a set of general specifications, dated March 3, 2009, for your approval. These specifications give instructions to the bidders and contractors for regular annual maintenance of all the drains, using customary methods such as mowing, spraying, herbicides, debris removal, and other such things employed to complete the contracts. Isolated areas within the county's regulated drains are deteriorated, or otherwise require special work to repair their condition and apply certain reseeding, revetment, other actions to attain channel conditions that will more safely convey storm water or achieve a higher water quality to comply with state and federal storm water regulations. Also, you've received in this packet special provisions that give specific instructions to bidders and contractors for special maintenance and repair activities, to take care of designated problem spots using specifically prescribed methods to adequately address and achieve permanent or long term corrections of structural deficiencies and deteriorated water quality. Over the past two fiscal years, the County Drainage Board and the County Surveyor have retained engineering and environmental consultants to complete studies and evaluations of certain regulated drains, particularly urban drains. The County Surveyor at this times recommends the Board extend and expand two of those specific contracts, Morley and Associates for Sonntag Stevens and Kyle Ditches, and American Structurepoint for the Eastside Urban Drain, so that those two companies will provide detailed plans regarding storm water sampling, installation of best management practices, and a completion of structural improvements to address state and federal water quality regulations, and to reduce the flooding hazards to two critical, industrial and commercial development zones in Vanderburgh County. This year the County Surveyor is recommending the Board instruct the County Surveyor to pursue requests for proposals for studies and evaluations of two more regulated drains, Aiken Ditch and Henry Ditch, both of which have come under intense urban development pressures that must be addressed adequately and appropriately to resolve certain water quality and environmental requirements relative to state and federal regulations. In addition to the items reported above, our staff has recently become aware of potential opportunities available through the economic recovery project, the Indiana economic recovery project, and following the advice of two of the County Drainage Board members, we have made 16 individual electronic submittals last week, and again on Monday to the placeholder at the Center for Business and Economic Research at Ball State. Additionally, the County Surveyor, after speaking to Mrs., or, excuse me, Ms. Debbie Bennett-Stearnsman, Vice President of Community Development at the Economic Development Coalition of Southwest Indiana, will be delivering a hard copy of each of those 16 electronic submittals, including brief and more concise information about each proposed project. Now, I've included all of that information in the back of the report, what we electronically submitted, along with our type written summary of some more detailed data that I'm taking over to Ms. Stearnsman. Oh, yeah, there's a table in the front, right after my report, just inside the cover sheet there's a table that explains exactly what the projects are, or a summary of the

projects and the proposed engineer's estimate. I would like to point out that three of those projects are proposed to be within Pigeon Creek, Bayou Creek and Carpentier Creek, those are not regulated drains, and, I think, I indicated earlier you might want to participate with Warrick County and the City of Evansville, to some extent, on those. You don't have any, you don't collect assessments on those three creeks, so I am asking for the full amount to be funded by this economic recovery program, if we're lucky enough to attain that. The remaining ten proposed projects are for issues within regulated drains that are administered by your Board. All but two of those have already been studied, evaluated and specific recommendations exist for which the County Surveyor directly took the data and information and forwarded it, via the electronic submittals. The whole project, excuse me, the two, there's a typo there, I'm going to have to figure that out. Anyway, the County Surveyor's staff remains available to your Board, and to the Economic Development Coalition to provide the additional information that is required regarding the proposed projects. So, at this time, the County Surveyor recommends and respectfully requests the Board to take five actions that I've outlined there at the bottom of my report above my signature. That should take care of the report, and if you approve the actions I've recommended, it will take care of the normal course of events we go through to advertise and let bids.

President Winnecke: Just for the record, I'll just read into the record so we have it, what the five recommendations are. One is to accept the summary and the specifications and the documents attached to the report. That would be the purple bound document?

Bill Jeffers: Yes, sir.

President Winnecke: Number two, approve the general specifications, provisions and notice to bidders, and to instruct the County Surveyor to follow the customary and statutory process to advise for bids to complete the work outlined in the general specification and provisions, and to bring those bids to the Board on March 31, 2009 to be opened and entered into the record.

Bill Jeffers: Right, that's also in the—

President Winnecke: Purple?

Bill Jeffers: Right, and there is a clean copy of the Notice to Bidder with Ms. Grayson, I believe. Right, so, that's the one you would be signing, if you passed that motion.

President Winnecke: The third is to instruct the County Surveyor to extend and continue the contracts with Morley and Associates for Sonntag Stevens and Kyle Ditches, and with American Structurepoint for the East Side Urban Drain. Point four is to instruct the County Surveyor to pursue requests for proposals for Aiken Ditch and Henry Ditch regarding storm water quality and channel improvements to address increased urban pressure on those two drains. Finally, to endorse the County Surveyor's submittal on behalf of the Drainage Board of 16 proposed projects to the Indiana Economic Recovery Project.

Commissioner Tornatta: Mr. President, I would like to, if it's alright with you, take all five of those as one motion?

President Winnecke: That would be great.

Commissioner Melcher: I'll second it.

President Winnecke: We have a motion and a second. Questions/discussion?  
Hearing none, roll call vote, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Winnecke?

President Winnecke: Yes.

**(Motion approved 3-0)**

Bill Jeffers: Okay, I would like to thank all three of the Board members for those actions, and especially for bringing to our attention the opportunity for, that emergency money was available. I got a little stressed out there for a day or so, at the time, but I think it was a worthwhile effort. I appreciate everyone bringing that to my attention.

<b>Ditch Maintenance Claims</b>
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Bill Jeffers: On the claims, I believe you've already approved the claim to Martin Woodward Backhoe Service. There are four other claims, they are combined on two blue claim forms there, for emergency storm debris removal. It came to our attention during the ice storm, and immediately after the ice storm that several trees and large branches had fallen into specific ditches out in Armstrong and Scott Townships. I took it upon myself to address that emergency by hiring some farmers to go out there with chainsaws and their tractors and remove those obstructions before the rain storm last week, because they were blocking bridge openings and blocking the channel and so forth. One is for \$205, one claim is for \$95, one claim is for \$300, one claim is for \$200. The total amount of all the emergency work was \$800. I feel it was reasonable, it was quite a bit of work. They hauled away and disposed of the trees and limbs in a proper fashion. I ask you at this time to please allow those claims to be paid.

Commissioner Tornatta: Motion to approve, and if you could, have you submitted those to whoever's collecting for FEMA, probably EMA?

Bill Jeffers: I have not.

Commissioner Tornatta: If you would do that, and submit that to Adam Groupe in EMA, that could go to our list and we would be refunded on some of that money potentially.

Bill Jeffers: Okay, sounds good to me.

Commissioner Tornatta: Okay, thank you.

Commissioner Melcher: I'll second it.

President Winnecke: A motion and a second. Questions or discussion? Hearing and seeing none, roll call vote.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Winnecke?

President Winnecke: Yes.

**(Motion approved 3-0)**

Bill Jeffers: I have no further business to bring before your Board at this time.

**Approval of the February 3, 2009 Drainage Board Meeting Minutes**

President Winnecke: I do have a note that we need to approve the February 3, 2009 Drainage Board meeting minutes.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? All in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed like sign. Any other business to come before the Drainage Board?

**Public Comment**

Commissioner Tornatta: Public comment?

President Winnecke: Public comment at all? We are adjourned.

Bill Jeffers: Thank you.

(The meeting was adjourned at 6:39 p.m.)

**Those in Attendance:**

Lloyd Winnecke

Bill Jeffers

Others Unidentified

Troy Tornatta

David Miller

Members of Media

Stephen Melcher

Madelyn Grayson

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)



**VANDEBURGH COUNTY  
DRAINAGE BOARD  
MARCH 17, 2009**

The Vanderburgh County Drainage Board met in session this 17<sup>th</sup> day of March, 2009 at 6:48 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

President Winnecke: I would like to call to order the meeting of the March 17<sup>th</sup> Vanderburgh County Drainage Board. We'll begin with attendance roll call please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes. Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Winnecke?

President Winnecke: Here.

**Approval of the March 3, 2009 Drainage Board Meeting Minutes**

President Winnecke: We'll begin with consideration of approval of the minutes from our previous meeting.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: All in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed like sign? Minutes passed.

**(Motion approved 3-0)**

**Evansville Health Campus: 8530 Middle Mt. Vernon Road: Final Plan**

President Winnecke: Okay, drainage plans. Bill?

Bill Jeffers: Good evening. We've got nine minutes before Channel 9 goes into prime time. So, let's see if we can try to facilitate this. Evansville Health Clinic, Evansville Health Campus, excuse me. That's out there on the University Expressway, as you see on your overheads. You approved the zoning last week, I believe. We approved the preliminary plans for, drainage plans, two weeks ago, and I'm asking tonight for the final plan approval. The plan has not changed. No comments came up that required any changes, and the County Surveyor recommends approval of the final plan for Evansville Health Campus, 8530 Middle Mt. Vernon Road.

Commissioner Melcher: So moved.

Commissioner Tornatta: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed like sign? The motion passes. Thank you.

**(Motion approved 3-0)**

President Winnecke: Next.

**Hamilton Creek, Section A: Petersburg Road:  
Revised Final Plan**

Bill Jeffers: Our second project tonight is Hamilton Creek, Section A. Earlier this evening you approved the street plans for Hamilton Creek switching from condo to subdivision. The reason it has all these little squares is because the orthographic still shows condo ownership, but, basically, you get the idea, it's Hamilton Creek condos changing to a single family residential subdivision. I have reviewed the plans. Justin Shofstall from Easley Engineering, who prepared the plans is here in the audience should you have any questions. Essentially, the plan has already been approved, when it was approved as a condo. He made some modifications to one easement to improve an interception ditch to catch the water before it goes into an adjoining subdivision, and take that to its proper place, discharge point. The County Surveyor's recommendation is to reapprove the revised, final drainage plan for Hamilton Creek Subdivision.

Commissioner Melcher: So moved.

Commissioner Tornatta: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? Motion passes. Thank you.

**(Motion approved 3-0)**

President Winnecke: Next.

**Jeff Dike Farms: 3300 Kansas Road: Final Plan**

Bill Jeffers: The next one is simply called Jeff Dike Farms. Basically, what Mr. Jeff Dike wants to do out here at Kansas Road and Hedden Road, this large plan over here was previously known as Sunbeam Plastics. I believe it has a new name. You're just south of the airport industrial park on Kansas and Hedden. He's going

to use the corner of this property. He bought this entire 20 acre parcel, he's going to use one acre up here in the intersection corner to build greenhouses. He currently operates in another county, I believe it's Spencer County, but I'm not sure. Let's see, but he has to ship all of his mums and tomato plants down here for sale. So, let's see, he's from Dale, Indiana. So, what he would like to do is come to our county and put up some green houses and a little farm market to service those green houses, and since it's on a just under one acre piece of property where he's going to have a parking lot and these green houses, we recommended, the County Surveyor recommended that he simply put a 30 foot grass filter strip around the boundary of this property, this one acre parcel to intercept the flow off of the green houses and the gravel parking lot, and then filter that storm water and absorb it in that 30 foot strip all around the property before it flows off...you can see two streams that run through his property. One is right here, and the other one is less visible, but it comes down this way and then it flows into the existing lake over here at the plastics plant, and then eventually off into the common system. I think that would suffice. So, what I'm asking you tonight is to waive the requirement for storm water detention, and approve the drainage plan as submitted by Morley and Associates. Bethany Hoff is here tonight from Morley and Associates should you have any questions. The County Surveyor's recommendation is to waive the requirement for detention and approve the plan as submitted.

Commissioner Melcher: Motion to approve.

Commissioner Tornatta: Second.

President Winnecke: A motion and a second. Questions or discussion?

Commissioner Melcher: I've got one question.

President Winnecke: Yes, sir?

Commissioner Melcher: You said they're going to have a rock driveway, or a rock something.

Bill Jeffers: They may ask for that since it's an agricultural application.

Commissioner Melcher: Because I know the ordinance—

Bill Jeffers: It would require a—

Commissioner Melcher: Okay.

Bill Jeffers: —variance, if they were to get that. It has happened at other green houses.

President Winnecke: Any other questions? All in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? The motion passes.

**(Motion approved 3-0)**

**Ditch Maintenance Claims**

President Winnecke: Claims?

Bill Jeffers: Yes, I have several claims there. Most of them are for herbicide applications, dormant spraying and spring spraying. The recommendation is to approve them.

Commissioner Melcher: So moved.

Commissioner Tornatta: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? The claims are approved.

**(Motion approved 3-0)**

**Public Comment**

President Winnecke: Any public comment to come before the Drainage Board at this time?

Bill Jeffers: If there is none, I have a couple of things that I would like to squeeze in in my last four minutes.

President Winnecke: Absolutely.

**Other Business**

Bill Jeffers: Okay. I have a large set of plans for Hirsch Ditch that was submitted by, or you have approved the planning process, and here I have received the plans for Hirsch Ditch from Structurepoint. I have another set of plans that was received last year from Clark Dietz and Associates for Pond Flat. The reason I bring those to you tonight is I'm going to Ivy Tech tomorrow afternoon, to the economic stimulus seminar, and I learned tonight, from a lady who presented to you earlier at your previous meeting, that these two and possibly others can qualify for those monies where a project is under one million dollars, both of these would be under a million, and that they represent an opportunity for long range economic recovery. Both of these would fit that criteria because of their location in relationship to commercial and industrial development that is ongoing and needs flood relief. So, I'm going to simply say that these are, or will be shovel ready when I obtain environmental permits. So, with your blessing I'm going to pursue obtaining those environmental permits.

Commissioner Melcher: So moved.

Bill Jeffers: Which could take as long as 90 days.

Commissioner Tornatta: Second.

Bill Jeffers: In the same...oh, excuse me, you all have a motion there.

President Winnecke: Did you second that?

Commissioner Tornatta: Uh-huh.

President Winnecke: I'm sorry. Questions or discussion? All in favor?

All Commissioners: Aye.

President Winnecke: Opposed? Okay.

**(Motion approved 3-0)**

Bill Jeffers: It looks as if I have two minutes left before we are in prime time.

President Winnecke: Right into Nova.

Bill Jeffers: Let's see, also, along the same lines, I have, I'm currently working on requests for proposals from consultants for Aiken Ditch, Eagle Slough and Kolb Ditch. I just want your blessing to pursue those, because those also may fall under those same guidelines for long range economic recovery. Aiken Ditch is the only absolute new one. Kolb Ditch and Eagle Slough are halfway through the planning process and I'm just going to pursue those a little farther as our funds allow. If funds don't allow, I won't pursue them.

Commissioner Melcher: So moved.

Commissioner Tornatta: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? Any—

Bill Jeffers: It's 6:59.

Commissioner Tornatta: Motion to adjourn.

Commissioner Melcher: Second.

President Winnecke: We are adjourned.

(The meeting was adjourned at 6:59 p.m.)

**Those in Attendance:**

Lloyd Winnecke  
Bill Jeffers  
Members of Media

Troy Tornatta  
Kathryn Schymik

Stephen Melcher  
Others Unidentified

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
MARCH 31, 2009**

The Vanderburgh County Drainage Board met in session this 31<sup>st</sup> day of March, 2009 at 5:08 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

President Winnecke: Okay, at this time we would open the Vanderburgh County Drainage Board meeting.

**Approval of the March 17, 2009 Drainage Board Meeting Minutes**

President Winnecke: I would ask for a motion to approve the minutes from the previous meeting.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? All in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? The motion carries.

**(Motion approved 3-0)**

**Permission to Open 2009 Ditch Maintenance Bids**

Commissioner Winnecke: At this time we would direct Linda and Mr. Miller to open the bids, record the bids and we'll take those under advisement.

Commissioner Tornatta: Motion to open bids.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? All in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed like sign? The motion passes.

**(Motion approved 3-0)**

President Winnecke: Okay.

**Motion to Recess the Drainage Board Meeting**

Commissioner Tornatta: Motion to recess the Drainage Board meeting.

Commissioner Melcher: I'll second the motion to recess the meeting.

President Winnecke: A motion and a second. Questions or discussion? All in favor say aye.

All Commissioners: Aye.

(The Drainage Board meeting was recessed at 5:10 p.m.)

**Motion to Reconvene Drainage Board Meeting**

Commissioner Tornatta: I make a motion to resume the Drainage Board meeting.

Commissioner Melcher: Yeah, so moved.

President Winnecke: Second.

Commissioner Tornatta: I made the motion. He seconded.

President Winnecke: Okay, that's right. There you go. Sorry.

Commissioner Tornatta: I made the motion.

President Winnecke: Motion to reconvene the Drainage Board meeting. All those in favor say aye?

All Commissioners: Aye.

President Winnecke: Opposed like sign? Okay, we've reopened the Drainage Board meeting.

**(Motion approved 3-0)**

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

**Read Bids for 2009 Ditch Maintenance**

Commissioner Tornatta: Linda?

President Winnecke: Linda, would you like to report on our bid opening?

Linda Freeman: Let me turn my little microphone on. I went through all the bids. It seems like everything was in order. I've written them down for David Miller to read into the record.

David Miller: The bids are as follows:

BIDDER	DITCH	AMOUNT
RR Rexing Farms	Pond Flat Lateral "A"	\$743.54
RR Rexing Farms	Pond Flat Lateral "B"	\$391.58
RR Rexing Farms	Pond Flat Lateral "D"	\$641.06



John Maurer	Baehl Ditch	\$861.25
John Maurer	Hoefling Ditch	\$557.10
Union Twshp Ditch Assn	Cypress Dale Maddox	\$688.04
Union Twshp Ditch Assn	Helfrich-Happe Ditch	\$507.92
Union Twshp Ditch Assn	Barnett Ditch	\$243.84
Union Twshp Ditch Assn	Edmond Ditch	\$452.88
Union Twshp Ditch Assn	Kamp Ditch	\$446.40
Rexing Enterprises	Singer Ditch	\$367.50
Eldon Maasberg	Kneer Ditch	\$410.40
Eldon Maasberg	Maasberg Ditch	\$220.60
Eldon Maasberg	Wallenmeyer Ditch	\$1,253.25
Eldon Maasberg	Baehl Ditch	\$1,102.40
Big Creek Drainage Assn	Rexing Ditch	\$2,051.52
Big Creek Drainage Assn	Maidlow Ditch	\$3,174.07
Big Creek Drainage Assn	Maidlow Ditch – Brush & Tree Removal	\$14,850.00
Big Creek Drainage Assn	Barr Creek Ditch	\$4,261.53
Big Creek Drainage Assn	Buente Upper Big Creek	\$4,039.00
Big Creek Drainage Assn	Pond Flat	\$3,685.20
Shideler Spray Service	AIKEN	\$360.00
Dormant Spraying	BARNETT	\$271.44
	CYPRESS DALE MADDOX	\$735.46
	EAGLE SLOUGH	\$5,407.20
	EASTSIDE URBAN - S ½	\$2,617.65
	EDMOND	\$448.03
	HENRY	\$349.69
	KEIL	\$271.08
	SONNTAG STEVENS	\$621.45
Shideler Spray Service	AIKEN	\$891.99
Foliar Spraying or	EAGLE SLOUGH	\$4,806.40
Broadleaf & Brush	EASTSIDE URBAN - N ½	\$1,901.43
	EASTSIDE URBAN - S ½	\$2,617.65
	HARPER	\$265.50 <sup>1</sup>
	KEIL	\$271.08
	KOLB	\$402.75
	SONNTAG STEVENS	\$621.45
Shideler Spray Service	EASTSIDE URBAN - S ½	\$1,788.96
Sterilization Ditch Bottoms	HARPER	\$236.00
	KOLB	\$358.00
	SONNTAG STEVENS	\$552.40

<sup>1</sup> Attorney read bid into the record at \$265.00.

Mark Naas	BAEHL – Silt Dipping & Bank Repair	\$2,425.50
Mark Naas	MAIDLOW – Brush & Tree Removal	\$4,401.00
Mark Naas	AIKEN - Mowing	\$4,020.00
Mark Naas	EASTSIDE URBAN - S ½ - CRAWFORD BRANDEIS & BONNIE VIEW EXT- Late Spring & Fall Mowing	942.50 per mow
Mark Naas	EASTSIDE URBAN - S ½ - STOCKFLETH-Mid-Summer Mowing	\$1,072.50
Mark Naas	Harper - Mowing	\$2,360.00
Mark Naas	KOLB – Section B - Mid Summer & Fall Mowing	\$1,381.25
Mark Naas	KOLB – Section A - Fall Mowing	\$1,527.50
Mark Naas	Sonntag Stevens – Mowing – Late Spring	\$2,464.00
	Sonntag Stevens – Mowing – Fall	No Bid
Allen Relleke	Baehl Ditch-Silt Removal	\$2,401.00
Vieira Brothers	Baehl Ditch-Silt Removal	\$2,572.50
Vieira Brothers	Maidlow – Brush & Tree Removal	\$14,755.50
Larry Georges Excavating	Baehl Ditch-Silt Removal	\$7,350.00

President Winnecke: Okay, at this time I would entertain a motion to take those under advisement.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none. All in favor say aye?

All Commissioners: Aye.

President Winnecke: Opposed like sign. Okay.

**(Motion approved 3-0)**

<b>Ditch Maintenance Claims</b>
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President Winnecke: Claims?

Linda Freeman: No.

President Winnecke: No claims?

**Other Business**

President Winnecke: Any other business to come before the Drainage Board?

Linda Freeman: Not that I'm aware. We plan on bringing these back to you for approval at the next meeting, which is April the 7<sup>th</sup>.

Commissioner Tornatta: The 7<sup>th</sup>.

**Public Comment**

President Winnecke: Any public comment? Hearing none.

Commissioner Tornatta: Motion to adjourn.

Commissioner Melcher: Second.

President Winnecke: Motion to adjourn. A motion and a second. All in favor?

All Commissioners: Aye.

**(Motion approved 3-0)**

President Winnecke: We're adjourned. Thank you.

(The meeting was adjourned at 6:08 p.m.)

**Those in Attendance:**

Lloyd Winnecke

Bill Jeffers

Others Unidentified

Troy Tornatta

David Miller

Members of Media

Stephen Melcher

Madelyn Grayson

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
APRIL 7, 2009**

The Vanderburgh County Drainage Board met in session this 7<sup>th</sup> day of April, 2009 at 5:32 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

President Winnecke: At this time I would call to order the Vanderburgh County Drainage Board meeting for April 7<sup>th</sup>. Attendance roll call.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Here.

Madelyn Grayson: President Winnecke?

President Winnecke: Here.

**Approval of the March 31, 2009 Drainage Board Meeting Minutes**

President Winnecke: At this time I would consider a motion to approve the minutes from our previous meeting.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none. All in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? The motion passes.

**(Motion approved 3-0)**

**Receive/Approval of Bids for Annual Ditch Maintenance Contracts**

President Winnecke: Mr. Jeffers?

Bill Jeffers: Good afternoon, Drainage Board.

President Winnecke: Good afternoon.

Bill Jeffers: I would call your attention to the 17 by 11, eight and a half by 17 sheet I sent up. Whatever size it is.

Commissioner Tornatta: Eight and a half by 14.

Bill Jeffers: Fourteen, whatever it is. Okay, beginning on page one, with Aiken Ditch, and then flipping over to page two and ending with Wallenmeyer Ditch, everything on here, with one exception, everything on here represents the lowest responsive and responsible bidders submitted last week. The one exception is, I'll draw your attention to, on page two, Sonntag Stevens, the next to the last ditch. It's highlighted that we received no bid on the fall mowing of Sonntag Stevens. The only bid we did receive for the spring mowing, or any work in the regard of mowing that ditch, was from Mark Naas for the spring mowing, 80 cents per lineal foot. We asked Mark Naas why he didn't submit a bid on the fall mowing at the same time, and it had something to do with the way the bid package was put together, the sheet to enter the fall mow bid was on the backside of another sheet and he missed it. So, Linda said to him, even though it involves more work, you're actually mowing more ditch, and you're mowing larger ditches, you know, the ditch gets wider as it gets farther down towards U.S. 41. Even though the weeds will be larger and drier and have more pollen and whatever, it's a harder job in other words, we will not accept any price other than what you bid per foot for the spring mow. Are you willing to do it for 80 cents a foot? His response was yes. So, we have entered on that line that's highlighted, 80 cents per foot for the fall mow, which is, it's a necessary mowing. We have to do it. Your choice is to accept the bid from the only bidder who submitted a bid for mowing Sonntag Stevens, with the explanation I've given, and I recommend that you do that. Or, we would have to rebid it, which would take more work, and you would have to pay for a new advertisement and this, that and the other.

President Winnecke: Mr. Ziemer, are you—

Bill Jeffers: But, we did send them out, I think it was explained in an e-mail to you, we sent out—

Commissioner Tornatta: Yeah.

Bill Jeffers: —25 or 30 bid packages.

President Winnecke: Any reason why we could not accept the bid?

Ted C. Ziemer, Jr.: I don't think so, because there was no other bid received to do that. So, if we rebid it, we would be asking the same people again just to give them an opportunity to again say they're not going to do it. So, I believe it's satisfactory to accept that bid.

President Winnecke: Thank you.

Commissioner Tornatta: And that is in this package right here?

Bill Jeffers: Yes, sir. It's all on the same sheet, either page one or page two.

President Winnecke: Page two.

Bill Jeffers: I'm satisfied that all of these bids were in accordance with the—

Commissioner Tornatta: Okay.

Bill Jeffers: —specifications that we sent out. The County Surveyor's recommendation is to approve them as they appear on these pages.

Commissioner Tornatta: I would like to make a motion with the County Surveyor's recommendation for all of these bids for ditch clean up? Or ditch mowing?

Bill Jeffers: Just annual ditch maintenance of various sorts.

Commissioner Tornatta: Annual ditch maintenance.

Commissioner Melcher: I'll second the motion.

President Winnecke: A motion and a second. Questions or discussion? Mr. Ziemer?

Ted C. Ziemer, Jr.: These do include sterilizing of ditch bottoms, is that correct?

Bill Jeffers: Sir, we always sterilize our ditch bottoms. Thank you, sir.

Commissioner Tornatta: Wow! That came from nowhere.

President Winnecke: Wow! There must be some institutional humor there.

Commissioner Tornatta: I know.

Madelyn Grayson: Also, in the past the Commissioners, or the Drainage Board has given me permission to stamp these once they come in, because there's like fifty some odd contracts.

Commissioner Tornatta: And, I will include that in my motion.

Commissioner Melcher: I'll include that in my second.

President Winnecke: We have a motion and a second. Questions or discussion? All in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? The motion passes.

**(Motion approved 3-0)**

President Winnecke: Thank you, Bill.

Bill Jeffers: If anybody happened to miss last year's meeting about the sterilizing of the ditch bottoms, we use certain herbicides that can only be sprayed at a certain time when the water is at a, you know, completely out of the ditch, etcetera, to take care of cattails and other things that clog up our, the bottom of the ditch.

**Receive Supplemental #1 to Structurepoint's Hirsch Ditch Contract**

Bill Jeffers: Okay, the second item I have brought to the table, with your Recording Secretary, supplemental number one to Structurepoint's Hirsch Ditch contract. As you know, Structurepoint has been working for a year and a half on Hirsch Ditch, and they have a set of plans that's complete, and now I'm asking that they take those plans and run them through the regulatory mill, get us some environmental permits from the various agencies. They have submitted a supplemental indicating the price

for which they'll do it. However, I neglected to bring that to your attorney's attention before this meeting. So, at this time I'm simply submitting it for your perusal and for your secretary to hold and ask that you sign that on April–

President Winnecke: 21<sup>st</sup>.

Bill Jeffers: –21st. Please.

Commissioner Tornatta: Motion to approve.

President Winnecke: Or to take under advisement.

Commissioner Melcher: Take it under advisement.

Commissioner Tornatta: Oh, I'm sorry. For signing?

Bill Jeffers: Yes, sir.

Commissioner Tornatta: Motion to take under advisement.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Mr. Ziemer?

Ted C. Ziemer, Jr.: You are going to give me that at this meeting, is that correct? To review?

Bill Jeffers: It's on your desk up here.

Ted C. Ziemer, Jr.: Okay, well, I need a copy of it anyway. Thank you.

Bill Jeffers: Yes, sir.

President Winnecke: Any other questions or discussion? Hearing none. All in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Thank you.

<p><b>Receive/Approve Surveyor's Recommendation for Engineering Services on Aiken Ditch</b></p>
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Bill Jeffers: Okay, we have a ditch called Aiken Ditch. It's a regulated drain on the eastside. It runs along Pollack Avenue and then it runs underneath, it runs through K-1 pump station, the levee pump station and then out into, behind the levee, it runs out into Eagle Slough. We've had problems over the last few years with silt accumulating on the levee pump station outlet, and the Levee Authority has also, has asked us to address that. It requires that we go down in there with excavators

and remove that sediment, which is very complicated, because we have to go onto an Interstate highway, take the guardrail down, run down the back slope of the Interstate highway. Then there's a wetland down there, and we have to deal with wetland regulations. They've designated a certain area out there a wetland, DNR and the Corps of Engineers. It's really become a pain in the rear end. We need to study and evaluate that and propose some resolution to that. Also, along Pollack Avenue, the ditch just drops straight off from the pavement. The Highway Department had to put up a guardrail years ago. It's extremely hard for us to maintain. It's hard for them to maintain their road surface. I'm asking that the, I'm asking for engineering services to also look at that and propose some sort of reconstruction or piping of that ditch. I'm also looking to establish some water quality grab stations, water sample grab stations and install some habitat improvements. We have a problem in a large area of this ditch that the Levee Authority wants us to maintain it one way, and by custom we maintain it a little differently. So, they're out there mowing it constantly every week or ten days, and they're leaving big ruts in the side bank when the soil conditions are saturated. I would like to resolve that, and I would like to plant some habitat type grasses that don't need that kind of attention constantly. All these things are beyond my ability to do myself, and with regard to technical expertise in these matters, especially involving wetlands and habitat. I've had a very good relationship with a couple of engineering companies in this regard, and I asked for them to submit proposals. I've put those proposals on your desk. Even though there's a fairly broad discrepancy in the prices that were submitted, I think that's due to one particular engineering company fully understanding what it is I'm trying to accomplish, which also includes some pretty extensive environmental evaluation and upgrading so that our MS4 Operator, John Stoll, will have a site in the county that he can, I'll guess say, present to IDEM as a, oh, I can't find a word for it right now, but kind of a perfect example of the way things should be handled in our MS4 ditches out there. An example that he can hold up as a model for our county and for other counties to follow. They understood that completely, and I'm talking about Structurepoint. They also understood my concern about Pollack Avenue and the problems we're having along Pollack Avenue. So, one of the reasons that their submittal was substantially higher than the other is because they set aside a fee based on surveying and developing plans to reconstruct that area, I believe 3,500 feet, which was not included in the other submittal. There are some other differences as you'll see as you look through there and look at my review notes. But, I would truly like to enter into an arrangement for engineering services with American Structurepoint on this project, not necessarily for the total amount that they submitted, because they submitted it in parts, and gave me the option to pick out which parts I wanted to put together as a package. I've discussed this briefly with Mr. Ziemer, and I will tell you right up front, I have not done that much seeking of engineering services. So, I don't know all the particulars. I've just told you the way I'm looking at it.

Commissioner Tornatta: Would, um--

Bill Jeffers: And, before you make a decision, I will tell you, let's see, I had the figures here, but we have approximately \$8,500, or \$85,000 in that account available. If we took every option and put it together in a package with Structurepoint, it would be \$69,900. I don't anticipate we'll use all those services, but they are available to us if we should.

Commissioner Tornatta: Alright, would we have to put out an RFP on this? Or is it under an amount?



Ted C. Ziemer, Jr.: You don't have to receive proposals at all, because this is for a service.

Commissioner Tornatta: Right, okay.

Ted C. Ziemer, Jr.: And, you can satisfy yourself as to who you want to provide the service at the fee that you believe is competitive. In addition, even if you were bidding it and were required under the law to receive proposals, you're allowed to accept the lowest responsible and responsive bid. And, I don't know what's more responsible and responsive, but Mr. Jeffers is indicating that, in his opinion, the bid of American Structurepoint is more responsible and responsive. So, there's always a danger when you do receive proposals, even if you're not required to receive them, and you get one that's less than another, and if you take the higher proposal, someone may say, well, why did you seek proposals, you know, if you've taken the higher one. But, it's a service, you're not required to seek proposals at all. The County Surveyor did elect to receive proposals. One is two and a half times more than the other, and he believes that it's worth the additional funds for the services that will be provided. It's up to you.

President Winnecke: Questions of the Board of Mr. Jeffers? If not, I would entertain a motion to accept the County Surveyor's recommendation.

Commissioner Melcher: I'll make the motion to accept the County Surveyor's recommendation on American Structurepoint.

Commissioner Tornatta: And, I'll second it.

President Winnecke: A motion and a second. Questions or discussion? All in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Okay, thank you, Bill.

<b>Report on Problem at Wynnfield Subdivision Lake</b>
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Bill Jeffers: I have two brief reports. One is regarding a problem in Wynnfield Subdivision. The lake out there, apparently the outlet to the lake has been plugged or obstructed by construction debris, or possibly debris from the ice storm, tree limbs what have you. One of the residents called me and said the water was getting up closer and closer to the homes alongside the lake. Mike Wathen went out there for me, because he was in the neighborhood and I couldn't make it out there yesterday. Thank goodness, because the weather was so foul it takes a trapper to go out there and work in that kind of weather. He noticed that, he confirmed the concern of the resident, homeowner, that water was getting close to the electrical transformers, telephone pedestals, etcetera, along the, in the easement along the lake. It was also, he noted that it was also backing up through the subdivision all the way to Green River Road. The pipe under the road was half full. I called the developer's attorney with whom we have had some meetings about finishing this subdivision out

and releasing the letter of credit. The attorney contacted the developer, and the developer assured him that someone would be out there today or tomorrow to unplug the pipe. I have relayed that information to the homeowner. All this happened after I had made up the agenda and sent you my report earlier today. This possible resolution of the problem I was made aware of after I had already sent it out. So, that's my report. If it doesn't happen, I informed the homeowner that he could either ask the Board to pursue a violation of drainage code, or submit a petition to ask you to remove the obstruction. So, I'll leave it at that, and we'll keep our fingers crossed that it will be taken care of this, in the next couple of days.

#### **Report on Citizen's Complaint on Mesker Park Drive**

Bill Jeffers: I have another report, a complaint came to our office a couple of weeks ago, and apparently the complainant was not satisfied with my responses. So, he called one of the County Commissioners, Lloyd Winnecke, and Mr. Winnecke, Commissioner Winnecke forwarded that complaint to me. Once again, I went out there today to 6828 Mesker Park Drive, talked to Mr. Thatcher. He pointed out his concerns, which amounts to some fill apparently put in the waterway that passes through his land, he feels Mr., he feels the owner of 6700 Mesker Park Drive has filled the ditch. I drove down there as close as I could to 6700 Mesker Park Drive without trespassing, because I don't have that homeowner's permission to enter on his land, and because I feel that if to go onto private property in this matter I need something that constitutes a warrant to make an investigation. Simply because that's what the statute says. Someone has to file the petition. This man's not willing to file the petition yet, and I don't blame him, because the other issue would be, if you order, you can only order the obstruction removed if it were to cause better drainage of Mr. Thatcher's property. So, if he goes through the entire process and it doesn't really, the removal of this material doesn't really cause that improvement, he's wasted his time, his money and your time. That's what I explained to him the first time. I don't think he fully understood that. Now, I will say from seeing what I saw, both on the aerial photographs and from driving back in another person's driveway and looking as far as I could look without trespassing, there has been some modification of that ditch channel on 6700 Mesker Park Drive. Kind of flattened, some dirt has been imported, the channel's been flattened out, some grass has been planted there, and there was some rip rap added to apparently address some erosion. Immediately downstream of 6700 is a lake. The dam of that lake is 442 to 443 above sea level. Mr. Thatcher's lowest point in his land is 448 feet above sea level, or at least five feet higher than that dam. So, the water would have to back up five feet deep across the entire stretch of the dam before it backed up on to Mr. Thatcher's low point. Also, the land across 6700 is approximately 444 or 445 above sea level, which is, still the same thing applies. So, I guess, what I'm saying is, water would have to get mighty deep before it ever backed up on Mr. Thatcher. So, if this filling of the ditch actually represents an obstruction, it probably is more applicable to properties between the obstruction and Mr. Thatcher, who's farther uphill. I also tried to explain that to him, but maybe it's the other neighbors who should be concerned and filing the petition. I'll leave it at this, I will continue to communicate with Mr. Thatcher, and if I can obtain the permission of other people to go on to their property, I'll communicate with them, and maybe this could be worked out. Because it appears to be more of a neighborhood disagreement than a true obstruction. Somebody's made some improvements to their backyard that may or may not affect one or two properties, but I don't think it will affect Mr. Thatcher's. I really don't.

President Winnecke: I appreciate you going out there today. I know it was kind of last minute.

Bill Jeffers: Okay, no, that's fine.

President Winnecke: (Inaudible) this afternoon. I appreciate it.

Bill Jeffers: I mean, he's a fine gentleman, I met him in his driveway. He was, his property is spotless. I can see where he's concerned.

President Winnecke: Okay. I appreciate it.

Bill Jeffers: Yes, sir.

President Winnecke: Any questions of Mr. Jeffers?

<b>Other Business</b>
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President Winnecke: Any other business to come before the Drainage Board?

Bill Jeffers: We've got seven minutes.

<b>Public Comment</b>
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President Winnecke: Any public comment to come before the Drainage Board? If not, hearing none, I would entertain a motion to adjourn.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: We are adjourned.

(The meeting was adjourned at 5:57 p.m.)

**Those in Attendance:**

Lloyd Winnecke

Bill Jeffers

Others Unidentified

Troy Tornatta

Ted C. Ziemer, Jr.

Members of Media

Stephen Melcher

Madelyn Grayson

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
APRIL 21, 2009**

The Vanderburgh County Drainage Board met in session this 27<sup>th</sup> day of April, 2009 at 5:55 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

President Winnecke: I'll call to order the April 21<sup>st</sup> meeting of the Vanderburgh County Drainage Board. I'll begin with attendance roll call, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes, here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Winnecke?

President Winnecke: Here.

**Approval of the April 7, 2009 Drainage Board Meeting Minutes**

President Winnecke: At this time I would consider a motion, approval of the minutes from our previous meeting.

Commissioner Melcher: So moved.

Commissioner Tornatta: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none. All in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

**T&T Development: Kingsmen's Club: 15901 Petersburg Road  
Plan Revision**

President Winnecke: Mr. Jeffers?

Bill Jeffers: Good afternoon. Our only drainage plan this evening is for T&T Development, the Kingsmen's Club, 15901 Petersburg Road. It's a plan revision to allow the developer to proceed with expanding the parking lot to be constructed below base flood elevation. This has to do with issues between the developer and Indiana Department of Natural Resources whereby if he's able to do this it will go through a less lengthy review. We have allowed this across U.S., or, excuse me, across State Road 57 at Shoe Carnival, so long as warning signs are posted and a

maintained visible to persons parking and walking through the area, to notify them that it is subject to flooding, where they parked their cars. Justin Shofstall, the engineer for the developer has turned in a plan which shows a sign at the entrance where you drive in, three, no, excuse me, one, two, three signs in the parking lot, one sign where you walk towards the front entrance, and one sign posted with the handicap parking sign where persons would be entering through the handicap accessible entrance. I find that to be acceptable. The signs are standard lettered signs, and it would allow the developer to go forward with some wedding receptions he has planned for the months of May and June. The County Surveyor recommends approval of this plan revision.

Commissioner Tornatta: On the recommendation of the County Surveyor, I would make a motion to approve.

Commissioner Melcher: I'll second it.

President Winnecke: A motion and a second. Questions or discussion? Hearing none. All in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: It passes. Thank you. Next?

<p><b>American Structurepoint Supplemental Agreement: Hirsch Ditch</b> <b>American Structurepoint Agreement: Aiken Ditch</b></p>
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Bill Jeffers: Okay, I believe you signed the engineering agreements and supplemental agreements during your Commissioners meeting. So, that remains on the agenda, but it's already been handled. Is that correct?

President Winnecke: That is correct.

Bill Jeffers: Okay, thank you.

<p><b>Ditch Maintenance Claims</b></p>
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Bill Jeffers: Then we have a small group of ditch maintenance claims to be paid. They have the necessary paperwork attached, and the County Surveyor's recommendation is to pay those claims.

Commissioner Tornatta: Motion to pay claims.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? All in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Okay, the claims are approved.

**Other Business**

President Winnecke: Any other business, Mr. Jeffers?

Bill Jeffers: No, sir.

**Public Comment**

President Winnecke: Any public comment? Hearing none. I would consider a motion to adjourn.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: We are adjourned.

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

**Those in Attendance:**

Lloyd Winnecke

Troy Tornatta

Stephen Melcher

Bill Jeffers

Ted C. Ziemer, Jr.

Madelyn Grayson

Others Unidentified

Members of Media

**VANDEBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
MAY 5, 2009**

The Vanderburgh County Drainage Board met in session this 5<sup>th</sup> day of May, 2009 at 5:50 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

President Winnecke: At this time, I would call to order the May 5, 2009 meeting of the Vanderburgh County Drainage Board. Attendance roll call, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Winnecke?

President Winnecke: Here.

**Approval of the April 21, 2009 Drainage Board Meeting Minutes**

President Winnecke: Good evening, Mr. Jeffers.

Bill Jeffers: Good evening, President Winnecke. Tonight we just have to approve the minutes of the previous meeting.

Commissioner Tornatta: Motion to approve.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? The motion passes.

**(Motion approved 3-0)**

**Other Business**

President Winnecke: Any other business before us?

Bill Jeffers: Well, you took care of the agreement with Morley and Associates on Keil Ditch and Sonntag Stevens Ditch during your Commissioners meeting. I appreciate that. We'll move forward with that, and with our applications for stimulus funds. If there's no public comment or questions from the Board, I have no further business.

President Winnecke: In that case, I would entertain a motion to adjourn.



Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: A motion and a second to adjourn. We are adjourned.

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

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
MAY 19, 2009**

The Vanderburgh County Drainage Board met in session this 19<sup>th</sup> day of May, 2009 at 5:46 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

President Winnecke: Okay, we'll call to order the Vanderburgh County Drainage Board for Tuesday, May 19<sup>th</sup>. Attendance roll call, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Winnecke?

President Winnecke: Here.

**Approval of the May 5, 2009 Drainage Board Meeting Minutes**

President Winnecke: At this time I would consider a motion to approve the minutes from the previous meeting.

Commissioner Melcher: So moved.

Commissioner Tornatta: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? The minutes pass. Thank you.

**(Motion approved 3-0)**

**Discussion of Pigeon Creek Log Jams: Warrick/Vanderburgh County**

President Winnecke: New business? Mr. Jeffers, good evening.

Bill Jeffers: Good evening. Tonight I wanted to start off by introducing the Warrick County Commissioner, Tim Mosbey. Warrick County Surveyor, Phil Baxter, was unable to make it. He had a previous commitment that he had to attend to. Commissioner Mosbey will be talking about Pigeon Creek, right on the boundary with Warrick County. On your screen, the circle indicates the site of a log jam that straddles the county line. The county line being the yellow line. Everything north of and east of the yellow line is Warrick County. Everything inside the yellow line is Vanderburgh County, and if you look at your screen you can see Pigeon Creek

snaking through a series of “S” curves up in that corner. In one of those curves, right on the county line, there’s a humongous log jam. The water was so high yesterday when Commissioner Mosbey and Phil Baxter and I were out there, that you can just see the top of the log jam with the water flowing through it, in this series of pictures. This is looking upstream, well, now we’re looking downstream into Warrick County. The picture before we were looking upstream into Vanderburgh County. We’re talking about a stretch of maybe 200 feet of logs. There’s a picture in here that shows a tree, that picture, okay, see the root crown of the tree sticking up in kind of the right hand, middle of the picture? That tree goes all the way across from Vanderburgh County into Warrick County. It’s a huge sycamore tree, and that’s what started this log jam. Then, of course, after the ice storm everything that’s come downstream, been washed downstream, falling out of the ice storm damage, has gathered up for the 200 feet above that. Let’s go back to the overall map. You can see Old Boonville Highway where it turns and goes east into Warrick County. Lost Ben Lane goes north, that’s the last little community in Vanderburgh County. Olmstead Road is coming over from I-164, it actually extends over from Burkhardt, north of Lynch. So, that gives you an idea of where we’re talking about. I’ll turn the meeting over to Commissioner Mosbey who may have some additional information and a request. Thank you.

Tim Mosbey: Thank you, gentlemen, for letting me come down and speak with you. A few years ago, I can’t remember what year, but it was when Catherine Fanello was Commissioner here in Vanderburgh County. We started the discussions of the problem that we have with Pigeon Creek, and we did create a Warrick-Vanderburgh County Drainage Board. It’s never done anything, but it is—

Commissioner Tornatta: We’ve never been there.

Tim Mosbey: —we have a line item in our budget, and at the time, and I’ve got our secretary trying to find the proper paperwork on it, but, I think, it was sort of agreed upon at that time, you know, if we ever got anything, any money to do anything, that we would be like the lead agency. At that time, that was agreed, but we’re willing to, you know, work with you gentlemen anyway we can, if you’re willing, if you have any money. I know, I’m in your shoes in the other county of that’s hard to find. But, as you can see, we’ve got a problem. In Warrick County we had a contractor that cleaned the whole creek out from Highway 68 all the way to the first place where it crosses into Vanderburgh. He finished the project three weeks before the ice storm, and now you can’t hardly tell that he did any work. So, you know, we did apply to FEMA on all the ice storm and are trying to get some funds to go back in and re-work on the creek. Gibson County has an on-going maintenance program, they keep their creek completely cleaned out, where that way when it gets a big rain the water all comes down to us. Now we’re cleaning ours, and, so, we’re hoping, now it’s come right down to you. Your Surveyor, Mr. Jeffers, who was gracious enough to come out and visit with us yesterday morning, and in our discussions, the main problem exists from the Warrick-Vanderburgh County line to the Lynch Road crossing. From Lynch Road on into the river it really wouldn’t need any attention at all. So, you know, the actual mileage or footage of the creek that we’re referring to that would be in Vanderburgh County, you know, I do not have that information. We discussed it’s so wooly, we would probably have to hire a helicopter to fly over it and see just how many log jams we do have. As you can see by the map, the small map that I gave you, the same map that’s on the screen, you know, it goes into, where the main log jam is, the first one we seen, but then it comes back into Warrick County, then it’s in Vanderburgh for a while, then we have all this footage up in here that’s in Warrick County again. So, we’ve never went that far, because there was no

need, but we need Vanderburgh County to cooperate and clean out their section that's south and west of the yellow line, of the county line there on this map. Then we would do our section, if we can work all this out, you know, if there's monies available. We have enough in our Drainage Fund to, and our Surveyor is willing, and the other Commissioner or Drainage Board, we're really trying to address this issue, because we have major flooding constantly. It's getting to be a real problem. So, I'm here on behalf of the Warrick County Commissioners/Drainage Board, and just to plead our case and ask if we could possibly sit down and, you know, if you can scrape up enough money. We would have to have some estimates done, you know, by contractors. I can't give you a figure. We were talking, the size of this one log jam, possibly \$10,000. You know, we don't know, but it's a major, major....we spent \$130,000 right before the ice storm hit, and that was for about 20 mile. But, that was, you know, just cleaning, they cleaned off one bank of the creek, any trees that were leaning over that could fall in, and then they took out the existing log jams. I never got with the contractor to find out exactly how many log jams that he actually removed in that 20 mile stretch. The main problems is where all these horseshoes and snakes are, that's where the log jams start up. Unfortunately, they don't start until it gets into Vanderburgh County.

Commissioner Tornatta: Hey, Bill, did we give any money? I was thinking we gave \$10,000 at some point.

Bill Jeffers: No, right now I'm holding \$11,700 on a ditch that's not associated with Pigeon Creek. That's for the ditch that runs right along the county line south of the Expressway.

Tim Mosbey: Along Deaconess Hospital there.

Bill Jeffers: The other, the previous County Surveyor didn't come up with a plan that satisfied me that it was of value to turn that money over. However, the current County Surveyor, Phil Baxter, has indicated he is working on a plan that would improve both sides of the ditch, the Warrick County and the Vanderburgh County side. He takes care of both sides. That was the agreement, and I'm prepared to turn over, or ask you to turn over the \$11,700 to him when the plan's initiated.

President Winnecke: Is it possible that the funds that you just referenced would take care of our portion of clearing this jam?

Bill Jeffers: No, that would only take care of what we call Weinsheimer Ditch. In their county they call it Williams Ditch. That's down by Deaconess Gateway really.

President Winnecke: Oh, I'm sorry, okay. We're going back and forth a little bit.

Bill Jeffers: We are without funds on this. What, maybe what Commissioner Tornatta is remembering is that under the original Warrick-Vanderburgh County Joint Drainage Board, there was around \$14,000 set aside to remove 12 log jams in this area, and that was money, that was Build Indiana funds that came from the various legislators in both counties, out of their proprietary accounts. The Governor had to balance the budget that year, I believe it was O'Bannon, and he took all the Build Indiana funds back to balance the budget. So, they are, you were on the Council—

Tim Mosbey: Yes.

Bill Jeffers: —County Council.

Tim Mosbey: We had \$45,000 lined up in Build Indiana fund money, and that all got stopped.

Bill Jeffers: Everything got stopped. In our county, their county, and they even had a plan that was approved by the Corps of Engineers and the DNR, and we were ready to go, but the funds were pulled back. So, now we're in the same position, and from this point, this is one major, a huge, very major log jam. This water was backed up two and a half miles to Stevenson Station Road yesterday. From this point down to Green River Road is approximately two and a half miles by creek. I count one more major log jam and 12 minor ones in that two and a half miles. Then just below Green River Road there is another major one. So, that makes three major ones that are very similar to this. Then there is one or two very minor ones before you get to Lynch. Everything from Lynch Road to the mouth is in the city. I'm only talking about the portion that would be covered by your jurisdiction, his jurisdiction, and the Joint Board's jurisdiction. Twelve minor log jams, three major. I'm thinking minor log jams maybe a thousand or two, these major log jams in the neighborhood of \$10,000. There's access problems, you've got to get there and there's reach problems where there, someone has to go physically out there in a boat, chain the logs, and then drag them to shore and dispose of them. It's not going to be fun. I would suggest that you have a Joint Drainage Board meeting and talk about sources of funding. They have a source. This is not a regulated drain in Vanderburgh County, we would have to seek a source.

Commissioner Tornatta: I would think that we would want to try and find the funding source before we have our meeting.

President Winnecke: It seems to me like maybe, even before that, we should try and figure out how much money we're going to need. Wouldn't it be more prudent to get estimates first?

Commissioner Tornatta: Uh-huh.

President Winnecke: And then figure out our sources?

Commissioner Tornatta: Yeah, I mean, we can start, we can do a lot of stuff before we actually get to that meeting to formalize—

Tim Mosbey: Yeah, we could always (Inaudible) bid, and it's not an awarded bid until we've got the money lined up, you know.

Bill Jeffers: If you would prefer, you can direct the County Surveyor—

Commissioner Tornatta: Yes.

Bill Jeffers: —the Vanderburgh County Surveyor to work with the Warrick County Surveyor—

Commissioner Tornatta: To come up with bids.

Bill Jeffers: —and find some sort of cost estimates, and then you all could have a more productive meeting possibly.

President Winnecke: I think that something, I like that.

Commissioner Melcher: I would agree with that.

Tim Mosbey: I just came down, I wanted to bring it to your attention.

President Winnecke: Yeah, we appreciate it.

Tim Mosbey: We've got a problem and we're looking, you know, for some cooperation.

Commissioner Melcher: And this is what we talked about earlier this year?

Tim Mosbey: Yes, I spoke with you this winter, because we knew we had this problem—

Commissioner Melcher: Right.

Tim Mosbey: —we addressed our problem, but then the ice storm hit and we've got the same problem. Not as big a log jams, of course, but there's trees, they're going to create log jams once they break loose. It's all flooded, well, he said Stevenson Station Road, you can go all the way to the City of Chandler, and it's just water everywhere, because it just can't get down, you know.

Commissioner Tornatta: Alright. Well, I would like to direct our Surveyor to work with the Warrick Surveyor and come up with some type of estimate on these log jam issues on Pigeon Creek. Please get back to us on the Drainage Board for further discussion or further action.

President Winnecke: Steve, do you want to second that?

Commissioner Melcher: Yes, I'll second that.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? Okay.

**(Motion approved 3-0)**

Madelyn Grayson: Commissioner Mosbey, do you spell your name M-o-s-b-e-y?

Tim Mosbey: Yes, I'm a Warrick County Mosbey.

Madelyn Grayson: Okay.

Bill Jeffers: That gives Commissioner Mosbey the opportunity to go back, because there are, as you can see, a lot of farmers in this area that are very concerned about it and want to see some sort of action.

Tim Mosbey: I have spoken with a lot of the Vanderburgh County farmers, landowners, and there's no problem getting access, you know.

Bill Jeffers: Many of them own and farm back and forth across the line, obviously.

Commissioner Tornatta: That sounds great.

Tim Mosbey: Charlie Maglinger is more than cooperative.

Commissioner Tornatta: I bet he is. Hey, once we do that, you would probably be just the point person to deal with the farmers and tell them, give them an update on when things are coming down.

Tim Mosbey: Yeah, I would foresee, if we can find the funding, you know, this would be a project that would be done late fall, winter, that's the time you get in there and do stuff like that, before the floods start next spring.

Commissioner Tornatta: Right.

Tim Mosbey: You know, because the foliage is down and you can get in there and clean it out a lot easier and everything. You know, the problem is we'll have to figure out what we're going to do with some of the log jams. That's the big issue.

Commissioner Tornatta: Okay.

President Winnecke: Thanks for coming out.

Tim Mosbey: In our county, we have different ways to dispose of it, I think, than what you're allowed to do here.

Commissioner Melcher: We'll just send them to your county.

Commissioner Tornatta: Everything can be worked out, buddy.

President Winnecke: Thanks, Tim.

David Miller: Send some of your county folks down on a night train or something and let them take care of it.

Bill Jeffers: I'll propose we drag them north and east.

Tim Mosbey: If we get them out of the creek, we'll be happy. You know, that's the problem.

Commissioner Tornatta: We'll get into that, but if you could be the liaison between the farmers and say that we are trying to address the problem.

Tim Mosbey: Right. I know most of the landowners on north and south of the creek in this section. Now, once you get on past 164 there, down in through there, but we can find out.

Commissioner Tornatta: Sure.

Tim Mosbey: We'll get the Drainage Board going, if we could. We still have it in our budget. I don't know if you guys still have the line item, it's unfunded, but there's a line item.

President Winnecke: I don't think there is in here, but we can't find, we can make it happen.

Bill Jeffers: Do you know anyone on the Council?

President Winnecke: I used to.

Commissioner Tornatta: He used to. There you go.

Commissioner Melcher: I know a new one.

Commissioner Tornatta: Okay.

Tim Mosbey: Thank you, gentlemen.

Commissioner Tornatta: Thank you.

Bill Jeffers: Thank you, Tim.

<p><b>Certification of Cost of Removal of Drainage Obstruction on Property of Linda Phillips: 9223 Big Hill Road</b></p>
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Bill Jeffers: The next item is the discussion of the certification of the cost of removal of the drainage obstruction on the property of Linda Phillips. I just happen to have one picture of that that was taken yesterday. There is the newly shaped ditch. You can still see the erosion control fabric with the grass coming up through it. It's in stable condition and it's operating.

David Miller: For the Board's information, we have prepared a lien to be signed by the President of the Drainage Board and recorded, as soon as this cost is certified and approved by you. Then we'll proceed to collect it. It will be placed as a lien against the property.

Commissioner Tornatta: Bill, what is that number?

President Winnecke: \$2,150 is the total cost of the lien.

Commissioner Melcher: So, do you need a motion on that?

President Winnecke: Mr. Jeffers has certified that this work is complete, correct?

Bill Jeffers: Yes, sir, and there's the pictorial evidence thereof. That is correct, and it is complete.

Commissioner Tornatta: Alright, I make a motion to approve.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor aye.

All Commissioners: Aye.

President Winnecke: Opposed? Thank you.

**(Motion approved 3-0)**



**Approval of Ditch Maintenance Claims:  
Emergency Tree Removal: Pond Flat Lateral D**

Bill Jeffers: The last piece of business I have is claims for ditch work. They're normal claims that come in for ditch work. However, I do have one emergency claim on behalf of Kevin Rexing, an invoice for emergency work cutting trees out of Pond Flat Lateral D and clearing debris that was downed from a windstorm or two in the last couple of months. I went ahead and ordered that done. There were trees that were blown down in Pond Flat D up there by Ameriqua Industries, and didn't want water backing up on their property. I ask you to approve all of these claims. The paperwork is all in order, and it is signed.

Commissioner Melcher: Move for approval.

Commissioner Tornatta: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? The claims are approved.

**(Motion approved 3-0)**

**Public Comment**

President Winnecke: Any public comment to come before the Vanderburgh County Drainage Board today? Hearing none. I would consider a motion to adjourn.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: We are adjourned.

(The meeting was adjourned at 6:04 p.m.)

**Those in Attendance:**

Lloyd Winnecke

Bill Jeffers

Tim Mosbey

Troy Tornatta

David Miller

Others Unidentified

Stephen Melcher

Madelyn Grayson

Members of Media

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
JUNE 2, 2009**

The Vanderburgh County Drainage Board met in session this 2<sup>nd</sup> day of June, 2009 at 6:25 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

President Winnecke: At this time I would call to order the Tuesday, June 2<sup>nd</sup> meeting of the Vanderburgh County Drainage Board. Attendance roll call, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Winnecke?

President Winnecke: Here.

**Approval of the May 19, 2009 Drainage Board Meeting Minutes**

President Winnecke: At this time I would entertain a motion to approve the minutes of the previous meeting.

Commissioner Melcher: So moved.

Commissioner Tornatta: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? The minutes are approved.

**(Motion approved 3-0)**

**Deerfield Section Four: Modified Final Drainage Plan**

President Winnecke: Okay, Mr. Jeffers, good evening.

Bill Jeffers: Good evening. Tonight I have Deerfield, Section Four. It's a modified final drainage plan. The modification being that there was, there has been a plat approved by Area Plan Commission, and a drainage plan that reflected that plat, whereby that road, the main road through, Carrington, carried down to Eissler Road and made a connection there. The developer has now chosen to terminate Carrington with a cul-de-sac, which requires a new plat, primary plat to come before Area Plan Commission. Area Plan Commission requires all new plats that come before them next Thursday to have prior Drainage Board approval. So, that's a

procedure that we're going through now. The adjacent property owners, every property owner adjacent to this plat has been notified that there's a Drainage Board meeting tonight, and that the Area Plan Commission meeting will be next Thursday, to give them an opportunity to view this. So, basically, nothing has changed in the drainage plan other than the roadway is closed, or not connected. There will be no pipe in the ditch underneath that roadway, and the detention basin has been moved to a location more appropriately shared by these two lots. There's no additional storm water drainage involved. So, we're basically at a procedural point. However, during the months that, after the original drainage plan was approved, I've noticed two problem areas. There may be more, but I've only had my attention called to two. One is at the terminus of Eissler Road, where it enters on to this private piece of property. There's a driveway pipe underneath this driveway, right at the very southeast corner, and that pipe appears to either be undersized or placed in some manner that these heavy rainstorms that we're having are overtopping that pipe at the present time under the underdeveloped condition. Now, we believe from the review of the plan, that the drainage basin will help limit the flow from this site after the development is completed. However, that pipe may be undersized to the extent, we don't know, because there's never been an analysis done of it. It may still be undersized to the extent that exceedingly heavy rainstorms will overtop the pipe and continue to wash gravel off this lady's driveway. So, that's a problem area that I'm asking, even though I'm recommending the plan be approved, I'm asking for additional study to take place between now and the presentation of the final street plans come to the County Commissioners, that an analysis be made by the engineer for the developer to determine whether this pipe is undersized and is in need of some repair or upsizing. There's another identified problem up at this cul-de-sac in the northern portion that serves these four lots where the steep grade, existing grade, during these heavy rainstorms, enough storm water flowed down to bring mud with it and go up the driveway of this individual's property. There was mud halfway up her driveway. Mike Wathen and I made the call and verified the complaint, it's a legitimate complaint. She told us that over the years the two existing street inlets where this cul-de-sac is stubbed out at the present time had willow trees growing in them, and that after they were removed there's a possibility those inlets are damaged or clogged or what have you. So, again, even though I'm recommending approval of the plan, I'm asking that additional investigation take place before the final street plans are brought to you by John Stoll, and that if these inlets are damaged or undersized for the kind of storms that should be anticipated, or undersized to the extent that they will not prevent flooding of this individual's driveway. That flooding should be contained in the street system is what I'm saying. I'm asking for that to be studied and addressed with the street plans. I believe there may be individuals here who are abutting property owners that may have additional comments, but as far as I'm concerned the plan comports with the drainage code and I am recommending approval with the comment based on, including the comments that I've made.

President Winnecke: Go ahead.

Commissioner Tornatta: Well, I was just curious, I know that when this came before us before, Commissioner Nix at the time had a few issues with the drainage. Could we go back over the minutes at some time and review some of the things that he pointed out? I think that corner was the problem, was a problem.

Bill Jeffers: This corner down here?

Commissioner Tornatta: Uh-huh.

Bill Jeffers: Okay. The lady who owns the property, which the driveway enters into, is here tonight.

Commissioner Tornatta: Okay.

Bill Jeffers: I tell you what, I have down here a modified final drainage plan. If after hearing the presentation tonight anyone is uncomfortable with that, Area Plan Commission only requires that a preliminary drainage plan be approved prior to the hearing of the plat, okay? So, if you feel that you are still apprehensive, all I'm asking for is drainage plan approval, whether final or preliminary.

Commissioner Tornatta: Like I said, I don't really know the ins and outs, I mean, that really leaned on Commissioner Nix to address some of those issues, and he had a good sense about how those issues were going to work themselves out or not, with construction in mind. But, I would really like to review, or have the developer review his comments on that last meeting, and if they're satisfied that they have reviewed that and they are taking care of the problem and you are too, then I have no problem with approval.

Bill Jeffers: Okay. Yeah, that would be sound advice, because Commissioner Nix was very well versed in construction and drainage. I haven't reviewed his comments from that meeting.

Commissioner Tornatta: Could we make a motion as subject to the carrying out of his comments, or do we need to hold off? Or are you saying that we could approve—

Bill Jeffers: Well, if you would like to approve this plan as a preliminary drainage plan, that will satisfy Area Plan Commission's requirement. Then you could direct the County Surveyor and the County Engineer to follow up to make sure the final drainage plan and the final street plans address all of the concerns expressed tonight, whether by me, by the adjacent property owners, by Mr. Nix, etcetera, to be incorporated into a final drainage plan to be brought back to you at a later date, if that's what you wish to do.

Commissioner Tornatta: Okay, before, I'll make that in the form of a motion, and then we can hear the other people as well, but just to get it out on the floor.

Bill Jeffers: Okay.

President Winnecke: Okay, so the motion on the floor, to clarify, is for preliminary approval of the drainage and street plans pending further review by the County Surveyor and County Engineer to ensure that all street and drainage problems are adhered to based on public comment tonight.

Commissioner Tornatta: And Commissioner Nix.

President Winnecke: And based on the minutes from Commissioner Nix's concerns in 2008. Is that—

Commissioner Tornatta: That's my motion.

Commissioner Melcher: I'll second it.

President Winnecke: A motion and a second. Public comment please.

Beverly Howell: (Inaudible. Comments made away from the microphone.)

Bill Jeffers: Okay, the lady who owns the property to which the driveway enters at the southeast corner has stated that, essentially, that the problem sounds like it's been addressed.

President Winnecke: Okay.

Bill Jeffers: If she wishes, or her son wishes to make any further comments, they are here.

Beverly Howell: (Inaudible. Comments made away from the microphone.)

President Winnecke: Would you come to the microphone?

Beverly Howell: Okay, Beverly Howell, at 800 Eissler Road. I own that property down there, my son and I. We've had a lot of drainage problems. Mr. Dentino has been very nice about trying to alleviate them for us in bringing more gravel in. But, I'm afraid in the future, as he said, that pipe is not going to handle all of this water.

President Winnecke: Right.

Beverly Howell: I appreciate anything that anybody can do. I have no problems with Mr. Dentino. He's been very good about helping us.

Commissioner Tornatta: Okay.

Beverly Howell: Thank you.

President Winnecke: Thank you.

Commissioner Tornatta: Thank you.

Bill Jeffers: I would like to point out, this lady has been very patient over the years, because this isn't just something that happened Memorial Day.

President Winnecke: Right.

Bill Jeffers: It's been an ongoing problem. Is there anyone else that is an adjacent property owner that wishes to speak to this at this time?

President Winnecke: Okay, hearing no further comment on this issue. Roll call vote, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Winnecke?

President Winnecke: Yes.

**(Motion approved 3-0)**

Bill Jeffers: Okay, that takes care of what we need to do for Area Plan Commission. I have no other business at this time, but I see that there's still several people in the audience that may wish to speak with you.

Commissioner Tornatta: Have we approved the minutes?

President Winnecke: We've already done the minutes.

Commissioner Tornatta: Any bills?

Bill Jeffers: No, sir, we have no claims to approve at this time.

Commissioner Tornatta: Okay.

<b>Public Comment</b>
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President Winnecke: Who from the public would like to speak next? Come on up.

Commissioner Tornatta: The Sennings are first.

Michael Davis: I'm with them.

Commissioner Tornatta: Okay, alright. The Clover stomping grounds.

Dave Senning: Oh, yeah. I'm Dave Senning. This is my wife, Paulette. Mike Davis—

Michael Davis: Michael Davis, 3101 Bergdolt Road. I live to the house directly north of them.

Dave Senning: Of us, yes.

Commissioner Tornatta: Sure.

Dave Senning: We are, and I would like to thank John Stoll, Chris Walsh and Bill Jeffers, they, we've been working with them, and they've, I think we're on the right track. We have a concern. We get water off of Bergdolt Road, which is in between Clover and Oak Hill. It comes down alongside Mike's house and then flows over on us. The one problem, the first part of May, I think John has sent you all an e-mail—

President Winnecke: Right.

Dave Senning: —this afternoon, so, you may not have had a chance to read it all, but we kind of wanted to let you know what was kind of happening on our side of it. We were looking at, and John had mentioned maybe, we don't know if they can dig a ditch with the easement from the center of the road. On the north side of Bergdolt there is a pipe that has been put in. I don't know if that was okayed from the county at one time. It's been there many, many years, maybe 25-30 years. I don't know if the property owners did it or what, but over time the ground has raised an inch, a couple of inches higher than what the pavement is. Bergdolt Road is a flat road,

there's no crown in it. So, they've had some ideas, Bill Jeffers and Chris have had some ideas about trying to get this solution taken care of, but, we just want to make a concern that we would like for you to look at. Our first priority is maybe opening the ditch, which would help us tremendously in getting the water on the south side of Bergdolt. The other concern is, the drainage from the Oak Hill-Bergdolt intersection. I noticed, you know, we haven't had a chance for it to work yet, so we don't know, but we had gotten water in our house and that problem was from landscaping cloth put in front of, from the contractor, put in front of a culvert pipe, which wouldn't let it drain, and that ditch overflowed and came down Bergdolt and eventually ended up in our house. I was home at the time, I went up, I followed the trail of the water and found out that it was coming from this ditch. I took the cloth off of the culvert pipe and it sucked it right down. I do have a concern that with this culvert pipe, I have seen on heavy rains that this pipe does back up, and it's a ditching, which is, which I feel, I used to work for the City Highway Garage, and I used to dig ditches with equipment and things and shoot the elevations and stuff, but, it's on the city side so I know I can't do anything with you, but down by the old Sigeco property where they store all of their poles and transformers and things like that, there's ditches down there that are filled in, which all this water drains down on the north side where this culvert pipe, on the north side of Bergdolt, drains down, and I have seen that back up in that ditch. So, that would come, that's the concern for me, because of the extra asphalt that's put on that intersection, some of that is draining into the ditch and I understand that some of it will go into the inlets. My concern is we're trying to keep that water that does drain off of the intersection, to try to keep it going down along his house and in the backyard of his house and up against my house, which eventually drains out to Clover Drive after it passes my house. I just want to make you aware of that, and in his e-mail he'll talk to you about that, but we just kind of want to let you know our concerns with it. Do you have anything? Mike, do you have anything?

Michael Davis: Other than, you know, when we do get a hard rain, you know, we get water coming down Clover to begin with, and the houses there on the northeast corner of and east from there, water coming off the hill, coming down driveways and it will come down either to the east of the house directly to the east of me, or between our two houses and then eventually get to them before it goes on down. You know, half of my backyard will be under water, and I know where it's going, it's going to end up in their sunroom and in their property. It's just a constant pain in the rear end quite honestly.

Dave Senning: John, John and Chris has talked about trying to, there is drainage grates for this culvert on the north side of Bergdolt. Maybe pulling some of that grass back so that the water can get to those grates.

Michael Davis: He's right about that. They are overgrown, they're blocked, or they're above grade.

Dave Senning: So, there is, and those grates need to be changed. They're an old style grate that stands up instead of sitting down on the barrel of the culvert there where the water can get into it, flow into it easier. They talked about putting a berm, a curb, the best scenario is putting a ditch in, open that up and putting a ditch in. If you can't get that, the second thing is maybe putting a curbside on the south side of it with drainage.

Michael Davis: If nothing else, direct the water over to Clover.

Paulette Senning: Right, it should stay in the streets.



Michael Davis: Instead of through our yards.

Dave Senning: Right.

Michael Davis: It would direct it over to Clover. I don't have a whole lot of problem with it going through my front yard. It's the side yard that I've got a problem with. That we've got problems with.

Paulette Senning: It comes to our property. We have a drain outside our sunroom door. We've had a swale put in many, many years ago, the problem's gotten progressively worse over the years. Things have changed, landscaping, the types of thunderstorms we have are more current, nothing tornadic in the two events in May, nothing like severe thunderstorms, it was a hard rainfall.

Dave Senning: Right.

Paulette Senning: Bill has even commented that from stats from 1995, back that far, that it shows that the waterfall from rainstorms has changed. We get these year round.

Dave Senning: Right.

Paulette Senning: So, our endurance, you know, it's just compounded to such a problem with these two instances, and the Bergdolt-Oak Hill project we feel like contributed, it did definitely the first time—

President Winnecke: Sure.

Paulette Senning: —the second time, but then the other water flows. So, the quick fix, the temporary situation, great suggestions from John and Bill—

Dave Senning: And Chris.

Paulette Senning: —but in long term...and Chris, but in the long term what we really need to do, when we do have this tornadic weather, these huge thunderstorms that you don't know when, they're uncontrollable, is to have those ditches open on the north side of Bergdolt Road, or reconstruct with pipes, and that's from the e-mail he sent you. That is a recommendation by John. Of course, I realize what this involves, sort of.

Dave Senning: Money is a factor, right?

Paulette Senning: But, the thing of it is, you know, why should we, would you want to accept water in your sunroom that could flow into your family room?

Commissioner Tornatta: Right.

Paulette Senning: Tile, furniture, carpet. So, we need a permanent fix. Either two of those solutions, the piping or the opening of the ditches is very, very urgent for our situation, because who knows when we're going to have more than what we had in May at one given time. That's going to ensure that we will have the possibility of being protected.

Commissioner Tornatta: Okay.

Paulette Senning: So, we want our home not only livable, but we want it resalable.

President Winnecke: I understand that. I can appreciate what you're saying. We did get an e-mail from John, a lengthy e-mail today from John. I had to print it out to read it actually. So, my recommendation is for us, give us a little bit of time to kind of study that e-mail and talk to Chris and Bill and Joe, John, I'm sorry, Joe is his brother, and figure out how we can scrape together the money and do what's needed to be done for everyone.

Dave Senning: I just wanted to tell them again, thanks.

President Winnecke: Alright.

Dave Senning: Okay. They put in some good time.

Paulette Senning: They did, and very cooperative, very congenial, but my question back to you is when you talk about reviewing this and making a decision are you talking about the long term, the piping and the opening of the ditches, or are we talking about something now? I know that's future, okay? But, what we're concerned with is doing something as immediate as possible, such as the berm, the crest on Bergdolt, doing what John suggested. Is that going to happen for us immediately?

Commissioner Tornatta: Yeah, I can tell you that what they'll have to do is get together, bring us some type of assessment of the problem, some type of idea of a solution, and then at that point we'll have to sit down and put some pencils to paper and see what that's going to entail cost-wise. Then, will that get the job done? It may or may not and we'll have to retool.

Paulette Senning: I think we're—

Commissioner Tornatta: I mean, I think our goal is to keep you satisfied.

Paulette Senning: We need immediate relief though.

Commissioner Tornatta: Right.

Paulette Senning: That's what we need.

Commissioner Tornatta: Right.

Paulette Senning: Once John—

Michael Davis: It really wouldn't take a very hard rain to (Inaudible).

Paulette Senning: Oh, hi, Chris.

Chris Walsh: I just wanted to butt in real quick.

Paulette Senning: Sure.

Chris Walsh: The berm we talked about, are you the gentleman on the corner?

Michael Davis: Yeah.

Chris Walsh: Starting at your neighbor's driveway, I was ready to start looking at starting on that tomorrow. The cost is real minimal, if everybody's acceptable to us doing that.

John Stoll: I had spoken to Chris about that, and he said his crews could do it. One thing that, obviously, you haven't had a chance to read my nice, long-winded e-mail, but—

Paulette Senning: It's a good one.

Commissioner Winnecke: It is good.

John Stoll: —the, as far as trying to grade that shoulder down on the north side, we've confirmed that there's right-of-way on one of those properties on the north side, but not the second property. So, we're still doing right-of-way research. I think, as a follow up to my e-mail, the County Surveyor, Bill Jeffers, made a number of good suggestions as far as additional follow-up work that also needs to be looked at. In the interim, if the County Highway can put up an asphalt curb and make sure that we're not transferring the problem, as Bill said better than I did, at the tail end of his e-mail, that's great. It appears that if an asphalt curb was placed and it went around the radius and tied into Clover that the water wouldn't enter the property, but if there was a break, it's just going to funnel the water in a different spot.

Commissioner Tornatta: Okay, but I would like to know that for sure. So, if that's going to take you getting out there, or Bill Jeffers, you know, getting your heads together, addressing the problem and shooting some site, some lines, whatever it's going to take. What I don't want to do is I don't want to throw up a curb, it pops over, or, you know, it doesn't do it's job and then we're back to the same place. I know we want immediate, but I don't want to do immediate if it's not going to get the job done.

Paulette Senning: But it will help tremendously at this point. There's several things that need to be done immediately that will relieve us of any future situation. The long term, the costly that John has projected, and also Bill, we understand, that's going to take time. But, for something to happen, because this just hit us and it's like a flood. Water was like a fountain coming down my steps. If we wouldn't have been home, it would have been into our lower level, our family room and everything. That was just a rainstorm. That was not tornadic weather.

Commissioner Tornatta: Right.

Paulette Senning: That was not thunderstorms predicted or severe weather, that was just a regular rainstorm. So, what we need now is what John has recommended and Bill is right on target.

President Winnecke: Chris?

Paulette Senning: And we need these things done now.

President Winnecke: Chris, what's your estimation of the cost of what you could do?

Chris Walsh: A few hundred dollars, five hundred dollars maybe. It would, what this is going to do is help directionalize water, push some over to Culver, and it will keep it coming across the street, depending on the flow. I mean, you just don't know what size rain, but it should help. I mean, it should definitely help.

President Winnecke: For as small as that investment is, I think that is worth doing immediately if it can offer short term relief. John is going to offer–

John Stoll: One thing there, I haven't discussed this with Chris, but in looking at Clover Drive as it ties into Bergdolt, we want to make sure that the curb, if it's placed around that radius, if you got an excessive rainfall it doesn't cross Clover–

President Winnecke: Right.

John Stoll: –and end up at the southwest, in the property at the southwest corner of Clover and Bergdolt–

Commissioner Tornatta: Right.

John Stoll: –because there's a break in the curb. It stops shy of going around the radius at that southwest corner. In conjunction with that, it appears that there's some milling work that would need to be done, and I have not discussed that with Chris as of yet. It's in the e-mail.

Commissioner Tornatta: Right, and that's what I'm getting to. I mean, we're going to take care of your problem, and then we're going to have three other faces up here telling us now we have another problem. What I want to do is to make sure that we can do our best to take care of as many problems without just throwing band-aids out to take care of your problem.

Dave Senning: Yeah, what happens when that water comes down by Mike's house and in his backyard and up against my house, eventually, on the south side of my house, because I have a little drainage swale that used to help take the water around, it would come around the south side of my house and end up on Clover Drive anyhow. So, the water we're going to divert around down Bergdolt and on Clover was going there anyhow. Once it passed my house it was going on down to the Stevens drain....is it the Stevens Drain?

Bill Jeffers: Sonntag Stevens.

Paulette Senning: Sonntag.

Dave Senning: Sonntag Stevens drainage ditch. So, the only problem we would have would be, basically, with Mr. Smith, Eddie Smith, which lives on that southwest corner.

Commissioner Tornatta: Okay.

Dave Senning: And he's in agreement. He said whatever we can do, but, John is right, the last time they paved that road, we've lived there for 30 years, so when they paved that road they left it up high where that road does–

Commissioner Tornatta: Uh-huh.

Dave Senning: –the water does get into people's driveways, but I don't know of any driveway to where, you know, it goes up to the house.

Commissioner Tornatta: Okay, John, if you were to look at the situation with Chris, or Bill, or whoever we think we need to get involved at this point, how long would it

take you to make an assessment? Because once we have an assessment we feel like we're pretty comfortable with the situation. I don't have a problem with going forward, like I said, I don't want to jump so far, so fast that we can't take care of the problem at large.

John Stoll: I haven't discussed with Chris as far as when we can meet out there, but (Inaudible).

Commissioner Tornatta: Okay.

Paulette Senning: Tomorrow?

John Stoll: I can't be there tomorrow, because I will be in Indianapolis the next two days.

Paulette Senning: Tonight? It's still daylight, isn't it?

Commissioner Tornatta: Okay, so, alright, and then, do we have a not to exceed? (Inaudible).

President Winnecke: Sure.

Commissioner Tornatta: Alright, I'll make a motion that the Surveyor, Highway Garage, and the Engineer pool their resources together to figure out this problem, and to address the problem not to exceed \$1,000.

Commissioner Melcher: I'll second that.

President Winnecke: Okay, a motion and a second. Other discussion or questions?

Commissioner Melcher: We ought to ask the Surveyor what—

Commissioner Tornatta: And, I will say this, if it does exceed \$1,000, it will have to come back here, that's the only reason I make that comment. So, just so you know. If it takes something else to fix the problem and they come back and say it's going to be "x" amount of thousand, I'm just saying that he has the right to fix that at this time up to \$1,000.

Bill Jeffers: \$1,000 materials?

Commissioner Tornatta: Well, yeah, we're providing the labor, so, yes.

Bill Jeffers: Right, right, okay.

President Winnecke: And, with the caveat being that the collective brain trust is going to figure out how we can fix the long term problem beyond the short term. Okay, other questions or discussion? Hearing none.

Paulette Senning: Thank you very much. We appreciate it.

President Winnecke: You're welcome.

Commissioner Tornatta: We haven't voted yet.

Paulette Senning: At least there's a motion.

President Winnecke: We have a motion and a second. All in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? The motion carries.

**(Motion approved 3-0)**

President Winnecke: Thank you very much for your patience.

Bill Jeffers: If it's okay with you, because the person is your employee, and if it's okay with John, because he supervises him, Mike Wathen and I will meet Chris Walsh tomorrow, because John's going to be in Indianapolis.

President Winnecke: Okay.

Bill Jeffers: So, we can move forward quickly, is that okay with you guys?

President Winnecke: That's perfect.

Commissioner Tornatta: That's fine.

President Winnecke: Appreciate it.

Bill Jeffers: Okay, I'll call Chris in the morning.

President Winnecke: Any other business to come before the Drainage Board?

Commissioner Tornatta: Motion to adjourn.

Commissioner Melcher: Second.

President Winnecke: We are adjourned.

(The meeting was adjourned at 6:55 p.m.)

**Those in Attendance:**

Lloyd Winnecke

Bill Jeffers

John Stoll

Michael Davis

Others Unidentified

Troy Tornatta

Ted C. Ziemer, Jr.

Dave Senning

Beverly Howell

Members of Media

Stephen Melcher

Madelyn Grayson

Paulette Senning

Chris Walsh

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
JUNE 16, 2009**

The Vanderburgh County Drainage Board met in session this 16<sup>th</sup> day of June, 2009 at 5:26 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

Commissioner Tornatta: Mr. Jeffers?

**Approval of the June 2, 2009 Drainage Board Meeting Minutes**

Bill Jeffers: I had promised some printed agendas, and when I sent the agenda to my printer it rebelled on me. That was about 4:30. So, basically, we have the minutes from the last meeting to approve.

President Winnecke: I'll entertain a motion—

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? All in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed like sign. Okay.

**(Motion approved 3-0)**

President Winnecke: Okay, thank you.

**Approval of Ditch Maintenance Claims**

Bill Jeffers: I have a group of claims here, they are the standard claims for maintenance and contractual work on ditches. I do have one that I sent you an e-mail a week or so ago about a culvert that was completely blocked on Oak Grove Road, \$700 for Mark Naas to go out there and clean that out and dispose of that debris. I have the bill for that. That's the only unusual thing that doesn't follow the standard procedure. I would ask for you to approve all of these claims please.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: A motion and a second on the claims presented by the County Surveyor. Any questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? Claims are approved.



(Motion approved 3-0)

<b>Other Business</b>
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Commissioner Tornatta: Hey, Bill, have you heard anything about Mel's Lane, with a ditch clogged somewhere along the lane?

Bill Jeffers: Is that out by West Terrace?

Commissioner Tornatta: Yeah.

Bill Jeffers: Those ladies were in our office Friday, I believe.

Brenda Jeffers: Sills Lane.

Bill Jeffers: Sills Lane?

Brenda Jeffers: Sills Drive.

Bill Jeffers: Sills Drive?

Commissioner Tornatta: I've got Mel's Lane.

Bill Jeffers: Mel's Lane? I haven't heard Mel's Lane.

Commissioner Tornatta: Okay. If you get a chance—

Bill Jeffers: Send them, send them on down.

Commissioner Tornatta: Okay

Bill Jeffers: I would be happy to do what we can for them.

<b>Discussion of Oak Hill-Bergdolt Road Area Drainage Issue</b>
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Bill Jeffers: I don't have any further business, unless there's a continued discussion of the Bergdolt-Oak Hill Road area drainage problem.

Commissioner Tornatta: I'll start. First off, is there anybody here from Bergdolt Road area that would like to address that? Come on up. Sorry.

Bill Jeffers: That's alright.

Judy Mefford: My name is Judy Mefford, and I turned in a letter to the County Commissioners, the County Surveyor and the County Engineer that I had wrote. I also have three other letters from neighbors, one with pictures, about the problem that we have in that area. The water runs down Bergdolt Road and shifts off into Clover Drive and goes down and into some of the property down through there, but it also comes on down Bergdolt Road. We live one, we live exactly two blocks off of Oak Hill Road. Tanglewood would go through our house if it went through. The road, the water just before our, it comes down the road, and just before our house starts coming over the road and we end up with huge amounts of water in our yard running down the side of our houses. It gets down through the, in the back ditch, it's

a small ditch there, it's not, you know, anything real huge, but a small ditch and it takes and goes, collects back there. May 25<sup>th</sup>, we have two out buildings, and they're both on concrete pads and they're raised from the concrete pads, and we had water up to the bottom of those buildings. We had water to within about 15 feet of our house in the front, from the, you know, that come up into our yard and everything. It even got on our carport this time, and previously we had, many years ago we had problems with water coming on our carport, so we had raised our carport four inches. We really don't get, most of the time don't get water on our carport. It came up on our carport this time. But, I, like I said, I have three letters, one with pictures. These people all live back on Blossom Lane, which is the street behind us, and they have much flooding back there also.

President Winnecke: Ma'am, what is your address again?

Judy Mefford: 2909 Bergdolt Road.

President Winnecke: 2909, okay.

Commissioner Tornatta: Up here is Oak Hill. Go to picture number four, Brenda. That's Oak Hill construction there. So, that's the cross street right here—

Judy Mefford: See, you can...if you look—

Commissioner Tornatta: —cross street to Clover.

Judy Mefford: —at this picture up here. (Inaudible. Not at microphone.)

Madelyn Grayson: Mrs. Mefford, can you come back to the microphone so that we can get your comments on the record?

Commissioner Tornatta: Sorry about that, we've got so many rules around here.

Judy Mefford: Sorry. If you look up here you can see the water coming down. That mailbox right there is ours. See, you can tell, you know, it comes over the road right in there.

Bill Jeffers: The mailbox she pointed to is up at the intersection of Tanglewood—

Judy Mefford: No. Yeah.

Bill Jeffers: At Tanglewood, and the water comes across just like it is here at Leah.

Judy Mefford: It's right, it's right across—

Bill Jeffers: It comes across into her driveway.

Judy Mefford: —from, it's right across from Tanglewood. This lady here has had water in her basement. These people, these people here at 2900 Blossom Lane, I read this, when she brought it over I read it and it's, I mean, it's a horror story, as far as they're concerned. You know, all the rest of them have been having, you know, a lot of water. We get water. We do not have a basement, we have a crawl space. We get water under our house, and we've got a sump pump under there to pump it out.

Commissioner Tornatta: Yeah.

Judy Mefford: Because we get so much water under there.

Commissioner Tornatta: John, could you come up here for just a second?

President Winnecke: Ma'am, just to clarify, while John's coming up, these photographs were taken after the—

Judy Mefford: The May 25<sup>th</sup> storm.

President Winnecke: —May 25<sup>th</sup> storm? Okay.

Commissioner Tornatta: Okay, John, looking, I guess, that would be east, it looks like there's an open ditch, and then it turns into a closed ditch. Right there.

Judy Mefford: Yeah, that's an open ditch.

Commissioner Tornatta: Now we keep going to a closed ditch, is that correct?

Judy Mefford: That's correct.

Commissioner Tornatta: I mean, isn't that part of your problem?

John Stoll: I haven't been out there and looked into this part of the area, but I know through Bill Jeffers' reports and through Mike Wathen being out there, I know there's quite a bit of areas that it alternates back and forth between piped ditches, open ditch, but there's more piped ditches than there are open ditches.

Commissioner Tornatta: I guess, what I'm asking is, if that's a piped ditch coming from an open ditch then going, is it going underneath the road there? Underneath from where it's closed off to the "For Sale" sign, is it supposed to have?

John Stoll: Do you remember where the cross pipe is? There is a cross pipe that goes under Bergdolt, heads south to Blossom, and then south to Sonntag Stevens Ditch. I just don't remember off the top of my head where that crossing pipe is. What's the address? I would have to go get that paper.

Bill Jeffers: Right there.

John Stoll: Do you have the laser pointer?

Bill Jeffers: Yeah. Go to map number five, please. Okay, map number five, Ms. Medford, or, Mefford, excuse me, Ms. Mefford lives right here. You can see the grate in her driveway that her husband installed to capture the water that comes across from Tanglewood before it goes into their carport. There's another grate at their carport entrance. All this, from Clover on the north side of Bergdolt is piped, down to Tanglewood. Then there's about 60 to 70 feet of open ditch. That's what you saw in the photograph that Commissioner Tornatta pointed out. The open ditch right here. Then it crosses under Bergdolt Road in a culvert, that would be 2901. You have a letter from that lady. Her name is McLaughlin. She's not going to be here tonight, I don't believe, but she sent a letter in. If you see McLaughlin's letter, this is her home, one house to the west of Ms. Mefford. Then the pipe continues from right there between the two houses and then into Cloverlawn Subdivision, which is

the Blossom Lane address that Ms. Mefford referred to. This pipe is, several joints are separated and the pipe's collapsed. There's an inlet here that's completely covered with debris. It continues on down to Sonntag Stevens Ditch.

John Stoll: That's the area that I sent you an e-mail earlier today where we could find no record of any easements anywhere along that path through where the pipe crosses through the neighborhood, I mean, through the private properties. I should say for the houses that front Bergdolt Road, there was no easement reference in their deeds. There is a platted easement in Cloverlawn Subdivision, but it's simply just labeled 12 foot easement. It's not defined as a drainage easement. In the past, Vanderburgh County has treated that as the private property owners problems to deal with, since it wasn't something that had been maintained by Vanderburgh County. So, if that water is going through there, like Bill said, if it's obstructed already because it's collapsing, that's I'm sure part of the problem. I haven't actually walked that section, but relying on Bill's reports, I don't doubt that it has failed.

Commissioner Tornatta: John, could you give the "Government For Dummies" version of how, what you're talking about about private property versus easement and why that's so important? How we have to work versus how a private person has to take care of their own property?

John Stoll: It's, the counties maintain what's within the public right-of-way, but what's outside of public rights-of-way has been maintained by the property owner. Historically we haven't worked on private property. In years past things weren't defined as well in the ordinances, but with the ordinance that was passed in 1984, I mean 1994, the drainage ordinance did add quite a bit more language to the plats to try to make people aware of the fact that what's on their property is theirs to maintain. So, typically we just maintain what's in the right-of-way.

Commissioner Tornatta: In their deed or their, well, in their property deed it would say if there's an easement, would it not?

John Stoll: It should. The problem is a lot of those end up saying just subject to easements and rights-of-way of record. Then you have to go back to prior deeds in hopes of finding some specific reference to what might be an easement or right-of-way record. We ran into a couple of those out here on Bergdolt where there wasn't a specific reference to the right-of-way. That's why I had to get with the County Attorney to go back to some 1924 Commissioners records to find what was considered to be the right-of-way of record. But, we found no easements for that pipe that comes off of Bergdolt Road.

Commissioner Tornatta: So, if one did not have an easement or right-of-way on their property, then it would be considered private property, and at that point they would either have to get the work done themselves, or they would have to get with a collective group of homeowners and do a Barrett Law project?

John Stoll: Those would be two of the options, yes.

Commissioner Tornatta: But, the county would not go on the private property. I mean, I just want to kind of bring everybody up to speed. We've had a chance to talk about this several times here, but for those who are interested in this particular project, the county would not go onto private property without some type of agreement, be it a Barrett Law project or, unless there was an easement that was purchased.

John Stoll: Right, that's what I was getting ready to say, unless the county went out and secured easements to go build a project, but, right now that's not there.

Commissioner Tornatta: Okay.

John Stoll: I don't know, our records aren't that good in regard to all of this. We really can't determine who piped what. We've been told that the county piped some of the ditches along Bergdolt Road. I don't doubt that. I'm sure property owners have piped some of that. But, we can't definitively verify any of that. Likewise, for this pipe that runs south off of Bergdolt Road, I don't know who installed that or when, so it kind of makes—

Commissioner Tornatta: When you talk about our records aren't good, you're talking years and years?

John Stoll: In the office, yes.

Commissioner Tornatta: Right, right.

John Stoll: We've got some, we found some records dating back to the 60's that said there were chronic drainage problems in this neighborhood back in the 60's. But, as far as specific lot by lot paperwork showing who installed the pipe and when, we don't have that.

Commissioner Tornatta: When I was there in the 80's there were problems. I mean, they've been there for a while.

John Stoll: I'm not going to say that there might be a record somewhere that does show that there's an easement out there. We just haven't found it. With the plat it was easy, there's a 12 foot platted easement through there. The easement language was not very specific though. It just called it a 12 foot easement. The owners certificate language was set up to imply that there were only public utility easements, but drainage wasn't listed in there. So, we've got a drainage pipe running through an easement that's not defined for any specific use.

Commissioner Tornatta: Can you tell me was there an attempt to remedy a problem after our last meeting? We allocated up to, I think, \$1,000. Was there an attempt to do something?

John Stoll: That was—

Commissioner Tornatta: Because I know you guys were out there.

John Stoll: Yes, we have been, we've received these other complaints regarding drainage after that last meeting. We have been focusing everything up here at the Clover and Bergdolt area, based on the original complaint that came up from Dave and Paulette Senning at the last Drainage Board. So, we hadn't really been going out and surveying everything further west down Bergdolt. I know Bill Jeffers has been out there, I know Mike Wathen from my office has been out there, but we haven't focused our efforts on any kind of, whether temporary or permanent fixes for anything other than back here at Clover and Bergdolt. We are still working on that. We've done some survey work through here, (Inaudible) evaluate the possibility of putting a curb through here, doing some milling of the asphalt through Clover south of Bergdolt, trying to establish maybe a better crown along Bergdolt in this area.

We're working with the County Highway Department, Chris Walsh is going to go out and do some additional shoulder grading work through here to try and divert the run off into a couple of inlets where those ditches have been piped. But, we haven't really done any detailed looks of anything past Clover, other than to say that if we had to go out and replace all the pipes out there, it would probably be a \$300,000 plus project, based on some unit prices from a drainage project that we did on Number Six School Road back in 2005.

Commissioner Tornatta: Not to belabor the issue, but if we were going to do a lot of improvements on Clover, especially at that corner, would we not wait until the Oak Hill Road project at Bergdolt was done?

John Stoll: It is, for all practical purposes, paving wise, it's done. All the asphalt is in, so the curb is, I mean, the asphalt is up to the curb elevation. So, everything per plan has been completed out there. The only reason it's not open yet is that the traffic signal is not operational as of yet. If the weather would cooperate, we would hope to get that open yet this week.

Commissioner Tornatta: Okay, well, I personally would like to see that thoroughfare open before we try and send traffic even further down, further west. So, I mean, if it's only going to be a week, I mean, I think we can use that.

John Stoll: For the work that we're looking at as far as the surveying and any design work as far as any asphalt and curbs, just by virtue of getting those plans and specs together, that intersection of Oak Hill and Bergdolt—

Commissioner Tornatta: Would be open?

John Stoll: —would be open by the time we get all that done anyway.

Commissioner Tornatta: Okay.

John Stoll: So, there wouldn't be an overlap of anything that we did—

Commissioner Tornatta: Yeah, okay.

John Stoll: —over in that radius area.

Commissioner Tornatta: Yeah.

John Stoll: But, we just haven't done any detailed evaluations further west in Ms. Mefford's area.

Commissioner Tornatta: Okay.

President Winnecke: John, I know we're kind of going back and forth between these two sets of complaints. Let me work backwards. In terms of the Clover, when will you have your survey and recommendation work ready for us?

John Stoll: We are waiting for a survey monument, there's a section corner that needs to be reset out in the middle of Oak Hill and Bergdolt, and once that's set then they can establish that, the surveyors in my office can establish that section line which allows us to establish the property lines and determine where we can work and still be within county right-of-way. According to what the contractor said, if the

weather cooperates, they should have that section corner monument reset tomorrow. My guys don't have that much survey work left to do. So, I would think that we could get a plan for that put together in the next couple of weeks.

President Winnecke: So, theoretically, at our meeting on the 30<sup>th</sup> you could have a series of recommendations, such as adding the curbing, doing the additional mill work, and perhaps some reworking of the crown, is that right?

John Stoll: Right, the survey shots show that there is, other than in one spot, and that's basically opposite—

Brenda Jeffers: Where do you want to go, John? That one, is that the one?

John Stoll: Yeah, that will work. Other than opposite, and I don't remember which driveway it is, but we've got a crown in excess of two percent, except at one of these two driveways it's one point some odd percent. A two percent crown is a normal crown. So, the survey is showing that the crown is not as much of a problem as we initially thought, but we could still establish something better. It will just take some milling and resurfacing work to make that happen.

President Winnecke: Okay. So, I'm wondering if it makes sense, the point you just asked, if we authorize John and Bill to do an initial survey, for lack of a better phrase, of Ms. Mefford's complaint area, like we have for the Senning's, and maybe report back at our next meeting, at about the same time that you'll hopefully have a recommendation on the other. Does that make sense?

Commissioner Tornatta: Yeah, and what I would, I don't know what your timing would be, but if we're going to have Oak Hill Road open at Bergdolt, and we had all the stars in alignment to do a recommendation knowing what our limitation was on the price, I mean, I would get it going. I mean, I would make a recommendation to do that and not wait until the 30<sup>th</sup>. My problem is I don't want to have two more roads closed at the same time. We have to think a little bit deeper than to keep closing roads. So, like I said, if we're doing milling, at that point, if the road's open, I would rather get started on that before the 30<sup>th</sup> if we have open time to do that, or he's got somebody that's down and can't pave or whatever, I would rather get that milling done before then.

John Stoll: Anything that we do as far as contract work goes, though, we have to send out a notice to the contractors and give them at least seven days. So, we would have to have something in the contractors hands...is it seven or is it ten days for a quote? I can't remember off the top of my head.

Ted C. Ziemer, Jr.: Ten.

John Stoll: Ten? Okay, we would have to have something in the contractors hands basically by Friday in order that you could open up a quote for the curb installation at the next meeting.

Commissioner Tornatta: Okay.

John Stoll: I don't see us hitting that, just because—

Commissioner Tornatta: Okay.

John Stoll: –we’re not going to have the survey done until probably tomorrow or Thursday, and then–

Commissioner Tornatta: So, we probably wouldn’t be ready to go until the 30<sup>th</sup>?

John Stoll: We could probably have a plan, but it won’t be ready for sending out to the contractors.

Commissioner Tornatta: Okay.

John Stoll: That would be independent of everything further west down Clover. I think, in some of the e-mails Bill Jeffers has summarized the problem fairly well. I mean, we can go out and take a look at it in greater detail, but primarily the problem is piped ditches, lack of adequate sized pipes, failed pipes, you name it, but there’s quite an assortment of everything that’s created the problems out there.

Commissioner Tornatta: Okay.

Judy Mefford: I just have some more comments I want to make. Will you put–

Brenda Jeffers: Is that the one?

Judy Mefford: –okay, you’ve got it up. Let’s see now, my house is here. Put up the next, no, okay, okay, here, I’m here. Ms. McLaughlin lives here, and I think you have a letter from her, she has lived out there probably longer than anybody in the neighborhood right now. She said that from Tanglewood all the way up to Oak Hill there used to be a ditch that is like here. Okay? Through the years they’ve been closed. Let’s see, this is our house, yeah. This house, I know that they do not, they did not have any water in their basement the 25<sup>th</sup>, but previously the lady that used to live there had major problems with water in her ditch. She’s got a back up sump pump now. She’s got a sump pump in the basement plus a back up on it, a battery one and stuff. Let’s see where I’m at, this right now is a rent house, this is Mr. Hunt’s house who is here, and he has had major problems in the back, and then there’s one more house that’s on this road, and in the back area (Inaudible. Not at microphone.)

Brenda Jeffers: This one here?

Judy Mefford: Yeah, it would be sitting out here someplace.

Bill Jeffers: (Inaudible. Not at microphone.)

Brenda Jeffers: Okay.

Bill Jeffers: You would have to go (Inaudible.)

Judy Mefford: See, here’s me, McLaughlin’s, the house that Mrs. Rothard used to live in, and I’m not sure what the name is right now, but, the rent house, Mr. Hunt’s house, and then there’s another house that’s here. That’s all that’s in that line there, but, like I said, Ms. McLaughlin said that on Bergdolt up–

Brenda Jeffers: Sorry, I’ll put it back.



Judy Mefford: –okay, from Bergdolt, from Tanglewood all the way up used to be a major ditch. This is a major ditch here. I mean, it's a pretty good sized ditch. Right?

Bill Jeffers: Yes, Ma'am. One of the pictures shows quite a bit of water in it.

Judy Mefford: Yeah, yeah. There was a lot of water here, and a lot of water, you know, in that ditch on the 25<sup>th</sup>, but now this back in here is collapsed pipes all the way up and down, you know, and everything.

Brenda Jeffers: Mrs. Mefford, do you want us to show picture number eight on there?

Judy Mefford: Okay, this is Tanglewood, where I was just showing.

Bill Jeffers: (Inaudible).

Judy Mefford: That's the ditch. So, you know, it has major water in it.

Bill Jeffers: What she's saying is that's the ditch that used to exist all the way to Clover and has been piped.

Judy Mefford: She said all the way to Oak Hill is what she told me. But, it used to, you know, it used to be a major ditch there. Now I know we don't have, there's no easement on the back of our property, but I'm almost positive that there's an easement on the front of our property. But, I don't know exactly how it reads.

Commissioner Tornatta: Okay. Yeah?

John Stoll: There's a 30 foot–

Commissioner Tornatta: Thirty foot? I mean, it really depends where the issue rests.

Judy Mefford: Okay, well and the thing I'll tell you when his guy, Wathen, was out there, he was up Clover Drive, and we've been keeping a good eye on that Bergdolt and Oak Hill project. We walk up every day and see what they've done and walk back, you know, but they were there at Clover and Bergdolt and we talked to them, and they said that they had done some stuff down this way. I asked them how far down, and he, the one guy didn't really know, and I says well if you didn't get all the way down to Tanglewood, you haven't got all the way of the problem.

Commissioner Tornatta: Alright. Okay. Thank you, Judy.

Judy Mefford: You're welcome. Thank you.

Dave Senning: I'm Dave Senning. I was here a couple of weeks ago. I would like to bring, this is my wife, my girlfriend.

Paulette Senning: We're back.

Dave Senning: John was talking about a monument, I guess, John, was that in the middle of the intersection there? I guess, and that is to figure out where our easement is on both sides of the road?

Commissioner Tornatta: Okay.

Dave Senning: That's what that is for?

John Stoll: Yeah, so we can establish property lines.

Dave Senning: Okay.

Commissioner Tornatta: To establish property lines.

Dave Senning: Is there anything, is that supposed to be set tomorrow, maybe, you think?

John Stoll: That's what the contractor told me.

Dave Senning: Okay. If that's set before the next meeting, can we have anything done on the ditches or anything to clear the easement out, the grates or anything like that? On the north side of Bergdolt.

John Stoll: We sent a work order out to Chris today to cover that.

Commissioner Tornatta: Okay, John said a work order was sent out to Chris to cover that. Just because they can't pick this up on the microphone.

Paulette Senning: This has been happening for two weeks.

Commissioner Tornatta: Right.

Dave Senning: You've been waiting for that monument?

Commissioner Tornatta: I understand. The, nobody ever said government was that fast.

Dave Senning: It's never fast. You're right.

Commissioner Tornatta: But, the one thing that we are trying to do, Paulette, and this is, I'm going to allude to it just like I did the last time we were here, you have a problem and let's say that it's recognized as a problem. We can't, we can't just fix your problem without thinking of other problems that are potentially caused by fixing your problem.

Paulette Senning: I agree, Troy, and I understand that, and I understand because of us it's opened up a lot of situations for people that have just been contending with a lot of problems for years.

Commissioner Tornatta: Right.

Paulette Senning: But, the one thing that was discussed two weeks ago was just doing a little bit of grading to those two properties across, before you get to the corner of Clover Drive and Bergdolt—

Commissioner Tornatta: Right.

Paulette Senning: —on the north side of Bergdolt, just grading back to allow the water to flow into those inlets until we do get things done. That's pretty simplistic.

Commissioner Tornatta: I understand, and I think, I mean, I talked to Mike Wathen about it, it was to my understanding that he, that, you know, the thought, on paper it looked real good, then he went out there and it didn't, it was not adding up.

Paulette Senning: There's a lot of problems out there.

Commissioner Tornatta: So, he thought that that was going to push into other areas and cause additional problems, and before he would go to that level, that's when we started to get a little bit harder assessment of the problem. That's what I kind of figured might happen. We would have to look at the entire problem and address the entire problem **(Tape Flip)** fifty band-aids to only pacify—

Paulette Senning: I totally agree, but when you've got inlets, two inlets that would help on the north side of Bergdolt between Clover and Oak Hill, and all you've got to do is just push back some grading that's within the easement, just open that up so that instead of the water flowing across on the south side, which it always does, that would allow it to drain into those inlets. That was the simplistic thing that could have been done and has not even been touched.

Commissioner Tornatta: Yeah.

Paulette Senning: I understand the total scope, because Bill's been out many, many times and his assistant and Chris and we know, and we knew when we started with our complaint that there was far more issues in—

Commissioner Tornatta: Right.

Paulette Senning: —the neighborhood that everybody has just lived with. But, there's an abundance of water that comes down off Mr. Viner's property—

Mel Viner: Yes.

Paulette Senning: —that comes down, as well as, let me say this, Bill was out last week, and they opened up a fire hydrant, that water did not flow, all of it down Oak Hill Road and take it with those pipes that were put in to go to the, not the creek, but the ditch. Sonntag Stevens, it drains to that. It came down Bergdolt Road on the south side where we have problems, so that is still an issue, along with what comes north of his property. That combined force is what we're nervous every time we get rainfall predictions or, you know. I know it's compound.

President Winnecke: To your question on the, the immediate question on the inlets, Chris, you guys have a work order on that, and you anticipate getting that done when?

Commissioner Tornatta: Well, can you just come up here and explain, and, John, maybe you can explain as well, what that would do and how that would help, if it would help?

Dave Senning: Uh, Troy?

Commissioner Tornatta: Yes?

Dave Senning: This gentleman here, Bill, is it Viner?

Mel Viner: Viner.

Dave Senning: Viner, okay. You live at this circle drive right there.

Commissioner Tornatta: Okay.

Dave Senning: Okay? He has an explanation, he gets a lot of water from up top of the hill that we were concerned about, and he has put piping in to try to get it into this culvert pipe, but he's got an explanation more, because I don't know if John has seen this, or, Bill, have you been up there yet?

Bill Jeffers: Behind his house?

Dave Senning: Yeah.

Bill Jeffers: No.

Dave Senning: Okay.

Mel Viner: Well, see, I've lived at Bergdolt, at 3108 for ten years. When I come there, when I was buying the house I mentioned that their driveway was being washed out. They said, well, they've had problems when it rains hard that it does that. Before I moved in they said they put a load of gravel in my driveway, well, they had a hard rain and the neighbor across the street of Bergdolt that gravel in my driveway washed into his front yard, which they live behind their house. So, I don't know what happened to them, but I'm sure, but this was before I moved in. But, anyway I moved in and sure enough every time it rained hard that it would come down the driveway. So, at the top of my driveway, right there, it's like a creek from all the way up the top. I don't know where all that water is coming from. I've asked my neighbors, they don't know. But, when it rains I've got whitecaps coming through my back yard down to my driveway. So, I put these two culverts to dump it in that ditch, and it works. My driveway doesn't wash out anymore. If I plug that back up, it's either going to go underneath my driveway, or on top of the driveway, coming down that hill there's no stopping it. So, but, really the problem with theirs is not only the water coming off the hill, the drainage pipe that's under ground in front of my house, when it rains hard it will come out of that ditch because it can't accept it. Now, since they put that new road in, I think, this is just my opinion, that the water will come off that road and when that sewer or drainage pipes that they put on the road, when the water comes down it didn't even touch that. That's when she got all the water in her yard. But, when it rains like two and a half, three inches, that front culvert won't take it. It will come out of the ditch, right across the street and right down. Now, I've only seen this three times in ten years that it's come out of it. Except the other, the last time it rained hard they had this blocked, this, yeah this culvert, they had it blocked and it come over the road, but down in the far corner where that sign is, when it rains real hard right there, that drainage pipe there will not take all the water, it's coming out and down. But, on my far side of the driveway, which it still has water coming out of it from, up from the hill, but my driveway doesn't get washed out. When she come over and complaining about the water, I went to my back yard and looked around, and all the yards, all my neighbors yards are slanted to my driveway, which I didn't even realize that, you know. So, I mean, the water's coming down, down my driveway to the street, and down the street. But, you know, I think that the main problem is that the culvert from Oak Hill, or not the culvert, but the drainage pipe from Oak Hill down, all the way down the street is a problem. It's just not big enough to carry the water.

Dave Senning: Right.

Mel Viner: Of course, you know, I realize it would be an expensive thing to do, but I don't know how you're going to get around it other than put in a larger pipe down the street so that people can, including that ditch that they're talking about. That water out on the road has been there ever since I moved in. I would drive by there and it's been in there, you know, well, people couldn't walk across the street from the water. So, that's about all I've got to say is that. But, like the drainage pipe on the east side in the corner, the one that didn't accept the water, well, they come out and put blacktop on it so it would and they slanted the road so it goes to this ditch right there by my house. All that water is going to run in that ditch, which it's going to be more water off that road. So, I don't know what they're, I'm sure that when it rains hard, it's going to be worse than what it was, because this culvert wouldn't take it before, I mean, the drainage pipe wouldn't take it before, but now it's going to get more water. So, that's about all—

Paulette Senning: I just want to say something real quick. Since we're talking about that area, there's standing water there. The last rain we had was Wednesday, and there's still standing water in that ditch, before you get to his driveway from Oak Hill to Bergdolt that they designed and redid or did whatever, and that's a health issue. I took a picture of it yesterday and it's still standing there and we haven't had a rain since Wednesday. The north side of Bergdolt.

Commissioner Tornatta: Okay, I, you sure?

Paulette Senning: I'm sorry?

Commissioner Tornatta: You sure?

Paulette Senning: I'm positive.

Commissioner Tornatta: It rained yesterday.

Judy Mefford: Well, it doesn't matter (Inaudible).

Paulette Senning: Up to yesterday.

Commissioner Tornatta: Okay.

Paulette Senning: Before we had, from Thursday on we did not have any rain, maybe a few sprinkles, but nothing.

Commissioner Tornatta: Okay.

Paulette Senning: We had warm weather over the weekend, whatever—

Commissioner Tornatta: Right.

Paulette Senning: —and water was still standing, it's been there since Thursday, and other neighbors have made a comment too.

Commissioner Tornatta: Okay.

Paulette Senning: I went and took a look on Sunday and that's when we....oh, I'm sorry. I've talked to you before. Mr. Viner and I were talking--

Commissioner Tornatta: Okay.

Paulette Senning: --but, as you can tell from his comments, there is such an abundant amount of rain water that comes down from the north side, the backside of this property. So, whether it's bigger piping or opening up those ditches for those two homes, something's got to keep that water from coming on the south side that causes us more problems. It's just simplistic.

Judy Mefford: I saw that water too, and I've seen it many times when it had rained several days before. But, there is a ditch of water there. It's not a lot, but it's enough, it's a good breeding ground for mosquitos.

Bill Jeffers: Well, after listening to all the residents, and in particular Mr. Viner's description of what's going on in his backyard and driveway, I'm beginning to wonder why I'm, what my job is, because they described everything perfectly. You didn't need my descriptions. I think if you'll read through my suggestions they do reflect similar concerns and there are suggestions as to how to address them, but between these residents, their description and John Stoll's ability to plan and give you cost estimates, I think you all can handle it without me really. But, having said that, I would like to point out some of the cold, hard facts, and I'm sure Mr. Viner and others are aware of it, I hope I'm pronouncing your name correctly.

Mel Viner: You are.

Bill Jeffers: In particular, the pipe he points out that goes under his two driveways is grossly undersized. I think he pointed that out, but it's also of a material that we don't use because it tends to flex or deflect, and, right now, that pipe when I looked at it is deflected and is not taking the amount of water that it would take if it were soundly installed. Of course, because those things, and he did not install that. I'm not pointing any fingers at him, he bought it, you know, as is, as it was, when he bought the property it was already there. But, then his pipe is connected to a clay tile under the next property, and then that goes underneath Clover Drive, and on the other side it's a plastic tile, and then the next tile after that down Bergdolt is a clay tile, on and on and on. So, we don't know how these were joined together, but I can assure you that they are not appropriately and adequately sized or designed or, you know, the workmanship is not there. So, everything has been addressed by these property owners, I can verify that they're telling you the truth. I'll just leave it there.

President Winnecke: Chris, did you have, you stepped up at one point.

Chris Walsh: We're going to go back out. I talked to John, I just did a very temporary, some cuts one day when it was starting to already rain, and it looked like it would help a little bit, and I think what he's got us to do is going to help a lot more. But with that said, if that helps this and up by Oak Hill and Bergdolt, pipes adequate or non-adequate, if they're open going down through there, they're never going to cross, because that pipe down at Leah and going to that ditch. So, that, this whole north side of Bergdolt is filling up full of water and just holding, even if they're wide open and they're different sizes, that water is never going to make it down to that woman's house. That's why it's filling up. The pipe is then filling all the way up to this horse shoe drive so it won't allow it to take anymore water and also come across. Don't you agree? So, I think it's kind of a two fold problem. Did that help?

Commissioner Tornatta: I'm not a water guru, but I will say, do we think by going out there and talking or making modifications and seeing how the water rolls that we're going to have a better understanding of what could happen? Or is this going to be, should we tell those who have these pieces on their private property that they need to seek some other type of assistance?

Bill Jeffers: Okay, let's back up. What Mr. Viner told you was, basically, the pipe underneath his driveway fills up and geisers out. It's so full of water before the project was ever constructed, it geisered out.

Commissioner Tornatta: Right.

Bill Jeffers: Okay? So, that means it has been overcome by the amount of water that comes off Oak Hill and Bergdolt. The project puts more water into that pipe. What Chris is telling you is that no matter what we do, the pipe already is fully charged with water, it's overcharged with water, it's geisering out. Okay, it only gets worse from there. I want everyone to understand, whether it's Mr. Viner or the persons who we're trying to help by putting the water into the pipe, when Chris' crew goes out there, I want you guys to know this too, when Chris' crew goes out there and peels that shoulder back, Mr. Viner will have no grass in his front yard from the edge of the pavement back to the pipe. Which is probably a good ten to fifteen feet. It will peel all the grass off, that's what's holding the water up on the street. So, when you peel the shoulder back the grass goes away, all around his mailbox and everything. That's why a lot of times we're sent to do a job and we're uncomfortable about doing it, because the reaction by the homeowner is going to be—

Commissioner Tornatta: Strong.

Bill Jeffers: —alarmed. He's going to be alarmed. I just wanted to throw some facts out there. What Chris, I think, is trying to tell you in a nice way, I can tell you because I'm elected, he's appointed. You know, I'm good for four years. When he goes and does this you're going to get some phone calls. He's being nice about it, but that, it's coming out of my mouth now. When he peels that shoulder back you're going to get some phone calls. It's going to put more water in that pipe, and that pipe's not going to handle it. Okay?

Chris Walsh: I would like to see if I could get somebody with the city to come out with a camera and try and drop in that pipe down by Leah Drive and see how far I can get in and look and just see what the magnitude of the problem is in that pipe. Because that would also help. That would help this woman, and in a general way would help them as well, if we come to find out, like in one of my pictures you see where it could be a telephone pole affecting it.

Commissioner Tornatta: Yeah, but is that, would we do that on private property?

Chris Walsh: Well, that's, I can camera it just to get us an idea, then you could go from that point. I mean, I may go in and see that it's a total collapse on it, or I may get in there and see that it's just a telephone pole and some obstructions around, you know, I think it's worth taking a look at that and seeing.

John Stoll: From what we were able to find, basically, everything, ditches, pipes, whatever is out here, everything is in right-of-way all along this whole area.

Commissioner Tornatta: It's just when you take that—

John Stoll: When you go south.

Commissioner Tornatta: Right.

John Stoll: Then all of a sudden it's on private property.

Commissioner Tornatta: So, if it is in private property, can we still get a camera shot of it?

John Stoll: That's probably a question for Ted.

Commissioner Tornatta: Well, he's talking about running a camera--

John Stoll: Run a camera through the pipe--

Commissioner Tornatta: Through the pipe.

John Stoll:--to try to figure out where the obstruction is.

Chris Walsh: Picture 12 will show you where (Inaudible)--

John Stoll: Even if the pipe is on private property. Basically, if he could get a camera, he would like to run it down, I'm not sure I'm at the right house, but there's a pipe that runs north-south. It's off the county right-of-way, and to try and find the extent of where it might be obstructed (Inaudible).

Commissioner Tornatta: Is entering of the camera, would it be on public right-of-way? The camera would be traveling on private property.

Ted C. Ziemer, Jr.: Yeah, no, I don't think we can do that without getting the consent of the people who's private property we're going over.

Commissioner Tornatta: I would agree. Yes, sir?

J.R. Mefford: I'm J.R. Mefford. My wife was just up here.

Commissioner Tornatta: Okay.

J.R. Mefford: If you...there used to be a ditch all the way along the north side of Bergdolt there. Why not just open it up and put culverts in the driveway and have it (Inaudible) and put the grass, sod just like they did up there and have an open ditch.

Commissioner Tornatta: Um, okay, open the ditch back? Is that what--

J.R. Mefford: Yes.

Paulette Senning: Okay, talking about his property, Mr. Viner and they've been discussing that, pushing back some of that, grading a little bit, opening it up, then the homeowner is going to be upset. That is directly across from where the water comes into our yard and came into our sunroom. Compound problem. The intersection feeds water down Bergdolt on the south side. The water, he lives on the north side, that water comes across to the south side and feeds into our properties between two houses, we've sent pictures, blah, blah, blah, blah, don't want to repeat a lot of



things, but the real sad thing is, and John Stoll and I have had a lot of lengthy conversations. One was yesterday for an hour, again. In going over things, the one thing I asked and a lot of property owners in the area are asking, many live on Bergdolt and how the water crosses and feeds on the south side into our properties, and not just ours, but others, but we're the only ones who have had water in our sunroom, is the fact, they opened up the hydrant, the water came out, they saw how it flowed. I don't understand as a taxpaying citizen why studies were not performed prior to them doing the work on the intersection to see and test, number one, how the water would flow; number two, where it flowed how it would feed into the creek. The Sonntag Ditch actually, they call it a creek but it's a ditch. How that water could get down Bergdolt to the correct piping that is a mess, where are those studies? Before we have more of a mess. That's what we have. We've got to stop that water from crossing the north side of Bergdolt Road over to the property owners on the south side. Clover Drive, a couple of weeks ago when it rained, it was like you could drive a canoe down there.

Commissioner Tornatta: Yep.

Paulette Senning: I mean, our roads out there should not be ditches. That's how they are. Bergdolt is a ditch, Clover is a ditch, you know, and all that does, if we do not maintain the system that needs to be implemented for the property owners, you're going to devalue our property. We cannot, it's just gotten progressively worse, and in doing so, homeowners have done things to try to adjust, and, finally, it's to the point, with that project is showing more water's coming down. We can't do it by ourselves. We just cannot.

Commissioner Tornatta: John, how was the drainage addressed? Was it through our Board? I know it was a state project, so, was it done through the state?

John Stoll: We reviewed the plans in our office. Ultimately, the Commissioners signed off on it, INDOT signed off on it. I guess, I'm in the minority, I disagree with the statements that the project is contributing all this extra water. There is water that does come across Oak Hill and hits the radius, part of it goes south, part of it goes west. The part that goes west ultimately comes down this back property line. That is not the water that's coming down through here between these houses that ultimately got in that sunroom. So, yes, there is water, but it's not the same source. The issue about the ditch here and going into the pipes here, there's an inlet that was installed with a project right here in this radius, so, the water that gets to there is being collected, sent due south. Water that doesn't get in that inlet does turn the corner and goes into that ditch. This ditch is only picking up basically a couple of lots. What's north of there ends up out in the street, which in turn ends up in the storm sewers that go north-south on Oak Hill. I disagree with the statements that the project is contributing this tremendous amount of additional water. That being said, I'm not going to say that everything is absolutely perfect out there either. I've heard criticism about the 15 inch pipe that's out there for that lot, the vacant lot. That's a 15 inch pipe because the designers told me yesterday that's the INDOT minimum. They said it didn't need to be a 15 inch, but INDOT standards required it be a 15 inch. So, that's why we have a 15 inch pipe upstream of a 12 inch pipe. So, anyway, all that being said, ultimately, the plans were reviewed through my office, and I brought it to the Commissioners. I couldn't tell you when, but for your signatures, authorizing to put the project out for bid.

President Winnecke: Okay.

Paulette Senning: All I will say is that any amount of water that's adding to the already existing problem, and it was a proven fact all that water, when they opened up the fire hydrant, did not go down Oak Hill, the piping down to the creek, I mean, down to the ditch. Some of it came down Bergdolt. We don't need any more added problem. We already have a big enough problem that needs to be corrected, but now you compound this with it, it's got to be stopped, even if you have open ditches on the south side of Bergdolt with piping, the changes that need to be made. I mean, when you have tornadic weather, really bad, bad storms, more than just rainfall, then what's going to happen? I mean, we've got to work a little bit beyond and protect what if, because we can get tornadic weather any time, cells whatever. But, right now all we've dealt with with the water in our sunroom twice is rainfall, hard rainfall, nothing more.

Commissioner Tornatta: You're the man.

President Winnecke: Okay, so, where we stand, John, at our meeting in two weeks, it's hoped that you will have the final recommendation as to whether we should proceed with the curbing and the milling and the crown work, is that correct?

John Stoll: Right, we're going to finish up that plan, and going back to the list of things that Bill Jeffers had recommended, if things like the curb and the milling and the resurfacing is done, and the shoulder work is done through Chris' department, it looks like, and Bill and I have discussed this, it looks like anything that we do now with curbing, with milling and overlays, it wouldn't be wasted. We'll still, if the drainage improvements are done on further downstream, this work that we're doing would not be wasted where we wouldn't have to come back and rework everything. But, the big picture as far as on downstream from Clover on west, you're looking at hundreds of thousands dollars if you're going to replace all those storm sewers with adequately sized pipes. You'll have to have numerous area drains, you'll replace every driveway approach. It can be done. We've had that project, we've designed that project elsewhere. So, it can be done. It will have the limitation of, it would be designed for a 25 year storm, maybe 50, if the pipes would fit, but in the event that you get a rainstorm that exceeds a 50 year storm you're going to end up with the same thing, uncontrolled water going wherever downhill takes it. So, it wouldn't be a cure all for these tremendous rainfalls that we get. The other option would be open ditches throughout that whole area, and everytime we've dealt with open ditches, most recently in Bohannon Estates, we still get complaints on those ditches. Like I put in one of the e-mails that I sent you, the complaints include standing water, where you get flat grades it makes it hard to drain dry, people lose parking out in front of their house, they're unsightly, they're hard to maintain. All those things combined. So, like Bill was saying about stripping the grass off the shoulders, you will get complaints if open ditches were put out there. If you didn't, I would be shocked. So, but the overall fix for the entire area, that's really the only two options that are out there. In either case I'm not aware of any funding that's available, whether you wanted to pursue a ditch or a piping project. Then, if it all ultimately drains south in the Tanglewood-Leah Drive area, and there aren't any easements and it's all on private property, then, I guess, the county would have to either, those property owners would have to fix their pipes so it can all outlet, or the county would have to pursue additional work through those private properties as well.

President Winnecke: Okay, so everyone is clear, because I want to make sure I'm clear, we'll get your recommendations for a short term solution at our meeting in two weeks?

John Stoll: Okay.

President Winnecke: Is that what–

Commissioner Tornatta: Well, hopefully it's not a short term.

President Winnecke: But, I mean, it's not a piping or a–

John Stoll: Ditching project.

President Winnecke: It's a smaller project, just to clarify. Then, Chris, in terms of the other area further, what direction are we going?

Commissioner Tornatta: That way.

President Winnecke: Where the private property is?

Commissioner Tornatta: Right here, west.

President Winnecke: Yeah, west, I mean, I like the idea–

Commissioner Tornatta: South.

President Winnecke: I like the idea of trying to work with the city and get the cooperation of landowners to see what the extent of the damage is. I think before we decide what to do, we need to really assess where that stands.

Commissioner Tornatta: Right.

President Winnecke: That addresses, I think, initially, the Mefford's issue. Is that something that you can report back to us on in two weeks?

Chris Walsh: In two weeks, weather permitting, I'll have the shoulder work done. John has given me a plan of action to go by, and that's what I'll do. If it's determined I can do it, I'll contact with the city and try and get that scheduled and done before hand.

Commissioner Tornatta: I mean, you can contact us anytime between now and then. That's fine.

President Winnecke: Right, in terms of reporting back. Then, if you could work with Mr. Ziemer–

Chris Walsh: To find out–

President Winnecke: –to ensure that we're not encroaching inappropriately on private property.

Ted C. Ziemer, Jr.: The neighbors will have to give us a right to go on their property and release the county from liability if it goes on their property. If they do that, we can go on their property.

President Winnecke: Okay.

Chris Walsh: I'll get that taken care of, if I get the permission, I'll get that camera work done, and I'll have the—

Ted C. Ziemer, Jr.: What we'll in effect be getting is a temporary easement—

Chris Walsh: An ingress easement?

Ted C. Ziemer, Jr.: —for this project.

Commissioner Tornatta: Would that have to be approved through us first?

Ted C. Ziemer, Jr.: Well, the neighbors will grant the easement, and we will approve the legality of the document, and we'll look to the County Engineer to tell us that it's the right property, and, no, it would not have to come back here.

Commissioner Melcher: So, you're going to see if the city is going to do that, or you're just going to borrow the camera yourself?

Chris Walsh: The city has the best equipment. They have the equipment that I need to get in there and take a good look at it and just see.

President Winnecke: Right.

Chris Walsh: We may get in and it will be a simple solution. That's what I'm hoping.

Ted C. Ziemer, Jr.: John, we get—

Chris Walsh: We'll know more one way or the other.

Ted C. Ziemer, Jr.: —temporary easements from time to time without coming to the Commissioners for acceptance of those easements.

Chris Walsh: Okay.

Ted C. Ziemer, Jr.: So, it will be a combination of the County Engineer letting us know this is the property over which you need the temporary easement, we will draft the temporary easement which will protect the county, and the neighbor, I mean, the owner of the property will have to sign the darn thing. When that's happened, you then can put your camera through.

Chris Walsh: Okay.

President Winnecke: Thanks, Chris. Any other questions, issues, comments, discussion?

Commissioner Tornatta: I make a motion to adjourn the Drainage Board meeting.

President Winnecke: There's a motion to adjourn.

Commissioner Melcher: Second.

President Winnecke: All in favor of adjourning the Drainage Board meeting say aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

President Winnecke: The Drainage Board meeting is adjourned.

(The meeting was adjourned at 6:30 p.m.)

**Those in Attendance:**

Lloyd Winnecke	Troy Tornatta	Stephen Melcher
Bill Jeffers	Bill Fluty	Ted C. Ziemer, Jr.
Madelyn Grayson	Judy Mefford	Paulette Senning
Dave Senning	Mel Viner	J.R. Mefford
John Stoll	Chris Walsh	Others Unidentified
Members of Media		

**VANDEBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
June 30, 2009**

The Vanderburgh County Drainage Board met in session this 30<sup>th</sup> day of June, 2009 at 5:40 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

President Winnecke: At this time I would call to order the June 30<sup>th</sup> meeting of the Vanderburgh County Drainage Board. Attendance roll call, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Winnecke?

President Winnecke: Here.

**Approval of the June 16, 2009 Drainage Board Meeting Minutes**

Commissioner Tornatta: Motion to approve the minutes of the previous meeting.

Commissioner Melcher: Second.

President Winnecke: A motion and a second to approve the previous meeting's minutes. Any discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? The minutes are approved.

**(Motion approved 3-0)**

**Darmstadt West No. 2 Subdivision: Preliminary Drainage Plan**

President Winnecke: Okay, Darmstadt West Number Two Subdivision, preliminary approval. Linda?

Linda Freeman: Right, and, then the County Surveyor recommends preliminary approval for that. We do know that there are some concerns, and we are currently addressing them. I don't know if there's anybody here to remonstrate, but, basically this is just a preliminary plan, and we are aware of some of the concerns. We've been addressing some of that with Kuester Engineering, and Greg Kissel is here from there to address those questions. Bill Jeffers wasn't able to make it, he's out of town, and he did, we would like to have this introduced into the record, Madelyn, that little packet.

**Official documents pertaining to preliminary drainage plan approval for Darmstadt West No. 2 are on file in the Vanderburgh County Auditor's Office.**

Commissioner Tornatta: Motion for preliminary approval for the Darmstadt West Number Two Subdivision.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Now we'll hear discussion. Linda, are there other comments that you want to make before we move on to the folks affected?

Linda Freeman: Let me just cruise through this real quick. Basically, the plan is sufficient for preliminary approval, and then they go to APC, but before the final drainage approval and plat recording there are some things that need to be addressed. Bill has notified the engineer for the developer of those things. One is installing an inlet at the end of the cul-de-sac; install a pipe with a 25 year capacity and protect the ditch with erosion control. That's a synopsis of it.

Commissioner Tornatta: Okay.

Commissioner Melcher: Since this is a preliminary, will we get it back?

Linda Freeman: Yeah, it will come back.

Commissioner Melcher: That's what I thought.

President Winnecke: Who would like to speak first?

Commissioner Tornatta: Remonstrators?

President Winnecke: Rudy?

Rudy Montejano: Thank you. Good afternoon, Chairman Tornatta, and members of the Board. We're here to express—

President Winnecke: Please state your name for the record.

Rudy Montejano: I'm sorry. Rudy Montejano, 2512 West Boonville-New Harmony, in Evansville. My wife, Linda, is here. Linda, please stand. Thank you. We are the owners in residence of a home located at that same address. We purchased it in 1991. We built the home in 1992, moved into it and have lived there ever since. We spent extensive time, effort and money, frankly, to develop our home and the yard, the landscaping that constitutes about four acres, which runs from Boonville-New Harmony Road south approximately 300 yards to a small, artificial manmade pond. The applicant, the subdivider, Mr. Jones, he is a brother-in-law, obviously, the brother of my sister, but there are differences. We've had continuous problems with the Jones family. Our property, frankly, is immaculate. It's immaculate, manicured, the property of the western neighbors, the Hortons, also immaculate, and the other western neighbors, the Meyers, also immaculate piece of property. Unfortunately, the parcel in question has not been kept up according to appropriate, normal standards. It's created difficulties. The issues we have are listed in a formal comment and objection we've filed with the County Surveyor, Mr. Jeffers. He has reviewed our comments and objections. He's reviewed them, and on the whole we

frankly have no great difficulty with most of his findings, but I do need to clarify two particular points. The first one pertains to a row of pine trees which are on our property. If I take you to the finding of Mr. Jeffers, he basically states, the County Surveyor has received conflicting claims as to the location of the trees along the proposed right-of-way for the cul-de-sac road. One neighbor says the trees are located on the property within the proposed subdivision and on the west side of the road. The Montejano's now state the trees are located on the Montejano's property. Quoting, "Maybe there are two rows of trees, one on either side of the road." Mr. Jeffers is accurate. There are two rows of trees. I want to clarify the record. The trees on the western side of the right-of-way, the proposed right-of-way, are in the right-of-way, and they generally are close to Horton property. Mr. Horton has filed his concerns with Mr. Jeffers. The row of trees we are concerned about are located on our property. We've had our property surveyed. So, we have trees that are, I think, we planted those probably in 1992, so they are now mature. They provide a visual break. They really protect against any further erosion of our property, and it provides privacy. It certainly improves the value of our property. Our concern is simply that the proposed road to be developed, and the proposed ditching to provide some water flow on our side, on our western side, on the road's eastern side, is, frankly, going to or might impair, damage or destroy our row of trees. Mr. Jeffers makes that finding, saying basically that mature trees have an extensive root system that generally spreads well beyond the drip line of foliage. Excavation of ditches and construction of roadways often severs or compacts a trees root system to the point of killing the tree. However the county has minimum standards and necessary construction may cause the removal or death of the trees within or very near the limits of construction. All we're doing at this point is, please, we wish that when the road goes in and the ditching goes in that appropriate measures be taken to save our trees. Otherwise, quite frankly, we're putting everyone on notice, Mr. Jones especially, that we will take legal action to protect our property.

Commissioner Tornatta: Okay, Rudy, could you just come up here, because normally we have all of this on a screen for us.

Rudy Montejano: Certainly.

Commissioner Tornatta: Since we don't, can you come up here and show me exactly where you are, and where Mr. Jones' property would be.

Rudy Montejano: Yes.

Commissioner Tornatta: We have some outlines, but I don't think I...I want to follow.

Rudy Montejano: If I may—

Commissioner Tornatta: Okay.

Rudy Montejano: Boonville-New Harmony Road, as you can see, runs basically east-west. Our home is on Boonville-New Harmony Road. Immediately to the right, to the east of this green line, the green line outlines the Jones' property.

Commissioner Tornatta: Okay, so your property goes essentially right to here?

Rudy Montejano: That is correct. We cover about four acres. Our western boundary contiguous and parallel to the Jones' property for approximately 300 yards down to that small pond, artificial pond.



Commissioner Tornatta: Gotcha.

Rudy Montejano: That's where we are. Our row of trees is along our western border, right in here. The Horton property is immediately to the west of the proposed right-of-way, and there are a row of trees also. We are referring only to the row of trees on our property. Mr. Horton is referring to the other row of trees that abut his particular property.

Commissioner Tornatta: Okay.

Rudy Montejano: We clearly state that the row of trees apparently on, next to the Horton properties are apparently within the right-of-way, the road right-of-way proposed. Ours are within our property.

Commissioner Tornatta: Okay.

Rudy Montejano: Thank you very much.

Commissioner Tornatta: Thank you, yes, absolutely.

Rudy Montejano: So, we just wanted to clarify that point, there are two rows.

Commissioner Tornatta: Okay.

Rudy Montejano: We're only referring to our side of the property. The other is concerning the artificial, earthen dam. Manmade. Mr. Jeffers on his point six says, "Until this very moment the County Surveyor was unaware of the allegations made by the Montejano's in their item number six. At this point it would be a matter of civil, a civil legal matter to settle between the affected property owners." We probably agree, and we will pursue this issue in private litigation. But, I wanted to clarify the record, this is not the first time we have raised this issue before the Drainage Board and the Area Planning Commission. The record will show that we submitted similar comments and similar objections, and also in regard to the earthen dam, the raising of the earthen dam back on March 5, 2007. This was before the Drainage Board and the Area Planning Commission at that time. Actually, not of our doing, it went into litigation, and then it's back here again. But, we did raise this issue, our comments and objections are formally on file. This is not the first time we've put it before you.

Commissioner Tornatta: Okay.

Rudy Montejano: In any event, most of the points of Mr. Jeffers are well taken, on the matters of private litigation, which we will pursue, and we basically support his findings concerning the drainage system.

Commissioner Tornatta: Okay.

Rudy Montejano: Our main concern is flooding of our property and degradation of property and especially erosion of our property, especially along our eastern, western border, I'm sorry.

Commissioner Tornatta: Okay.

Rudy Montejano: So, comments questions? Yes, sir?

President Winnecke: Just to clarify, you're fine, or you're okay with the Surveyor's proposed, the review notes of the subdivision?

Rudy Montejano: Yes, sir.

President Winnecke: That he's presented?

Rudy Montejano: Yes, sir.

President Winnecke: Okay, thank you.

Commissioner Tornatta: Thank you, Rudy.

Rudy Montejano: Thank you so much.

President Winnecke: Mr. Jones?

Greg Kissel: Good evening. I'm Greg Kissel. I'm a land surveyor at Kuester Engineering. I'm here with our client, Gordon Jones. I'm here to answer any questions that might take place over the drainage plan of this proposed subdivision. Just to give you a little bit of history, this was submitted to the Area Plan Commission, this subdivision, about three years ago, 2006, end of 2006, the beginning of 2007. What it is, it's two existing lots, one is three acres, one is over seven acres, large parcels. It was declared an illegal division by the Plan Commission and permits were not issued. Since that time it's been tabled. It's been until now that we're back. The two parties could not agree. The owners, Mr. Jones and Mr. Meyers, who's also an owner of one of the lots in the subdivision, it has went to court and according to a judges order that the Plan Commission.... I just want to read the staff report from the Plan Commission which might clarify why we're here, and explain some things. According to the subdivision staff report, from Area Plan, "The existing home on the proposed lot number one was built in 1981. An illegal split of this 10.9 acre property appears to have occurred on this site in '87. Three acres were broken off around the existing home with no road frontage and only an ingress and egress easement. The applicants, Gordon and Karen Jones, are the owners of lot two, and originally owned the entire parcel. They planned a two lot residential subdivision that dedicates right-of-way for a cul-de-sac, the needed road frontage, thereby creating a major subdivision, that according to this plat would bring the property into compliance with the county subdivision code and provide one additional home site on the remainder of the parcel lot number two." So, that's a little bit of the history that's taken place. As a result of this being a major subdivision, a drainage plan has been requested upon, a road plan has been requested, and an erosion control plan has been requested. These are two existing lots. I mean, we're not creating any new lots in this development. One thing concerning the drainage, there's, according to the drainage booklet provided as a local regulation governing what can be done and what can't be done, I'll just read something from that. "It shall be the policy of the Board of County Commissioners of Vanderburgh County, Indiana, here and after referred to as the Commissioners, that an engineered drainage plan be submitted to the Vanderburgh County Drainage Board, hereafter referred to as the Drainage Board, for any new development, new construction, addition to existing construction, and/or other land disturbing activity located within the Commissioners and/or Drainage Board jurisdiction, which shall result in the addition of impervious surface exceeding a total of 10,000 square feet." As a result of this, we are under 10,000 square feet, which can be interpreted as is a drainage plan even required? We are submitting one, and we are trying to work with people

to get this approved. But, it's the addition of the roadway, the roadway needs to be widened to meet county standards, and that slight addition in the roadway, which there's already a drive there, would be increasing it 40 percent, you know, width wise. You know, it's probably 12 feet wide and it's supposed to be 20 foot wide. So, by that increased surface area of gravel, the theory is that there be a slight increase in drainage, but, that increase would be less than 10,000 square feet. Now, if, have you had a copy of our drainage plan? Do you have that in front of you? It's a large drawing.

President Winnecke: No.

Greg Kissel: No?

President Winnecke: She's got it.

Greg Kissel: Yeah, well, in particular, I'll just point out a couple of things from here. This proposed road is the addition that we are proposing, a part of this, and that's what will have to be improved. The natural, sheet drainage of that area is from the north, which is Boonville-New Harmony Road, southerly, Mr. Montejano's property is on the east side, and some of that natural drainage does go in his direction. If you look, this shaded area here is an existing lake. So, really, that lake actually serves as an existing, a holding facility to slow down that water before it leaves the site. So, really we feel like, as a result of the requirements of the Plan Commission, we have to do something with this side ditch along the road coming down. That's where it's gone, and that's where we've shown it to go, and we really feel like we're not changing the natural courses of any water out there. We did talk to Mr. Bill Jeffers on Friday. We had a meeting with him, noting that there's been some concerns of the neighbors, and we are willing to work with Mr. Jeffers for final approval. You know, if Mr. Montejano, if I'm pronouncing that right. If I'm not, I apologize.

Rudy Montejano: Close.

Greg Kissel: Sorry.

Rudy Montejano: That's alright.

Greg Kissel: We're willing to work, you know, with the property owners and Mr. Jeffers upon final approval, but we are seeking preliminary approval at this time. As far as the lake, as far as the trees are concerned, I'm not sure if that's relevant to a drainage plan at this time. That's something that could be considered in the future as far as approval from the Plan Commission, but I'm not, in my opinion that may not, should not affect the drainage. The earthen dam on the lake, I don't, again, I don't see how that affects the drainage. If you look at that drawing, the lake is further south than, if there's any land disturbance we're up northerly. So, I don't believe that that is a matter concerning this proposed plan. If there's any questions, we would be more than happy to answer them.

President Winnecke: I've got one, I'll ask you the same thing I asked Rudy. Is your client, Mr. Jones, do you understand the points that Mr. Jeffers is making, and what we're considering tonight, his review notes of the subdivision?

Gordon Jones: Yes, I do.

President Winnecke: There are four points, and you are in agreement with that?

Gordon Jones: Yes.

President Winnecke: Okay. Any other questions of this Board? Hearing none, we have a motion and a second concerning the Surveyor's preliminary approval for the Darmstadt West Number Two Subdivision. Hearing no other comments, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? Okay, and it is approved and goes to Area Plan.

**(Motion approved 3-0)**

President Winnecke: Thank you everyone.

Greg Kissel: Thank you.

<b>Bergdolt Road-Clover Drive Drainage Improvement Plan Proposal</b>
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Linda Freeman: Other than that we have some blue claims.

President Winnecke: We have some other folks that....John, would you like to come up and report to us so that the Senning's can hear what our plan is on their issue? Just as John's walking up, and as the Senning's are opening this up, I walked the neighborhood with John a couple of Friday's ago, on a really, really hot Friday afternoon, and that was very instructive, and I think after having been out there and walked pretty much the entire, I think the entire area, I am hopeful that this plan that we're going to approve, that I think we'll approve tonight, will address your immediate need, and we also have made significant progress to inspect the pipes a little further west that have a sort of a bigger picture ramification. So, having said that, John, if you would like to explain what the plan is.

John Stoll: Madelyn's got a copy of the plan there. I just handed a copy of that to the Senning's. Basically, that plan provides for installing a curb along the south side of Bergdolt Road, east of Clover. On the north side we've got proposed paved driveway approaches. We've got paved approaches on the north side opposite of where we're installing the new curb. In conjunction with that we're proposing a run of corrugated metal pipe, it's 12 inches in diameter, and then it increases to a 15 inch diameter pipe. That pipe will have, it's called a slotted drain. Basically, it's a vertical riser off the pipe that allows water that would sheet down the driveway to drop down in the pipe. So, we'll have, run a pipe, a corrugated metal pipe with the slots in it trying to intercept any water that would be generated on the north side of Bergdolt. But, anything that would cross, then would hit the curb and turn the corner and head south down Clover. So, that should shut off the primary source of what appears to be the water that's causing the problem for the Senning's. This is only, one other thing, we're also putting a small curb extension on the southwest corner of Clover and Bergdolt as well. So, that way, since we didn't propose any milling and resurfacing on this, we wanted to make sure that water wouldn't cross Clover and end up on the property at the southwest corner. So, we've got two runs of curb and then a run of new pipe with two new area drains and two paved approaches. The new pipe is sized for a 25 year storm. That is all we could get that would fit. Basically it was tough to provide a swale over the top of that pipe, so we couldn't increase it to a 50 year event. I'm not convinced that the rainfall events that have

caused some of the problems aren't in excess of that, but I don't have any accurate data to support that. Probably the biggest down side is, all this ties into the same system that's on downstream that is a source of some of the other points we've seen as of late. It will tie in, and I forget the property owners name, but we tie into the same drainage system on the northeast corner of Clover and Bergdolt as what currently exists. We're only really putting in new pipe across the frontage of the one parcel. But, that was our understanding of where the water was being generated. We eliminated milling and resurfacing from that plan because we felt that the existing crown was fairly adequate on Bergdolt. As it stands right now, there was only one location where our survey data showed that it was less than a two percent slope, and we felt that future resurfacing would probably eliminate...if we spent a bunch of money trying to make sure we had two percent all throughout, any future resurfacing might mess that up again. So, we felt that it would be better to put in the slotted drains and the paved approaches than to spend the money on the milling and resurfacing. So, that's kind of where we stand right now.

Commissioner Tornatta: What's a dollar figure on this project? And would we need to approve this in the Commissioners side? Or have we already essentially done this?

John Stoll: We went ahead and sent it out to contractors today. If it didn't go out to contractors today, we wouldn't meet the seven day advance notice requirement for receiving price quotes at your next meeting on July 7<sup>th</sup>. So, if we didn't get it today, then it would have postponed any bid opening until the 21<sup>st</sup>, which then we couldn't have awarded it until, I believe it was August 11<sup>th</sup>. This schedule allows us to get it opened on the 7<sup>th</sup> and awarded on the 21<sup>st</sup>. So, it shaves a couple of weeks off the schedule. That's why we went ahead and sent it out. I hope I didn't jump the gun, but—

Commissioner Tornatta: Okay, well, we'll go ahead and make that in the form of a motion. You just sent out the bids? And we'll take care of that information. Now, is it best—

President Winnecke: I just had one, if you could clarify for the record, John, assuming that the bids are opened on the 7<sup>th</sup> and awarded on the 21<sup>st</sup>, then what the project time line would be? Mid August more or less?

John Stoll: I think we put a completion date of September 4<sup>th</sup>.

President Winnecke: September 4<sup>th</sup>? Okay.

John Stoll: That's on the basis of the pipe is going to have to be a special order. The slotted riser that comes off the top of the pipe, it will vary in height, and the standard is six inches and we won't have the standard. So, they'll have to manufacture it. So, we allowed a little extra time for the manufacture of the pipe.

Commissioner Tornatta: Do we need to do this in the original meeting? Do we need to approve this in the Drainage Board meeting, or does it matter? Because we will send out bids in our regular scheduled meeting, is that right?

John Stoll: Since it's a quote project, which....oh, I'm sorry. Since it's in an estimated price range of \$25,000 to I believe \$75,000, it will be a quote, not a formal bid. Basically like the Baehl Road quotes that you opened this evening.

Commissioner Tornatta: Okay.

John Stoll: We've routinely put those out to contractors, and just let you know we're doing it, but we didn't rely on formal action by the Commissioners. If it takes formal action, so be it. Likewise, we've done it this way in the past with just sending it out to contractors and then you would open the quotes when they are received at the meeting.

Commissioner Tornatta: Okay, let's just do it that way. Then they would come through the Commission meeting.

President Winnecke: Yep. Fine.

Commissioner Tornatta: Okay.

President Winnecke: Any questions from...Senning's would you like a question or comment?

Dave Senning: Okay.

Paulette Senning: Good evening.

President Winnecke: Good evening.

Dave Senning: This all looks good to me. I think it's going to take care of our problem. We appreciate, John, you've been very patient. Thank you for getting us to this point. Chris Walsh, thank you very much. If this can be taken care of, the way it looks, I think it's going to take care of us. That's one thing we've been worried about is our property.

President Winnecke: Right.

Dave Senning: I would like to thank you all very much.

President Winnecke: Sure. We will, when we adjourn the Drainage Board meeting, we will reconvene the Commissioners meeting and approve that plan.

Paulette Senning: Do we need to look at coming back at a future date for any of this progression? Or does this pretty well—

President Winnecke: This will set the wheels in motion.

Paulette Senning: Okay.

President Winnecke: The plan will be approved tonight.

Commissioner Tornatta: For this plan.

President Winnecke: For this plan.

Paulette Senning: Great. Thank you.

Commissioner Tornatta: Now, future plans are future plans.

President Winnecke: For development, for issues farther west—

Commissioner Tornatta: Yeah.

Paulette Senning: Right.

President Winnecke: —we're not quite there yet.

Paulette Senning: Okay, I wasn't sure when you spoke earlier, Troy, if we were going to confirm all of these tonight, or if we had to come to another meeting in two weeks.

President Winnecke: No, these will be confirmed tonight.

Commissioner Tornatta: We'll go ahead and confirm it. We, as we talked we probably, I don't think we actually need to do this, the ball is rolling.

Paulette Senning: And I also thank you all very much.

Commissioner Tornatta: Sure.

President Winnecke: You're welcome.

Paulette Senning: It's kind of exhausting. We're to this point, so, thank you.

President Winnecke: You're welcome.

Paulette Senning: John, thank you for all your long talks with me, and your diligence. Thank you very much. Chris, your help too, and, of course, in absence, Mr. Jeffers did a wonderful job, as always. We're very appreciative of that also, and he knows. Thank you.

President Winnecke: Thank you.

Commissioner Tornatta: Thank you.

Judy Mefford: I'm glad they're all so happy with this plan. I'm not sure it's going to work. Because, you're going to put curbs up here along this road, and all it's going to do is let that water not even get to the grass along there. It's just going to kind of shove it on down our way.

President Winnecke: It's going to put it on to Clover.

Judy Mefford: No, it's going to put it on down Bergdolt, because that water starts running up there around Clover and it just kind of comes on down Bergdolt.

President Winnecke: Yeah, basically, I mean, I'm not an engineer, I'm sure John would, hopefully, back me up—

Judy Mefford: I'm not an engineer either, but I know what I can see. I was out there when they opened the drain, opened the fire hydrant.

President Winnecke: The feeling is—

Judy Mefford: Up there on Oak Hill.

President Winnecke: The feeling is that when this, when the curbing is installed there, it will direct the water down Clover, and not further down Bergdolt.

Judy Mefford: Now, you're telling us, I want him to show me. You tell me where the curbing is supposed to be here?

John Stoll: From here to here.

Judy Mefford: From here to here? Okay. Why were they digging up here?

John Stoll: To direct the run off to this drain at the northeast corner of Clover and Bergdolt.

Judy Mefford: Okay.

John Stoll: The water that she's referring to in regard to the fire hydrant over at Oak Hill and Bergdolt, that water doesn't get here. It goes, it crosses Bergdolt and ends up going through yards well in advance of the curb that we're installing.

Judy Mefford: I think that's what ending up in Senning's back, in Senning's yard. (Inaudible) I'll give it back to them. Okay, I've got some other things. Do I need to state my name again?

President Winnecke: Yes, please.

Judy Mefford: Okay, I'm Judy Mefford, and I live at 2909 Bergdolt. I'm sure you're well acquainted with me since last time. I would like to know exactly where you're at with getting the camera through the drains? Because I have talked to the neighbors and nobody's talked to them about running it through their private property.

President Winnecke: Well, Mr. Walsh will be happy to address that, and there have been some, there has been progress made, and we have reached out to a number of neighbors in that area to—

Chris Walsh: Right. Chris Walsh, County Highway Department. We did some site work out there. We're needing to get some more ingress easements signed so that we can schedule it. The pipe that runs, that's now west of the Senning project, that runs between a couple of houses, I don't know, I think you're—

Judy Mefford: No, it's—

Chris Walsh: —one house away. We've been knocking doors trying to get these ingress easements. Preliminarily what we see is the pipe's holding water, and preliminarily, again, I want to get with Mr. Jeffers when he gets back in town, it appears that a couple of the open ditches that this pipe does feed into, have silted in through silt, vegetation, and that, and are approximately one and a half to two feet tall at the outlet end of the pipe. Which this whole north side of Bergdolt comes down, crosses over, now runs south into that utility easement down there that we had talked about earlier. Just in my opinion, if we could get in there and, whoever, could get in there and open that up, it would do a tremendous amount of good with all that north side water.

President Winnecke: But, to your—



Chris Walsh: The ditch on Leah—

Judy Mefford: Okay.

Chris Walsh: —in between there on the north side needs to be cleaned out, because it's silted in as well.

President Winnecke: But, to answer your question, Ma'am, they are in the process of getting those approvals.

Chris Walsh: Right, right.

Judy Mefford: Okay, okay.

Chris Walsh: I'll have a better report for you at the next meeting.

Judy Mefford: Okay.

Chris Walsh: Hope to.

Judy Mefford: Where are you at with the easements on Bergdolt?

President Winnecke: On where?

Judy Mefford: The easements on Bergdolt? You were supposed to be checking on the easements down Bergdolt. You were going to check on those, somebody was.

John Stoll: At the last meeting we stated there's basically a 30 foot right-of-way along the entire Bergdolt frontage. I believe there's one property that has a 20 foot right-of-way, and that's at the northeast corner of Clover and Bergdolt, but the balance of it is 30 feet all throughout the frontage of all of those houses.

Judy Mefford: Which means you can do anything with it, right?

John Stoll: No.

Judy Mefford: If you've got a 30 foot easement—

John Stoll: If anything means a drainage project, yes, we might be able to do a drainage project that fits within that right-of-way. We have no funding allotted, so, I don't know what we can do. Likewise, we haven't surveyed that whole area. I don't know if it's a consistent 30 feet either side of the center line of the road, just what we've got to play with as far as room. Theoretically, yes, you could go out there, you could cut open ditches, you could install pipes. Ditches might be pretty tough to fit in, depending on the depth of the ditches and the side slopes. Pipes would probably fit with no problem, but you're looking at substantially more expense.

Judy Mefford: Okay, there was a grate at the corner of Tanglewood and Bergdolt, and it's the northeast corner? Yeah, I'm sorry, direction wise I have to stop and think. It's at the northeast corner, and when Mike Wathen was out there looking, we kind of indicated to him about where it had been. That grate's no longer there. I don't know how long it's been covered over, but it's not there. So, that's probably one of the problems. You know, some of the water could have gone in that. The other thing is that you bring up that there's no funds. I hate to tell you this, but, you

know, you just took the homestead credits away, and that's going to be a two year amount of funds. So, I really think that we could come up with some funds someplace to do something.

President Winnecke: We are, we're coming up with funds for the project a little farther east that we are about to approve tonight. We're trying to get our arms around what the entire gravity of the situation is farther west. Once we further understand that through the camera work and other research, we'll be able to figure it out. Unfortunately, that's a bigger fix, it appears, than the other problem, and it's going to take a little more time to research and figure out what our options are.

Commissioner Tornatta: And, let me just state that this Board had nothing to do with that homestead credit.

Judy Mefford: Well, but, there's, like I said, there's homestead credit funds around. So, we should be able to come up with some money someplace to do something about this problem.

Commissioner Tornatta: Those are also divided up through the taxing units.

Judy Mefford: Well—

Commissioner Tornatta: So, I'm just, I think it needs to be established, if you bring up the point, we need to clarify the point and say that this Board had nothing to do with that decision. I will also say that we are only the recipient of an amount of funds and appropriation for the taxing unit that we would get out of the funds that were collected.

Judy Mefford: So, you would, but you're still saying that you're going to have some funds?

President Winnecke: What we're saying is we don't know how much money we need. Once we understand the full gravity of the situation we'll know about how much money we need and what pots of money we'll have from which to choose. I think that's the bottom line.

Judy Mefford: Could you tell me how many of these meetings I'm going to have to attend to get something done?

President Winnecke: Ma'am, we're moving quickly.

Judy Mefford: Okay.

Commissioner Tornatta: Yeah.

President Winnecke: I mean, we are. We're addressing this issue, I know, I've been out there, I don't know about the other Commissioners, I know our staff has spent a lot of time out there.

Judy Mefford: I haven't seen anybody in the last two weeks.

President Winnecke: Well, I apologize, I was there two Fridays ago.

Judy Mefford: Well, you know, it's, most of the time when people are out looking around the neighborhood and stuff, we're home enough that we see them. I'm not saying that we're home all the time, but most of the time we see somebody when they're out.

Commissioner Tornatta: Judy, I lived in that neighborhood for about 20 years. So, I don't know how much you have to go out and look at your back yard, but I know that I've been out there enough to know exactly how the flow is. I know that there's water that's been standing in Clover for over 20 years. I know that water goes down and actually goes to those sub-streets where I had friends, we would play in that water. So, I mean, it's been recreation for us as kids. Now, for adults it's not so much. So, we're taking care of other problems, but I will say that I drive that route several times. I've been in that neighborhood, especially since the detour several times, and by several I mean over 100. So, I do know what the problem is. Now, what I'm waiting for is that rain that we haven't seen in almost a month. So, if I have that water that I can see flow through there, I'm going to be out there in a poncho, but until that time I have not been able to go see the flow of the water, and I'm not going to ask them to open up that fire hydrant again. I want to see what the natural course of water is. So, the next time that happens, you will see me, but until then, I know what the lay of the land is out in that area.

Judy Mefford: Okay. Thank you.

President Winnecke: We'll keep you posted. I promise.

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

President Winnecke: Okay, let's move on to claims.

Linda Freeman: I've given Madelyn the claims that we have, mainly for drainage maintenance, and then we had an emergency tree removal on Maidlow Ditch. The gentleman agreed to \$100, which is great. Then we have the claim for Morley and Associates with the studies on the ditches.

Commissioner Tornatta: Motion to approve claims.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? The claims are approved.

**(Motion approved 3-0)**

#### **Other Business**

President Winnecke: Any other business to come before the Drainage Board?

**Public Comment**

President Winnecke: Any other public comment?

Commissioner Tornatta: Motion to adjourn Drainage Board.

Commissioner Melcher: Second.

President Winnecke: The Drainage Board is adjourned.

(The meeting was adjourned at 6:20 p.m.)

**Approval of the Bergdolt Road-Clover Drive Drainage improvement plan was voted on in the 6/30/2009 Commission meeting.**

**Those in Attendance:**

Lloyd Winnecke

Bill Fluty

Madelyn Grayson

Gordon Jones

Judy Mefford

Others Unidentified

Troy Tornatta

Ted C. Ziemer, Jr.

Rudy Montejano

John Stoll

Dave Senning

Members of Media

Stephen Melcher

Linda Freeman

Greg Kissel

Chris Walsh

Paulette Senning

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
July 7, 2009**

The Vanderburgh County Drainage Board met in session this 7<sup>th</sup> day of July, 2009 at 5:15 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

President Winnecke: I'll call to order the July 7, 2009 meeting of the Vanderburgh County Drainage Board. Attendance roll call, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Winnecke?

President Winnecke: Here.

**Carrie Hills No. 2 Subdivision: Preliminary Drainage Plan**

President Winnecke: Okay, Linda?

Linda Freeman: I gave away all of my agendas. We're just here for preliminary approval of Carrie Hills Number Two Subdivision. Basically, we do know there are some issues, and Matt Wallace is here to talk to those folks. If they want to make public comment here, but, like I said, it's preliminary, so that they can go forth to go to Area Plan and things. So, it would come back before you.

Commissioner Tornatta: Okay.

Linda Freeman: And, we do recommend preliminary approval.

President Winnecke: At this time would there be anyone who would like to speak on behalf of this?

**Approval of the June 30, 2009 Drainage Board Meeting Minutes**

Commissioner Tornatta: And while we're doing that, I make a motion to approve the previous meeting's minutes.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? All in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? The minutes are approved.

(Motion approved 3-0)

**Resume Preliminary Approval: Carrie Hill No. 2 Subdivision**

President Winnecke: Good evening.

Andy Davidson: Good evening.

President Winnecke: Could you state your name for the record, please?

Andy Davidson: Andy Davidson. I'm the landowner out there. The reason for this is basically to be able to build my son a home on the new lot three. He's moving back from Indianapolis, and we needed to replat everything to bring it up to standard and to be able to build the house on the property that didn't have enough frontage previously to do that.

Commissioner Tornatta: Alright.

President Winnecke: Any questions?

Commissioner Tornatta: I have none.

President Winnecke: Would you like to speak, sir?

Matt Wallace: Hi, my name is Matt Wallace. I'm with Bernardin Lochmueller and Associates. I'm the engineer of record that did the drainage plan for this subdivision. As Mr. Davidson said, we're only looking to construct one new residence. The other lots have existing residences on them. The County Engineer has asked us to do a little bit of widening to Summertime Lane. There is some asphalt there now, and then a gravel shoulder on one side, on Mr. Davidson's side. We've been asked to replace that gravel with hard pavement, and to construct a cul-de-sac at the end of the road, because currently it just dead ends. So, the improvements that we're proposing are less than 10,000 square feet of new, impervious surface, and we would probably be doing some improvements to the existing drainage system that's there now, just by virtue of the fact that what is, there's a pipe along the side of Summertime Lane now, and I'm afraid it's not a traffic rated pipe. It wasn't installed to have traffic going over it. So, we're going to replace it with a little bit of new pipe, a couple new inlets, a new outlet and construct our cul-de-sac. So, if you have any questions, I would be glad to help try to answer them.

Commissioner Tornatta: Alright.

President Winnecke: Any questions of either Mr. Davidson or Mr. Wallace?

Commissioner Tornatta: No, thanks.

President Winnecke: Would anyone like to speak, who else would like to speak on this issue?

Glen Hile: My name is Glen Hile. I live at 351 Summertime Lane. I'm the last house on the end, on the opposite side of the road from Mr. Davidson. You'll have to forgive me, I'm not a public speaker. This is the first one I've been to like this.

President Winnecke: Just relax and tell your story.

Glen Hile: I'm trying. Like I say, my house is the last house on the end of the road, and we're on the downhill side of Summertime Lane, which is the west side of the road. I've been there 20 years. When I moved there the opposite side of the road was virtually all wooded, there was a swale on the east side of the road, which since no one else did it, I maintained. I mowed it, kept the leaves out, picked up limbs, trimmed trees back. I never had a problem with drainage. Mr. Davidson built the big house, by the way, do you have my pictures that I sent? Okay. When Mr. Davidson built the house on the other side of the road, he did some real extensive grading and landscaping, filled in the swale, put a pipe through, and not only filled in the swale, but tapered it, so all the water on the east side of the road crossed over the road. I did get him to put in two small drains in the pipe he was talking, the 12 inch pipe that he put in. Then, later he started mulching the east side of the road, which was formally woods. There's still some trees in there. So, every time we would get a hard rain, the mulch would wash down, block the drains, and all the water would come across my road, down my drive, across my yard. So, consequently, before and after and sometimes during any heavy rain that I'm expecting, I'm up there raking the gravel back from the edge of the road to try to make a little bit of a channel for the water to go, raking the water back, the mulch back from the two small drains that he has. Another problem is the driveway that he constructed for his house there at 230 Summertime Lane extends way out to the center of the road. It's sloped directly from up by his house, which is a very big house, and there's a lot of pavement up there, and all the water from the drains there comes down the road, down his driveway, across Summertime Lane. I have a picture there of where it's eroding the lane. Like even last Friday in the light rain that we had all day, there was a constant stream of water running down the driveway. In a heavy rain, it comes down the road and divides, part of it goes across the road, part of it goes each way on Summertime Lane. Consequently, down the hill, down my drive, down my yard. I have some pictures there of some of the damage that's been caused. The particular pictures were taken after a really hard rain, which was right after he'd had another couple loads of mulch put on the yard, which made it worse, but it still happens two or three times a year. Let me check my notes here. There's also a wall that, from his stakes, what they put there now on the surveying, which I would suspect it extends on to the road right-of-way, down on the south end towards me it kind of tapers toward the road. Water runs off of there onto the road also. He's also started the preliminary work on building his house on lot three, and probably I'm estimating probably two acres of what was woods has been all cleared and graded. The water problem that I had before, you would have to be there to see it, the run off is just tremendous. There is a gulley that runs also across my property, which is the natural drainage for that area. I mean, we're talking water two or three foot deep going through there. Anyway, from what I could see on his drainage plan, which, to me, was kind of sketchy, there are his driveway and the wall are, for some reason, they're omitted from the sketch on the plan. Not that plan, let's get the right one here. It's this plan here. He has, I noticed he does have the driveway that goes up to his barn on there, the gravel drive. The drive to the existing house, but for some reason the drain for his main house, the drive to his main house, the big concrete drive, and the wall have been completely omitted off of here. I'm not quite sure why that is. With all the water that comes down through there, I want to see it restored to its natural drainage, which is down the east side and then south across the ravine on my property. Another thing I would suggest, there's a 30 foot right-of-way off of my property for extension of the county road, there's a subdivision to the south of me on the same side, the west side of the road, that has a right-of-way reserved for a county road there also. Those houses on that subdivision are now served by a

temporary easement which comes off of Williams Road which is west of Summertime Lane. It has a temporary access to their house. I think the road should be extended across my property. I know the County Engineer and I got word that some experts say it can't be done because of the drain, but it's like a mere 130 foot from where the land drops off to where it comes back up. To me, it would be no more costly than building a cul-de-sac and a long drive to their house. On top of that it could be used as an embankment for a retention pond to slow this flow of water down across my property. So, I think that's about all I have to say.

President Winnecke: Would you like to say something, sir? Just state your name for the record, please.

Mike O'Nan: Mike O'Nan. I live at 225 Summertime Lane. We purchased the property in 2002. You spoke of....I've yet to see, I haven't been able to take off work to see this plan. It spoke of drainage, there's a drain right now going under the road, and it goes right straight...the front part of my house it's a wooded area, and there's a ditch that runs through it. Right now there is one culvert going under the road. Is that the culvert you're speaking of? Or are you speaking of replacing another one? Like I said, I haven't seen, I haven't actually seen the plan. What I got was, I couldn't read it.

Unidentified: It's on the east side.

Mike O'Nan: The east side?

Unidentified: (Inaudible).

Mike O'Nan: Right, so, it won't be going actually under Summertime? So, the one that's under there right now will just still be the same? Okay. One of those pictures is, the one coming down his driveway, that runs right straight off into my front, wooded area. But, like I say, you were speaking of a culvert, that was my main question. Okay, thank you.

Commissioner Tornatta: Thank you.

President Winnecke: Linda, the plans, these plans, does it include what Mr. Davidson and Mr. Wallace discussed? Widening the lane, replacing the gravel and the cul-de-sac, and installing the new inlets, outlets, and the piping?

Linda Freeman: Right.

President Winnecke: That's all part of this?

Linda Freeman: Yes. It's partially in the drainage report too.

President Winnecke: Okay.

Linda Freeman: Then, yeah, he's talking about widening and then making the cul-de-sac, the proposed extension of the 12 inch HDP type, which is high density polyethylene with outlet protection. Then this is the existing inlet that will be replaced with the traffic rated inlet. I don't know what, it's just not a traffic rated inlet right now. So, this, they would be...you would be paving this, right? Yeah, they would be paving this and bringing this up. Now, are you going to bring this to county standard?



Matt Wallace: Yes, we have to bring it up to county standard.

Ted C. Ziemer, Jr.: Have those people seen these plans?

President Winnecke: Then, my next question is for Mr. Hile and Mr. O’Nan, have you seen these plans? The ones that they have discussed tonight? That is the improvements they are proposing; widening the lane, replacing the gravel and the cul-de-sac?

Glen Hile: We have heard sketchy information on it. I saw this sketch that they were going to widen the lane, but I had no dimensions. I also—

President Winnecke: Could you come up so that we could get your comments on the record, please? Thank you.

Glen Hile: I have very sketchy information on how wide the road is going to be. I don’t know if you could tell from the pictures now, but it is a one lane road right now.

President Winnecke: Right.

Mike O’Nan: Right.

Glen Hile: There’s a hill there that blocks the view of anyone coming and going. That’s right by Mr. O’Nan’s driveway.

Mike O’Nan: That’s where my driveway is.

Glen Hile: Right now, I mean, it’s liveable, because the only ones at the end of my road, or down that way is Mr. Davidson, my wife and I, who are very conservative, the neighbor at 301 who is never, or, you know—

Mike O’Nan: He drives a truck.

Glen Hile: —Dennis drives a truck and he’s never there and lives alone. So, but, when we add another home, especially a young couple with friends and visitors, the construction traffic and all, this one lane road becomes a nightmare.

Commissioner Tornatta: Right, well, why don’t, if it’s all the same, can you look over the report? This is preliminary, so this is sending it to get a lot more feedback before it comes back to us again. So, take a look at that, if you have some more comments or whatever, stay on the trail with this project, and have any remonstrations that you choose, and then when it comes back to us, if we feel that all of your questions haven’t been answered, we’ll address those at that time again.

Glen Hile: Now, does this go to the Area Plan Commission Thursday? I mean, regardless of what goes on here today?

President Winnecke: Not this Thursday. I don’t think, it’s not on this Thursday’s agenda, I don’t think.

Glen Hile: That was the information I had.

President Winnecke: Oh, it is?

Linda Freeman: It is on this Thursday's agenda.

President Winnecke: Okay, I apologize.

Linda Freeman: Okay.

President Winnecke: Yes?

Linda Freeman: According to Matt.

Glen Hile: I mean, does it go with an approval or disapproval?

Linda Freeman: This is preliminary approval. What this does is it allows them to go to Area Plan. Without this approval for preliminary, then they couldn't go to Area Plan, then that would push them back further. What this does is it lets them go to Area Plan, and then you can, anything that's beyond drainage that you want to discuss, like with Area Plan, anything in their realm. Then, who else has got, yeah, so, this is just preliminary. So, this just allows them to make that next step. Then, like I said, we do know that we've got your letter, and we have talked to your wife. Then, we've got the pictures, then we've been talking to Matt Wallace, and Matt Wallace is aware, and I've sent him your pictures that you sent me, via e-mail. So, he's, I think he's got large printouts of all of them. So, we're aware of all of the stuff, and, you know, we'll try to make sure that they get it addressed.

Glen Hile: I might also add, I mean, I'm not against him developing there.

Commissioner Tornatta: Right.

Glen Hile: I mean, what's fair is fair, you know. I think I've been taken advantage of by being a nice neighbor for several years there, and putting up with the drainage as it is, and I would like to see it straightened out before this goes forward.

Linda Freeman: Right, well, with their plans they're going to improve that road, and they're going to bring it up to county standards. Then, they're also going to change out this inlet here that's not rated for traffic. They're going to, you know, straighten that out, and then they're going to bring this down, that's a discharge point to the south.

Glen Hile: I see nothing about a ditch, or anything to catch the water. Nothing also about the water—

Mike O'Nan: There's a drain across my driveway—

Glen Hile: —that runs across the road down his drive.

Linda Freeman: Right, there's an existing 12 inch high density polyethylene that's—

Mike O'Nan: Right, and it runs, this is a wooded area here. It runs right straight around. It actually runs in behind all of (Inaudible).

Glen Hile: I also don't understand how it can still be widening the road here when his driveway is in the way.

Linda Freeman: Well, if he's got any structures within the right-of-way, that will have to be addressed also. So, and then that would be something that would have to be moved. If he is in the right-of-way that he's dedicating. Am I correct?

Glen Hile: Thank you.

Matt Wallace: We've been dealing with the, with Mr. Stoll, the County Engineer, and what he has asked us to do is, there's been no mention of removing or replacing the driveway at this time. We are going to, the plan was, at this point, the county was not asking us to remove the driveway, to reconstruct the driveway, we were going to leave that as is. The existing gravel that's there now will just be replaced with asphalt pavement, so as far as the dimension of that goes, if Mr. Hile can stand there in the road and see the gravel, that's how much asphalt will be there. There won't be additional widening beyond that. The road plans will have to come back before the Commissioners for approval. So, we will be back before you again, under Mr. Stoll's review to recommend approval for those road plans. We'll be dealing with his office as we go. Of course, we have to come back for final drainage, with those road plans. So, we'll be back before this body again. We've been through sub-review, and the sub-review committee has made all their comments. We've not really discussed anything as far as sight distance concerns or things of that nature, but, you know, we'll get to that with the road plans and Mr. Stoll's office. Thursday is the Plan Commission, so, there's ample opportunity beyond tonight for any concerns to be addressed and alleviated.

Commissioner Tornatta: Is there anyway—

Matt Wallace: But, this plan was not—

Commissioner Tornatta: Is there anyway that you can catch water running down off of Mr. Davidson's driveway?

Matt Wallace: Sure.

Commissioner Tornatta: I mean, can, could there be a drain put in when you put the rest of the road in to catch any water coming off that area, so that it can be dissipated right and left?

Matt Wallace: We could put in a trench drain across, right, just at the joint of the—

Commissioner Tornatta: I mean, I think if—

Matt Wallace: —if the concrete's all cut up—

Commissioner Tornatta: —we do certain things—

Matt Wallace: Yeah.

Commissioner Tornatta: —like—

Matt Wallace: To catch it before it gets into the roadway.

Commissioner Tornatta: —to catch it—

Matt Wallace: Yeah.

Commissioner Tornatta: –it might satisfy–

Matt Wallace: Yes.

Commissioner Tornatta: –the neighbors–

Matt Wallace: Sure.

Commissioner Tornatta: –to a point to where some of this other stuff goes away. Now, I don't want to speak for the neighbors, but what we're talking about is just one thought, and this has been done several times, is to put a trench running perpendicular to the driveway.

Glen Hile: (Inaudible.)

Commissioner Tornatta: Yeah, like a grate, and it would catch that water, which would not, in certain storms I'm sure it's not going to help. In most storms it is going to help drain that water and get it out of the area. So, that's–

Andy Davidson: There is one already in the driveway.

Commissioner Tornatta: Okay.

Andy Davidson: And, the pictures of the mulch–

Commissioner Tornatta: You'll have to come on up. I'm sorry.

Andy Davidson: The pictures of the mulch in the road–

Commissioner Tornatta: Hold on, hold on, give me a second. That won't pick you up. I'm sorry.

Andy Davidson: The pictures of the mulch in the road were the day that we had four inches of rain in ten minutes.

Commissioner Tornatta: Right.

Andy Davidson: Believe me, I, you know, didn't enjoy paying Aching Acres to mulch my yard and then see it wash down the street. We built the house at 200 Summertime Lane 25 years ago. We built the house at 230 Summertime Lane 11 years ago. We came back in front of this Board and everybody else, got approvals to build it exactly as it is, haven't done anything to alter that since the plans were approved 11 years ago, you know, and I would like to say with my neighbors there's some things we can do, and my wife and I want to do to help control that. You know, and I'll speak to them about that, but, you know, the county paved the road, they didn't grade Summertime Lane when they paved it, they just came down and put the asphalt the way it was. When you live downhill, you know, water runs downhill and there's not a really good way to stop it from doing that, but, I'm, you know, I'll do whatever it takes to–

Commissioner Tornatta: I mean, I guess, our reason for sitting on this Board is, to be real honest with you, is just to see if we can't get people to talk and get the information out. I know that being neighbors and seeing neighbors in this setting, it's almost like a trial setup. We don't want it to be that way, we want there to be

communication going back and forth still and not have animosity one way or the other. But, in doing that, we also have seen a lot of these, you know, as I see it here, would just like to make sure that, as your water is running down that hill, that there's some type of break. Without being there to walk to the property or whatever to see if there's a proper swale there, I don't know if that water's coming directly from the top of your hill and running straight down, or if there is, there's really not a break before it hits the street. I'm sure that initially it was designed to have a swale to stop that water at some point. So, you know, you have a perfectly good engineer here to be able to address those issues and see if we can't come to some compromise. I know you want to be a good neighbor, and they do as well. So, hopefully, we can get the talking going, and before Thursday come out with something that's positive for both sides.

Matt Wallace: If I could, I would like to ask could we, this is just a preliminary approval, I think we're on, we're roughly on the same page. I think the preliminary plan didn't quite have enough information on it to adequately describe the project to Mr. Hile. I'm perfectly willing to work through the County Surveyor's office, as sort of being that intermediary. We'll work with Mr. Jeffers and we'll allow him to keep the neighbors informed, and we'll be glad to sit down with them and show them the final plans before we come back for final approval. I would hate to think that we would get denied a preliminary approval tonight, and then be set back a month for going to APC when it's, you know, this is just a preliminary step.

Commissioner Tornatta: Right.

Matt Wallace: You know, we still have adequate, you know, checks and balances to go through to address all of these concerns.

Commissioner Tornatta: Right, and as far as I'm concerned, I'm not going to hold this project back, with the understanding that you guys are going to trade numbers—

Matt Wallace: Yeah.

Commissioner Tornatta: —and be in contact.

Matt Wallace: Sure.

Commissioner Tornatta: Especially between now and Thursday.

Matt Wallace: Sure.

Commissioner Tornatta: And come up with something that everyone can live with. Okay?

Matt Wallace: Thank you very much.

Commissioner Melcher: I need to repeat part of that. You said you were going to kind of go through the Surveyor's office too. You need to give them your name and phone number so they can get a hold of you too.

Matt Wallace: Yes.

Commissioner Melcher: Because that seems to work better.

Matt Wallace: Yes.

Commissioner Melcher: You know, the Surveyor's got a lot of projects going—

Matt Wallace: Sure.

Commissioner Melcher: —and we need to make sure that everybody's on the same page.

Matt Wallace: Okay. No problem.

President Winnecke: Any other public comment on this project before we move on? Thank you everyone for coming out tonight on each side. At this time I would entertain a motion for the preliminary approval of Carrie Hills Number Two Subdivision.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or further discussion? Hearing none, roll call vote, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Winnecke?

President Winnecke: Yes.

**(Motion approved 3-0)**

<p><b>Drainage Easement Encroachment Agreement: Lot 5 Northfield Sub: Papa Johns</b></p>
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Commissioner Tornatta: Encroachment agreement.

President Winnecke: The encroachment agreement.

Linda Freeman: The encroachment agreement, which I heard Ted mention in the Commissioners meeting. I assume you have all of the paperwork, Madelyn? Right, so we're fine with the encroachment agreement, if you gentlemen are fine with it, and Ted's fine with the legalities of it.

Commissioner Tornatta: We've seen it. Motion to approve.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none. All in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? Okay, the encroachment agreement is approve.

**(Motion approved 3-0)**

<b>Other Business</b>
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President Winnecke: Any other business that you have for us, Linda?

Linda Freeman: No sir, no sir, no sir.

<b>Public Comment</b>
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President Winnecke: Any other public comment to come before the Drainage Board? Hearing none, I would entertain a motion to adjourn.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: We are adjourned.

(The meeting was adjourned at 5:42 p.m.)

**Those in Attendance:**

Lloyd Winnecke  
Bill Fluty  
Linda Freeman  
Glen Hile  
Members of Media

Troy Tornatta  
Ted C. Ziemer, Jr.  
Andy Davidson  
Mike O’Nan

Stephen Melcher  
Madelyn Grayson  
Matt Wallace  
Others Unidentified

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)



**VANDEBURGH COUNTY  
DRAINAGE BOARD  
JULY 21, 2009**

The Vanderburgh County Drainage Board met in session this 21<sup>st</sup> day of July, 2009 at 5:20 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

President Winnecke: Okay, at this time I call to order the July 21<sup>st</sup> meeting of the Vanderburgh County Drainage Board. Attendance roll call, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Winnecke?

President Winnecke: Here.

**Approval of the July 7, 2009 Drainage Board Meeting Minutes**

President Winnecke: At this time I would consider a motion to approve the minutes from our previous meeting.

Commissioner Melcher: So moved.

Commissioner Tornatta: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed. The minutes are approved.

**(Motion approved 3-0)**

**Discussion of Citizen Concern: 4707 Peregrin Drive:  
Fred and Melissa Emory**

President Winnecke: Good evening, Mr. Jeffers.

Bill Jeffers: Good evening, President Winnecke. I'm not sure if Fred or Melissa Emory are here this evening. It doesn't appear that they are. I sent you a copy of the last transmission where I had told them that Chuck Murphy had come by the office and said he was going to attend to that matter sometime later this week. I got a reply back from Melissa Emory yesterday evening saying she and her husband, Fred, were satisfied with that. They would wait and see how that progressed, and if

it was satisfactory you won't hear from them. If it is not satisfactory they may come to the next meeting two weeks from now.

**Approval of Ditch Maintenance Claims**

Bill Jeffers: I left my claims down in the office.

Commissioner Tornatta: We're going to stamp them.

Madelyn Grayson: I can pick them up in the morning, if you like, because we will stamp them anyway.

Commissioner Tornatta: I was going to say, we're going to stamp them anyway, so.

Bill Jeffers: I have reviewed them all, and they are, the necessary paperwork is attached, all the signatures are affixed, and the recommendation is to pay the claims for the ditch maintenance.

Commissioner Tornatta: So moved.

Bill Jeffers: I left the folder in the office, I'm sorry.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Thank you, Bill.

**Public Comment**

Bill Jeffers: Okay, other than that, in the absence of the Emory's, and , hopefully, that's a settled situation, we're ready for public comment. I have no further business.

President Winnecke: Is there anyone from the public that would like to speak before the Drainage Board? Good evening.

Scott Doan: Good afternoon.

President Winnecke: If you would, state your name and address for the record, that would be great.

Scott Doan: Yeah, my name is Scott Doan, D-o-a-n, and I live at 7029 Marion Court in Evansville. I apologize in advance, I thought I was going to be on the agenda. I had spoken to Mr. Jeffers and I thought I was going to be on the agenda for this evening. My home is located in Eastland Estates Subdivision. Across the back of my property runs Kolb Ditch, or a section of Kolb Ditch. When we bought my home

in 1997 there was a lake that the ditch flows into, and then flows out the other side. When we bought it, at that time we had a nice lake out there. Since that time there's been a lot of erosion, and the, excuse me, the lake level has actually fallen quite a bit, and there's a lot of erosion on the back side of my property where it's sheer drops of five and six feet. In places it's almost a 90 degree drop. It's gotten to the point now to where it's difficult to mow back there. I can't get my lawnmower around to the back side, because I can go around the lake and get back between the lake and Interstate 164 and mow that section. It's difficult for me to get back there, my neighbors cannot get back there to mow their property. Because of that it's becoming overgrown. There's trees and weeds growing in there. The, I don't know if it was this Board or the Surveyor's office that commissioned a study, I think about three years ago, on Kolb Ditch. If you will allow me, I would like to read just a couple of paragraphs from that study.

President Winnecke: Sure. Go ahead.

Scott Doan: This is referring to the area of Kolb Ditch and the lake at Audubon Estates. It says:

"According to the Vanderburgh County Surveyor's Office the permanent pool elevation of the lake has lowered significantly since I-164 was constructed. This lowered water elevation has moved the water away from the docks and the surrounding residences, and is typically four feet below the invert elevation of the box culvert outlet for the lake. Because of this elevation conditions to the southeast of the lake run off can now flow into the lake from the southeast as was observed during a rain event in Mid September 2006."

So, water is flowing back, instead of flowing out.

"The inlet now (Inaudible) that features to the lake have experienced significant erosion due to inadequate stabilization at high flow velocities. The lowering of the normal pool elevation is a significant contributing factor to the increased flow velocities at these points. Also contributing to the erosion at the outlet is the convergence of flow out of the lake and the ditch running along the eastern boundary of Audubon Lake Subdivision. When the elevation of the lake is at its current pool elevation and a significant rain event occurs, the flow from this ditch flows northwesterly into the lake and significantly contributes to the erosion occurring at the lake outlet."

I've provided Mr. Jeffers with some photos. I thought he was going to bring them. I apologize that you don't have those. It was my understanding that there is a ditch fund for Kolb Ditch, after speaking with Mr. Jeffers, and that there may be monies available to correct these problems. The engineer in 2006 recommended several things that could be done. I would also like to point out that at one place on the lake there are several utility boxes from Vectren, Sigecom, Insight, AT&T, all have boxes there. It's washed out underneath that now to the point where an eight foot pipe has fallen into the lake, and these utility boxes are actually suspended out over the edge of the lake, and they are basically hanging on there by the wires. There's nothing holding them up.

Commissioner Tornatta: Can I make just one suggestion?

Scott Doan: Yes, sir.

Commissioner Tornatta: I would like to have a point of reference, if I could, and I'm—

Scott Doan: Will this help you?

Commissioner Tornatta: Yeah, that would probably help a little bit.

Scott Doan: Alright, can I bring it up?

Commissioner Tornatta: Yeah, absolutely. What I would like to do is, I hate to have you come back at some time, but I would like to get kind of an over, oversee what all you're talking about.

Scott Doan: Sure.

Commissioner Tornatta: Get a look at it, then when you come in I'll have a better understanding.

Scott Doan: This is I-164.

Commissioner Tornatta: Okay.

Scott Doan: This is my home right here. Kolb Ditch flows in here and out here and goes underneath I-164. Angel Mounds is right here. The trailer court that got flattened by the tornado is right here. This is between Covert and Pollack out near Fuquay Road, if that helps.

President Winnecke: So, the ditch—

Scott Doan: The ditch flows in here—

President Winnecke: Okay.

Scott Doan: —and out here. This is the area that I'm talking about.

President Winnecke: Okay.

Commissioner Tornatta: Alright.

Scott Doan: He's bringing it up on the screen now.

President Winnecke: Okay.

Scott Doan: Several years ago the county actually did come out there and do some work on the end where my property is, and they also did some repair work where the ditch flows into the lake. You can see where they placed some rip rap and some other things in that area.

Bill Jeffers: That's Mr. Doan's home right there.

Scott Doan: I would just ask that the Council would consider appropriating funds for the, I'm sorry, the Board would consider.

Commissioner Tornatta: That's fine. Mr. President, I would like to recommend us review this, normally how we'll do this is Mr. Jeffers will get us all the information that you dropped off to him, give some type of overview from what he sees, get either a statement from you, I mean, we have a statement from you today on what you see, and then try and pair those two together—

Scott Doan: Sure.

Commissioner Tornatta: —and get it down to its clearest form. Then at that point we can see what options are available. If those options are available, how they can affect you, or those around you. I would just like to take all of that under advisement and get some more information this week and next week and try and come up with some conclusion, if we could.

President Winnecke: Mr. Jeffers?

Bill Jeffers: First of all I want to apologize. I completely dropped the ball on this one. It was supposed to be on the agenda. Brenda will be bringing the pictures down to enter into your record, and they will be available to you. This is Mr. Doan's piece of property, this is our regulated drain easement that runs along the north shore line, the previous north shore line of the lake, when the water level was at its designed elevation. Then it runs underneath I-164. It used to run due northwest through this land, and the developer, in order to get these lots large and use the lake front that's actually an old borrow pit for I-164, he re-routed the lake, he re-routed the ditch through the lake. That kept the lake full of water for several years. When I-164 was being completed, I would have to back this all the way out and I can't do that and talk over here at the same time, but the Indiana State Department of Transportation, INDOT, cut this subdivision in half with I-164. What is that? Audubon Drive goes down here and Chickasaw Subdivision, etcetera. When they cut that off they had to take Ridgeway and take it out to Fuquay Road. They built that new roadway going out there, the drainage system for all of that then comes down through this easement right here, there's an easement along these, the west, the east property line of Mr. Doan and his neighbors, and they dedicated that easement to Vanderburgh County Commissioners. Without your knowledge, without your consent, they just deeded it. You know, in the recorded deed it says easement dedicated to the Vanderburgh County Commissioners. That's standard practice, you don't necessarily have to accept it, but there it is. All the water from that project, that State highway project, comes down here in a rush, because the time of concentration for that water is much quicker than the time of concentration for this two or three square mile watershed, running through the lake real slowly, this water rushes down, comes backwards through the lake just as Mr. Doan, through the outlet from the lake, just as Mr. Doan described, as well as I could have, and it completely washed out this area where you see the words, "Kolb Ditch Legal Drain". That's all completely washed out. We repaired it one time about six years ago. We repaired that, at about \$10,000 expense, one time six or seven years ago, and subsequent rainstorms, the big ones have washed it out again. It's also scoured out the lake right in this area and exposed it to the water table, which fluctuates, and apparently the water table over the last four or five years has dropped significantly, and the entire lake has dropped with it five or six feet. I don't think Mr. Doan's concerned about restoring the elevation of the lake in that area, maybe he is, but I think he expressed his basic desire is to repair the embankments of the outlet of the lake. I agree. The only way to protect....we did it once, as I said. We even put in a check dam, which has been washed out, washed back into the lake by the force of this water coming in the opposite way. The only thing I can think to do at this time

is to install a concrete wall with an outlet pipe and a flat gate, so that when that water comes down it closes the flat gate and the water can go no other way but out through....here's the outlet, the State outlet. There's a box culvert here. Then we would put a concrete wall across here with a flat gate, check valve, and the water would be forced to go out through the pipe the way it was designed to go. The State apparently didn't take into account that their easement forced the water straight back into the entrance of the lake. Mr. Doan is not able to maintain his property in accordance with our code, simply because you cannot get down in there and do it. Really, since it's a regulated drain, I guess, we should be out there taking a little bit better care of it, and that's what his request is.

President Winnecke: Okay.

Bill Jeffers: So, there are funds in the account, and as Commission President Tornatta indicated, it would be my job to bring you a report at your next meeting, an estimate of what it might cost to put this wall in and repair all this damage that this man is showing you. Now, these are Mr. Doan's pictures. We can't do anything about the utilities. Those would have to be addressed by the utility that owns those. We can do something about the outlet to the lake.

President Winnecke: Okay.

Commissioner Tornatta: Would—

Bill Jeffers: It falls under our jurisdiction is basically what I'm saying.

Commissioner Tornatta: Right, but would this be in any cooperation with INDOT since they are the ones that caused this issue?

Bill Jeffers: Since they gave you the easement and walked away? I doubt it.

Commissioner Tornatta: Okay.

Bill Jeffers: You know, I don't think, you could probably not go back on them after six or eight years with a claim. Maybe if it all had happened the first year we could have done something, but it's like when you buy a house, you've got a couple of years and that's about it.

Commissioner Tornatta: If we could address that with INDOT and maybe just ask the question, maybe that's a place where you and John Stoll could put your heads together, but I sure would like to go back to them and say, you know, this is your design and what it produced, that's not how it was drawn, and that's not how it was supposed to go no matter what.

Bill Jeffers: I get your drift, and I would love to be able to do that, and I will look into that if you wish for me to. However, they'll probably come back and say, look we brought you this rolled set of plans—

Commissioner Tornatta: Right.

Bill Jeffers: —supposedly 30 days before, you know, gave you a 30 day opportunity to review them, actually they drop on your desk about 10 or 15 days before they bring the bulldozers out there. That's been my experience is they'll say, well, you had the ample opportunity to review them in 1998.

Commissioner Tornatta: I guess, I'm okay with what we reviewed. I guess, my problem is maybe that's not what's here. What they said and what they did could be two different stories, like we deal on drainage plans when a developer is supposed to go, a drainage plan is supposed to go downhill, it goes uphill, that's a problem and we bring them in and say how are you going to fix it. I guess, I'm just asking could we address that with INDOT and they could tell us—

Bill Jeffers: I would love to get my hands on some of their stimulus money, if that's what you're saying.

Commissioner Tornatta: Well, I say it's worth a shot. If it doesn't work out, you know, we have measures to do something we feel that we're in need of doing. Something that, then, yeah, we address it. If they could do something, that would help us out.

Bill Jeffers: Well, yes, sir, and I'll do that and I'll follow thorough on that with Mr. Stoll and whomever else can help us. In closing, I would just like to apologize to Mr. Doan. He has done a lot of research on our ditch studies, and everything he said is accurate. His pictures have been very helpful in assessing the situation.

President Winnecke: Thank you, Bill. Mr. Doan, thanks for bringing that to our attention, and we'll hear more from Mr. Jeffers, undoubtedly, at our next meeting.

Scott Doan: Could I have just one more second?

President Winnecke: Absolutely.

Scott Doan: I apologize. The, if we could go back to the pictures where the utilities are and the pipe is falling in. If, Mr. Jeffers, if you could just clarify that, if that's part of what he's proposing to repair? I understand that moving the utility boxes would be their problem. Yeah, just kind of click through those. Right there, or the next one. You can see where they're, that's an eight, probably an eight foot section of pipe there that's fallen in. You know, nine, ten years ago that was all in the ground. I don't know if that's part of what he's proposing to repair or looking at repairing. I would like to ask that. Because I think that's symptomatic of the whole problem. It's not separate from the rest of the erosion.

Commissioner Tornatta: Well, if I know Mr. Jeffers, he's as thorough as it gets. So, I'm sure he will address the issue.

Bill Jeffers: Yes, I had skipped past that issue. This is Vectren's electric box, but underneath there was a concrete pipe that drains the street that Mr. Doan lives on. It's in an easement that goes all the way out to the cul-de-sac there, I think it's Marion Drive, I think it is. The water comes off the street and drains through the pipe and then out into the lake. Here's a section of the pipe that has fallen off. You can see the bell end has fallen off the stem end of the rest of the pipe that's up underneath that box. That was a really dumb place to put that box, but there you have it. Now the water level used to be up to the invert elevation of that pipe, which was along in here where I have my laser light. At one time that was the top of the bank, or the toe of, you know, well, anyway it's the invert elevation of that pipe. Now it's six feet lower than that, because the lake has gone down and the pipe, water came out the end of the pipe and fell four, five, six feet down and washed out underneath the pipe, and eventually that section fell off. Under normal circumstances on subdivisions built after 1994, there would be a fund that covers, as you know, all the pipes and easements outside of the county road right-of-way.

That fund is an escrow account that sits in Mr. Fluty's office, in the Auditor's office and gains interest. Then whenever we have a situation like this, we would go to that fund and we would draw money out of it and we would make the repair to this pipe and we restore it to a serviceable condition. I believe when we looked at that five or six years ago with John Stoll there had not been the required submittal of money by the developer into that account. So, there, I believe no account exists for this subdivision to repair the pipes. So, it would fall back on the lake owners association, those people who own property around the lake into which this pipe drains, or to the individual homeowners on either side of the lot line that this pipe runs down. I believe that's the situation, but, again, I'm sure the Board would appreciate it if I looked into that in more detail with Mr. Stoll to verify it.

President Winnecke: Right. Thank you, Bill. Anything else, Mr. Doan?

Scott Doan: No. Thank you.

President Winnecke: Thanks for coming and bringing it to our attention.

Scott Doan: Thank you.

President Winnecke: Is there anyone else who would like to speak before this Board? Chris?

Chris Walsh: Chris Walsh, County Garage. I just made a report, I was going to e-mail it to you gentlemen about what we've done out on Bergdolt Road.

Commissioner Tornatta: Thank you.

Chris Walsh: As you know we've been out there the last couple of weeks, and I did some camera work out there, and I just wanted to touch base with you real quick and let you know where we were. We, the underground pipe that runs on the north side of Bergdolt there, we ran our flush truck through there and about 100 feet in had a total obstruction. We opened that obstruction up and got water flowing from Clover all the way down. So, that was a help right there. We found, along the line we found a couple of grates that were covered over probably years and years ago. So, we opened them up, rebuilt the boxes on them, and they are taking some water. We've been at a couple of rain events out there and checked it. It has significantly helped. We would like to add one more drain box in there, and it would be minimal expense to do that, and I think that that would help these people right back here.

Commissioner Tornatta: That's on that, the road past Clover?

Chris Walsh: Right.

Commissioner Tornatta: Heading what, west?

Chris Walsh: Right.

Commissioner Tornatta: And it pools water there.

Chris Walsh: Right. In one of these pictures towards the end you will see, we took some pictures, while it was actually raining out there, and you'll be able to see that the water stands on the north side of that road. What we would also like to do is install one more box to keep the water from sheeting across the road, I think that



would slow it down. I would also like to cut those shoulders along in there all the way down from Clover all the way down to Tanglewood, and then a little bit on Tanglewood where it's holding some water too. In general the pipe was open, there's plenty of fall from Bergdolt to the Vectren easement to get that water over. Now these pipes are undersized, but it's already done significant help to the problem, but my department is happy to do it, we just need right-of-way on the Vectren easement to open that ditch up. If we can get that I can have a crew there to work on that ditch.

Commissioner Tornatta: That's probably--

Chris Walsh: While that may not solve the problem, it will certainly help.

Commissioner Tornatta: Right. I think you used a reference of the Engineer's office to help you out with that.

Chris Walsh: Yeah.

Commissioner Tornatta: Loading down John's group, but they're pretty proficient over there. I went out there, and I know there's some more, obviously, some more stuff that we're going to do, but just some of the modifications already--

Chris Walsh: We did a little ditch on the south side of the road that should help their front yard drainage problems that they were having. So, there's still a few more things that we can do, and I think it will help. It's not going to solve all the problems out there, but it will help move some of the water and that.

Commissioner Tornatta: Sounds great.

President Winnecke: So, how much of an obstruction was really there? You said one--

Chris Walsh: The one pipe on the north side of the road was completely shut down. It looked like where two pipes met together there was a little bit of debris that just started building up. When we, and that's where they had, somebody had filled in a drain box, and that's what--

President Winnecke: A resident had filled in a drain box?

Chris Walsh: Somewhere along the line it had been filled in, and that's how we discovered it. We opened that box up, and then we found another box down by Tanglewood that this couple over here made us aware of. So, we opened those up, and during the last rain event we could see that those are helping. So, it should relieve some pressure if I can get in there and finish the rest of these things. The main thing I need is to be able to get into Vectren's easement and ditch that. That's the biggest thing right now.

President Winnecke: Okay.

Commissioner Tornatta: Thank you, Chris.

Judy Mefford: I'm Judy Mefford, and I live at 2909 Bergdolt Road. Opening those grates and doing, and digging that ditch out did help some. But we, when we had the rain Thursday night, we had over two inches at our house. We have a rain gage

out, we had over two inches at our house. And although we were not up during the rain we could see the next morning that it had run down the...which side?

Unidentified: The east side.

Judy Mefford: I have problems with directions sometimes. That it had run down the east side of our house. The west side we think was pretty well okay. It didn't look like there was anything particular, but we had had it run down the west of our house, which meant it had probably come down our drive, dropped into the grate that was right in front of the carport and on back down that. You could see it. Our back ditch had water standing in it. The neighbor on the north side of us, I talked to him and he had had lots of water in his carport. Now, putting in the other grate that he's talking about we hope will help him, and then as a result maybe help us too. But, I'm not sure that we don't have still more water coming down Bergdolt. So, we're kind of at a wait and see. I may be back screaming. Thank you for what is being done.

President Winnecke: You're welcome. Thank you for coming out, and we appreciate your patience. Any other business to come before the Drainage Board?

Paulette Senning: Good evening.

President Winnecke: Good evening.

Paulette Senning: Paulette Senning, 4609 Clover Drive. Again, and we appreciate everything that's being done in our area. There are several neighbors that due to health cannot be present, and I did bring a concern to the meeting probably about a month ago and gave it to Brenda and Bill for their documentation. It was from the Thompson's. They live on Clover Drive next to the easement, the Sigeco easement. When you brought this up just a few moments ago talking to Chris, Troy, you were out in the neighborhood a week ago Sunday, and some of the things you said, you had talked about briefly with me, you were going to address with John Stoll. This is something they've always had a concern about, excuse me, since they've lived in the area, and they've been there since the 1950's. That is they thought there was an easement for drainage to the back of the properties, and they have so much water that accumulates and it has just progressively gotten worse. So, I'm just here just to represent them because they cannot. Because we've talked about many things in this subdivision and that's one thing that does need to be addressed, and, I think, Troy, you kind of saw things that day that you were going to talk with John about, but I just wanted to document their concerns for that particular issue.

President Winnecke: And what was their specific address, Paulette?

Paulette Senning: I'm sorry, I didn't bring my—

President Winnecke: On Clover, they're on Clover?

Paulette Senning: Yes. It's right next, it's on the east side of Clover Drive right next to the Sigeco easement property. I didn't bring my complete file with me because we've been very happy with how things have been progressing. So, I don't have that, but it's Gene and Wanda Thompson.

President Winnecke: Okay.

Paulette Senning: And she does have a letter submitted for a concern for that particular issue about a month ago.

President Winnecke: Okay.

Paulette Senning: So, I think they would probably like to know how things are progressing, and however we can get that info to them, I'll be glad to work through it, just let me know.

President Winnecke: We'll, I guess, we'll, Mr. Jeffers, we'll look to Mr. Jeffers for a little assistance here.

Paulette Senning: Thank you very much.

President Winnecke: Thanks, Paulette.

Bill Jeffers: Paulette, where is it? Over here?

Dave Senning: It's, do you know where the Vectren easement is, Bill?

Bill Jeffers: Right here. Here's Clover.

Dave Senning: Okay.

Paulette Senning: It's south of us, Bill, on the Sigeco easement.

Bill Jeffers: Here's your house right—

Dave Senning: They're on the east...okay. Okay, this is the (Inaudible. Comments made away from the microphone.) These people are probably in their 80's and they've lived there, I think the subdivision was built, I think, in '57, started in '57.

Bill Jeffers: Going the wrong way. Okay, the Senning's house, up here at the top, the water that comes off of Bergdolt from the project that was just completed that's not captured by the last inlet there, and John Stoll and Chris are working on that. But, still water has traditionally run down the back line of all of these homes, from the Sennings all the way down to this couple that Dave just described to you, runs down here, and then it has to make its way across this Vectren easement, a couple of hundred feet wide, has to make its way across there to get into Sonntag Stevens Ditch, which starts right here at Oak Hill Road and runs west, due west, under Clover. So, that water that comes down here has to somehow make it across. There's a big pile of firewood here. I don't know who that belongs to. Whether it belongs to the people who are complaining, or whether its somehow or another found its way into this area, but that blocks the water as it comes out of this natural watercourse. I've written all of that up in one of my previous reports. So, the water then turns and runs out to Clover along the south line of these folks house as it can make it out. You can also see, if you look close enough at their lot, that they come in on their driveway, someone comes in on their driveway and there's wheel tracks that comes around here to where they use this area, basically, for storage, and here's the woodpile. So, when the water comes down here, tries to make its way between that tree and this yard barn over here, it hits that woodpile and runs through this area of the easement that they're traditionally, not inappropriately, I'm not trying to insinuate anything whatsoever. Because if I was living next door to an easement there would be a big tomato patch out there. But it does run across an area of their

lawn that belongs to them, and an area of the easement that they have begun using to some extent. That causes them a problem. Then it finds its way out here into the street. I'm not sure exactly what Chris Walsh was talking about, but I think he wanted to go down and ditch the easement a little bit farther west of here, and the same thing needs to be done across the easement here. We just need to get Sigeco's permission to come onto their easement and just dig a shallow swale right straight across here to, well, that's really going to mess things up. Here we go. You can see I'm technically oriented today. But, anyway, we need to ditch that across there, as well as what Chris is talking about farther down Longacre. We need to get all of the water out of this neighborhood and into Sonntag Stevens Ditch where it belongs. We need to get it there as fast, as quickly and as most orderly a fashion as we can possibly do it. So, these folks, I expect to see them again. Just coming up and politely suggesting that we get with it on some of these things. I think that we're capable of doing that, but we need the cooperation of some other agencies and some private agencies like Vectren.

President Winnecke: So, can you, between the three, the County Engineer, the Highway Superintendent and your office coordinate trying to get the access to those through Vectren?

Bill Jeffers: I think we should work on that, and I hope that we can do that, yes, sir.

President Winnecke: Okay, great.

Commissioner Melcher: And move the woodpile, right?

Bill Jeffers: Someone will have to move the woodpile. Yes, we'll have to get with that property owner and suggest that the woodpile be moved to some other place.

President Winnecke: Great.

Bill Jeffers: Yes, sir.

President Winnecke: Thank you, Bill.

Bill Jeffers: Yes.

President Winnecke: Any other questions or concerns to come before this Board?

<b>Other Business</b>
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President Winnecke: Bill, any other business from your office?

Bill Jeffers: No, sir.

President Winnecke: I would entertain a motion to adjourn.

Commissioner Melcher: So moved.

President Winnecke: We are adjourned.

(The meeting was adjourned at 5:59 p.m.)

**Those in Attendance:**

Lloyd Winnecke

Bill Fluty

Madelyn Grayson

Paulette Senning

Members of Media

Troy Tornatta

Bill Jeffers

Scott Doan

Dave Senning

Stephen Melcher

Ted C. Ziemer, Jr.

Judy Mefford

Others Unidentified

**VANDEBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
AUGUST 11, 2009**

The Vanderburgh County Drainage Board met in session this 11<sup>th</sup> day of August, 2009 at 6:22 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

President Winnecke: At this time I call to order the Tuesday, August 11<sup>th</sup> meeting of the Vanderburgh County Drainage Board. Attendance roll call, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Winnecke?

President Winnecke: Here.

**Approval of the July 21, 2009 Drainage Board Meeting Minutes**

President Winnecke: At this time I would entertain a motion to approve the minutes from the previous meeting.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? The minutes are approved.

**(Motion approved 3-0)**

**Notice to Bidders: Kolb Ditch Repairs**

President Winnecke: Okay, Bill?

Bill Jeffers: Good evening, Bill Jeffers, Vanderburgh County Surveyor. Scott Doan, property owner on Marion Court came before you last meeting, and that's his address 7029 Marion Court, about some erosion in the outlet from the lake at Audubon Estates Subdivision. We have the pictures, we could skip, that's what it looked like three years ago, and the pipe that collapsed underneath the electric box, that's what it looked like in 2007. Okay, then we skip to 2009, last month, and it's just astounding how much worse it is. That's Mr. Doan's backyard now. You can see that it's, the water has gouged out even more erosion. He can't maintain his

backyard any longer. We spoke about the cause of that last year. I mean, excuse me, at the last meeting, I mean, to me that's unbelievable. I saw it, I went out there Monday, I could not believe that it's actually that bad. But, no water has come out of that lake for five or six years. The level of that lake has been so low for the last five or six years that all this damage could not possibly have been caused from water leaving the lake, which it was intended to do. This is all water that is back flowing from the State Highway and the State Highway project into the lake, the wrong way, and it's due to a design error, in my opinion. However, this outlet channel is, in fact, Kolb Ditch, and we are, in fact, responsible for the care and maintenance and repair and so forth of Kolb Ditch, because it's a regulated drain. So, I've prepared for you tonight a document that's in front of Ms. Grayson, and it's a notice to bidders seeking proposals to repair and improve Kolb Ditch within the 150 feet from that electric box you saw, that would be the starting point, to the outlet where it goes under I-164, Interstate 164, that's approximately 150 feet, the repair of that channel, regrading the earth, and re-seeding the embankments so that it's maintainable by the property owner and by us. Right now it's totally in disrepair. Placing rip rap and constructing, I have a picture up there, here it is on your screen, basically, that's a, the yellow, upright figure is a concrete wall with a 48 inch iron flat gate to let the water out of the lake should the lake ever be put back into sufficient repair, that it's an operating lake, flowing full again, we would have a flat gate there. Meanwhile, this concrete wall would be facing the State Highway ditch and drainage facilities to physically block the entrance of their water into this lake, going backwards through our drainage system. It would force that water to take its true course and go through the eight foot square box culvert under Interstate I-164, or Interstate 164 and travel on down through our regulated drain, through the Indiana Mounds state property, Angel Mounds state property and into the Ohio River. So, that's what this document is, and I'm asking you to sign it so that we may advertise and seek bids on the construction of this concrete wall, with the control gate and do approximately 150 feet of channel repair to Kolb Ditch.

Commissioner Melcher: Do you need a motion for that?

Commissioner Tornatta: Yep.

Bill Jeffers: Yes.

Commissioner Melcher: So moved.

Commissioner Tornatta: Second.

President Winnecke: A motion and a second. Questions or further discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed. Okay.

**(Motion approved 3-0)**

Bill Jeffers: Hopefully, we'll open those bids, I believe, the date is on here, September 15<sup>th</sup>. We would still have sufficient construction time to get that done, I believe. It couldn't be any wetter than it has been.

**Update on Fred and Melissa Emory's Drainage Issue: Peregrine Dr.**

Bill Jeffers: Scott Doan, okay, we've taken care of that. Fred and Melissa Emory had a drainage issue that they wanted to bring before the Drainage Board, but chose to try one more time to settle it with the developer of Falcon Ridge, who is, I'll think of his name in a moment. However, after.....pardon me?

Brenda Jeffers: Chuck Murphy.

Bill Jeffers: Chuck Murphy, the developer for Falcon Ridge. However, after discussing this again with Mr. Emory today, and rethinking some of the very similar issues that we've had over the past several years in subdivisions, basically what I'm going to tell you is that whenever you have a backyard that is at a higher elevation than the front yard, you grade the drainage so that it's kind of a donut, or a horseshoe type affair, a swale around the backyard that carries the water between the homes along the property line and out to the street so that the water flows out of the backyard in an orderly fashion between the homes, and the swale is deep enough that it can't inundate the foundations between the homes, and then it goes out to the street system. This was the intended pattern to be set up on several homes on the same side of the street as the Emory's own a home. That did not occur, so water stands in their backyard and the backyards of three or four other homes. The solution that I suggested they explore would be to extend the swale due east through all four of the backyards until it reached a lot that Chuck Murphy still owns without a home in it at the eastern most end of the street, and then turn the water out into the street system at that point. Mr. Murphy said that he thought he could do that. He would use a laser level to set grade and try to accomplish that. I believe he's started construction on that, but it's moving rather slowly, and, of course, we've had more and more rain, and the problem is still a headache for the Emory's and some of their neighbors. I got to thinking about this, and because now instead of having individualized drainage set up, where each property owner has the water on their lot being taken between the homes along the property line and out to the street where they can control that. You know, they're responsible for maintaining that drainage way in that set up. If they put a fence in it, that's their problem. They have to take it out. If they put landscaping in it, they have to take it out, and it's right there on their property, they can do so. Now I'm suggesting that it be rerouted in such a way that it crosses three or four separate pieces of property, it becomes a mutual drain, and if subsequently someone sells a house without notifying the subsequent property owner that their, they can't block this drainage, five years from now someone is back in here complaining that there's an obstruction. I thought the most expedient way to handle that, and probably the most appropriate was to ask Chuck Murphy to submit a modified final drainage plan so that it's all on record, and bring that plan to our office to be reviewed. I will bring it to you with a recommendation. So, I believe that was explained to you in an e-mail. I'm sorry but I sent it out a little bit late today, you guys may have been at lunch or had a previous meeting and missed that. Mr. Miller, I'm sorry, but I'll have to send you a copy because it went to one of your other associates instead of you. But, basically I'm just saying let's follow the rules to the "t", have him submit a drainage plan and move forward in that direction.

David Miller: I might say that from a private property owners standpoint, there may have to be a new easement agreement between all of those property owners, including Mr. Murphy who owns the outlet. That might have to be an amendment to the plat.



Bill Jeffers: That's an excellent point. Without having to refile a new plat, they could refile, they could file that and record it in miscellaneous records, I believe.

David Miller: I think that's right.

Bill Jeffers: So it's attached to the title. But, you are correct, Mr. Miller, both the subdivision code and the drainage code requires all drainage ways be housed within an appropriate easement. So, that would be something that would have to be obtained from each of the owners. I think I've said enough on that. I'll just, I have notified Mr. Murphy by e-mail, I will send him a letter to his place of residence. I don't think that requires a motion, I'm just telling you about it.

President Winnecke: Okay.

#### Other Business

Bill Jeffers: In other business, I don't have any ditch claims today, in other business I would like to recommend that this Board have a joint meeting with the Warrick County Drainage Board regarding Pigeon Creek. I've received notification from contractors and property owners that every time we have one of these hard rains throughout the Pigeon Creek watershed, water is backing up into Chandler, Indiana into on-going construction, road construction and private construction sites and shutting down the work for two or three days at a time, and it's due to this humongous log jam we discussed a month or so ago. I would also like to suggest that when you schedule a meeting with the Warrick County Drainage Board that you go there, hopefully, with an offer of a minimum of \$2,000, and a maximum of \$5,000 for your part of it, and ask them to do the same. Yes, that's \$4,000 as a minimum and \$10,000 as a maximum, and that looks like a broad spread for the log jam, but basically what I'm saying is, I'm basing that on the method of disposal. If we take it out of the creek and tie it to the bank, you know, stake it down to the bank, we could probably get by for \$4,000. If we have to haul that stuff away or burn it, whenever you burn it you have to have these accelerator airflow type burners for the EPA, it can get very expensive. I'm saying the top end would be \$10,000. So, it's all based on how we dispose of what we yank out of the creek. I think we could actually get two of the worst log jams for between \$4,000 and \$10,000.

Commissioner Melcher: Is this something that Commissioner Mosbey—

Bill Jeffers: Commissioner Mosbey brought this to you maybe two months ago.

Commissioner Melcher: Right, right.

Bill Jeffers: When the water was very high in the creek, and they were, the farmers were trying to plant and couldn't plant. But, we've had re-occurring flooding on a lesser level, mostly construction sites at this point in time, highway construction out there towards Chandler.

President Winnecke: David, what are the legal mechanics of us having a meeting with that body in Warrick County?

Commissioner Melcher: Well, I thought we had a joint, there's was already a joint one set up a long time ago.

President Winnecke: There is.

Commissioner Melcher: Okay.

David Miller: I think you just have to give public notice in both counties.

President Winnecke: Okay.

David Miller: And notify the public that a meeting is going to occur at a particular location and do it.

President Winnecke: Okay. Bill, it might be helpful if you could get, I don't know when they, how quickly they would like to get together, but if you could get some dates to us, we can arrange that meeting.

Bill Jeffers: I think Commissioner Mosbey, is it Tim Mosbey?

President Winnecke: Yes, Tim.

Bill Jeffers: And the new County Surveyor are pretty keen on having this done.

President Winnecke: Okay.

Bill Jeffers: Quickly.

President Winnecke: Okay.

Bill Jeffers: If you were to have money left over, if you took \$5,000 and they put in \$5,000 and you had money leftover, I would suggest that you use any leftover money, leave it in an account to research the need for additional creek cleaning between Stevenson Station Road in Warrick County and Lynch Road in Vanderburgh County. I don't know where the source of that money will be, because we don't have it in our drainage funds for the creek.

President Winnecke: We'll find it.

Bill Jeffers: That's all the business I have for you gentlemen tonight.

President Winnecke: Okay.

<b>Public Comment</b>
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President Winnecke: Any other public comment tonight?

Judy Mefford: Judy Mefford, I live at 2909 Bergdolt Road. I would like to know where we are at with the curbing up around Clover Drive and Bergdolt, and where we are at with the rest of the work on Bergdolt Road? Chris?

Chris Walsh: All I can speak to is the ditching. As John and I had said earlier, we're getting with Sigeco to do the ditch in the easement. All I'm wanting to do there is take out some sediment and restore it back to what it's original....I don't think when he sees it he won't have a problem with it, the gentleman from Sigeco.

John Stoll: But, there is the possibility that they may not authorize it, because their, they have the two gas transmission mains out there. So, we may not be able to dig any ditches across there, but that is something that we will have to work out when we get out there. As far as the curbs are concerned up at Clover and Bergdolt, the contractor told me this morning that they would like to try and get out there and start this week. But, I don't have an exact start time, or an exact start date yet.

Judy Mefford: It hasn't started yet. Thank you.

President Winnecke: Thank you. Any other public comment to come before us? At this time I would entertain a motion to adjourn.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: We are adjourned. Thank you.

(The meeting was adjourned at 6:37 p.m.)

**Those in Attendance:**

Lloyd Winnecke

Bill Jeffers

Judy Mefford

Members of Media

Troy Tornatta

David Miller

Chris Walsh

Stephen Melcher

Madelyn Grayson

Others Unidentified

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
SEPTEMBER 1, 2009**

The Vanderburgh County Drainage Board met in session this 1<sup>st</sup> day of September, 2009 at 5:25 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

President Winnecke: Okay, at this time we call to order the September 1<sup>st</sup> meeting of the Vanderburgh County Drainage Board. We'll begin with attendance roll call, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Winnecke?

President Winnecke: Here.

**Approval of the August 11, 2009 Drainage Board Meeting Minutes**

President Winnecke: At this time I would entertain a motion to approve the minutes from our previous meeting.

Commissioner Melcher: So moved.

Commissioner Tornatta: Second.

President Winnecke: A motion and a second. All in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? The minutes are approved.

**(Motion approved 3-0)**

**Villas at Cambridge PUD: Preliminary Drainage Plan**

President Winnecke: Okay, Bill, drainage plans.

Bill Jeffers: Yes, our first one tonight is the Villas at Cambridge, planned unit development. It's on your screen, and it's on the overhead projector here. Basically, it's a condominium that has several home sites available that have not been sold for condominiums, and it's going on the Area Plan Commission in a couple of weeks as a planned unit development, PUD. So, we're asking for preliminary approval of the drainage plan tonight. The plan does conform substantially with the drainage code for a preliminary plan. I've sent you a condensed version of my feelings regarding a couple of issues that we want to work out before it comes back to you as a final

plan. The design engineer and the applicant are here tonight if they wish to say anything. Otherwise, the County Surveyor's recommendation is to approve the plan as presented, as a preliminary plan.

Commissioner Tornatta: On the recommendation of the Surveyor, I would make a motion to approve the preliminary plan.

Commissioner Melcher: I'll second it.

President Winnecke: There's a motion and a second. Any questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? Okay, the preliminary plan on The Villas, okay.

**(Motion approved 3-0)**

**Carrie Hills Number Two Subdivision: Final Drainage Plan**

Bill Jeffers: Okay, the second plan tonight is Carrie Hills Number Two Subdivision. It's been before you as a preliminary plan, and there was some discussion. I was out of town, there was some discussion by adjacent property owners. It's my understanding that they've been notified by Matt Wallace, the design engineer, of the meeting tonight and the availability of this final plan for viewing in the County Surveyor's office. We have not had any negative response, haven't had any response as a matter of fact. I've reviewed the plan, made comments, and Matt Wallace made some minor revisions to my comments, in response to my comments. The County Surveyor recommends approval of the final plan for Carrie Hills Number Two Subdivision. This one is on Summertime Lane.

President Winnecke: Any questions of the Surveyor? In that case, I would entertain a motion to approve the final drainage plan for Carrie Hills.

Commissioner Melcher: So moved.

Commissioner Tornatta: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? Okay, it's approved.

**(Motion approved 3-0)**

**Drainage Easement Encroachment Agreement for Grant Hills South**

Bill Jeffers: Matt Wallace, professional engineer, is also with us tonight on the next matter, which is a drainage easement encroachment agreement on behalf of Hahn Realty to encroach an easement in Grant Hills South Subdivision so that some commercial property, the parking lots, it's to facilitate the parking lots, which would

be paved over top of the easement, and the agreement indemnifies the county against any loss or damage that might occur in the parking lot over top of that easement. It's a standard form. David Miller is familiar with the form, and I got an e-mail from his associate who said that the form appeared to be in proper order as submitted to Madelyn Grayson. I'm asking that it be approved at this time so that it may be recorded.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Any questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? Okay.

**(Motion approved 3-0)**

#### **Addendum to Kolb Ditch Project**

Bill Jeffers: The last item I have is a modification of the work project that we have under bid, out for bid at this time on Kolb Ditch. I would like to add a 20 foot section of pipe approaching the back side of the retaining wall that has the flap gate, flood control gate in it. We've been advised that it would be beneficial to add this to reinforce the back side, be able to reinforce the back side of the wall because of the pressure of the water that arrives at the front side. It would allow us to put some solid back fill behind the wall rather than have a free standing wall. So, I'm asking for your permission to include this as an addendum and we will send it out to all those persons to whom we sent the original invitation to bid.

Commissioner Tornatta: Motion to approve.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? Okay.

**(Motion approved 3-0)**

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

Bill Jeffers: A clerical matter, I have a recommendation to approve the claims that have been submitted for maintenance and other work that's been performed on our regulated drains over the past month. Those claim forms are on your desk, and everything appears to be in proper order.

Commissioner Tornatta: Motion to approve the claims.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed? Okay, the claims are paid.

**(Motion approved 3-0)**

<b>Other Business</b>
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President Winnecke: Any other business, Mr. Bill?

Bill Jeffers: No, sir.

President Winnecke: Okay.

<b>Public Comment</b>
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President Winnecke: Any public comment? At this time I would entertain a motion to adjourn.

Commissioner Melcher: So moved.

Commissioner Tornatta: Second.

President Winnecke: We are adjourned.

(The meeting was adjourned at 5:31 p.m.)

**Those in Attendance:**

Lloyd Winnecke  
David Miller  
Members of Media

Troy Tornatta  
Madelyn Grayson

Stephen Melcher  
Others Unidentified

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)



**VANDEBURGH COUNTY  
DRAINAGE BOARD  
SEPTEMBER 15, 2009**

The Vanderburgh County Drainage Board met in session this 15<sup>th</sup> day of September, 2009 at 5:55 p.m. in room 301 of the Civic Center Complex with Commissioner Troy Tornatta presiding.

**Call to Order**

Commissioner Tornatta: Mr. Jeffers.

Bill Jeffers: Good afternoon, President Tornatta.

Commissioner Tornatta: I'm Vice President, thank you.

Bill Jeffers: Vice President Tornatta, Commissioner Melcher. Ted, you're looking good.

Kathryn Schymik: Thank you.

Commissioner Tornatta: Vacations, anyway. Do you have an agenda, sir?

Commissioner Melcher: Yeah, right here.

Commissioner Tornatta: I got it, I got it. Okay.

**Approval of the September 1, 2009 Drainage Board Meeting Minutes**

Commissioner Tornatta: How about a motion to approve the previous meeting's minutes.

Commissioner Melcher: So moved.

Commissioner Tornatta: Second. A motion and a second. Discussion? Roll call vote.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Yes.

**(Motion approved 2-0)**

**Open Bids for Kolb Ditch/Audubon Lake Release**

Commissioner Tornatta: A motion to—

Commissioner Melcher: Okay, I'll make a motion to open bids for Kolb Ditch and Audubon Lake release.

Commissioner Tornatta: Alright, and I'll second that. All in favor say aye. Aye.

Commissioner Melcher: Aye.

**(Motion approved 2-0)**

**Creekside Meadows Section Two: Revised Final Drainage Plan**

Commissioner Tornatta: Okay.

Bill Jeffers: Our first drainage plan tonight is Creekside Meadows Section Two. It's a revised, final drainage plan. This, on your screen shows the overall Creekside Meadow development, all the lots. It's out on Petersburg Road, north of Earle, Indiana. The middle portion is what they're redesigning, reconfiguring the lots to make them more marketable in today's market. It still contains the lake, it still contains all the drainage facilities that were approved under the final drainage plan. They just had to modify some easements and some pipe locations to make the reconfigured lots. The County Surveyor's recommendation is to approve the new design as a revised final drainage plan. Glen Merritt from Cash Waggoner is here in the audience should you have any questions.

Commissioner Tornatta: Any questions?

Commissioner Melcher: No questions. So, you want a, I'll make a motion to approve that one, Creekside Meadows.

Commissioner Tornatta: On the recommendation of the Surveyor, and I'll second that. All in favor say aye. Aye.

Commissioner Melcher: Aye.

**(Motion approved 2-0)**

**Outdoor Power Development: Final Drainage Plan**

Bill Jeffers: Our second drainage plan is Outdoor Power Development. It's a final drainage plan. It's very simple. The property owner wants to take this piece of empty property out in Armstrong, Indiana, on Big Cynthiana Road, and, then we'll see the drainage plan come up on your screen. That's turned 90 degrees to the right, but here's Big Cynthiana Road, which is headed north, and they're putting a shop out there for outdoor power equipment, lawn maintenance, that type of thing, for sale and a display area, parking lot. A large drainage basin over here on the north end of the property will drain into the highway right away. It comports with the drainage code. The County Surveyor's recommendation is to approve this plan as well.

Commissioner Melcher: I'll move for approval.

Commissioner Tornatta: And, I'll move for a second on the recommendation of the Surveyor. All in favor say aye. Aye.

Commissioner Melcher: Aye.

**(Motion approved 2-0)**

**St. John's Catholic Church Expansion: Final Drainage Plan**

Commissioner Tornatta: Our next plan is St. John's Catholic Church. It's out here on the relocated Boonville-New Harmony Road...I'm trying to think of what they call that now, it's called Daylight Drive now, out off of Green River Road, between Green River and I-164. Basically, what St. John's parish is doing is adding a parking lot. You see on this overhead picture, you see their church with the existing parking lot, and they're adding a drive coming in off of Daylight Drive, and they're adding an expanded parking lot down in this area along the south side of their property. Because the drainage basin has to be squeezed into the corner you'll see....let's see the drainage plan first, okay. The drainage basin is being squeezed down here into the corner, that's the last available location for it. It will provide detention in accordance with our code, but it gets kind of close to the property line and doesn't allow for a full ten foot wide maintenance path, and, therefore I have asked that the parish priest submit this letter that you see in front of you, it's a notarized letter, whereby the church board is acknowledging that they're squeezing that in there and they are confident that they will be able maintain the basin from within their own property. It will be mowed on a regular basis. It's a dry basin, it's not a wet basin, so, I'm sure they will be able to do that, and that they're asking you to waive some of the more minor requirements of the code, and I'm recommending that you do so, because they hold Vanderburgh County, its agencies and agents, harmless from any claims or damages or actions related to the approval of this plan with those code requirements for the ten foot maintenance path waived. With having said that, and with this notarized letter that will go into the permanent file, the County Surveyor recommends approval.

Commissioner Melcher: I'll move—

Bill Jeffers: And Bethany Hoff and Jim Morley are here if you need any further explanation.

Commissioner Melcher: I'll move approval.

Commissioner Tornatta: On the recommendation of the Surveyor, I will do the same. All in favor say aye. Aye.

Commissioner Melcher: Aye.

**(Motion approved 2-0)**

**Villas at Cambridge PUD: Final Drainage Plan**

Bill Jeffers: Our last drainage plan tonight is Villas at Cambridge PUD, which stands for planned unit development, for those who are unfamiliar with the term. A planned unit development is allowed by Area Plan, or by planning code, zoning code for mixed use and other uses that require a relaxation of setbacks and, you know, minimum square footage and various other things. So, we have that in our code available. This used to be a condominium, which in the State of Indiana basically is looked at no differently than a single lot apartment project. It used to be that it was a single lot, with all of these individual building sites within the single lot, such as other condominiums would have. As you can see there are one, two, three, four, five, six homes built, and then now we'll look at the new plan, under a PUD they will

have however many lots there are there. I've lost count, but it looks like around 30? Is that correct?

Unidentified: 37.

Bill Jeffers: 37 lots. This basically makes it more marketable, because people want to own their individual lots. The developer prefers it that way, but because some of the lots require a relaxation of setback, and some of the lots may not be the full 6,000 square feet, etcetera, it falls under PUD. So, that's the explanation for that. Here's the restrictions that will appear on the plat, according to the drainage code explaining that the condominium, or, excuse me, the individual lot owners association, rather than the condominium lot owners association, the individual lot owners will be totally responsible for everything in that drainage plan. I had a little problem with the wording of this, because in our code the wording always refers back to a plan that was reviewed and approved under this process, and there is existing out there a pipe run, if we go back to the site plan, along the south line of this property there's already a pipe that has been installed without an official plan having been approved, it was installed while it was a condominium project, by the condominium developer or owner. If we go back to the first overhead picture, our plan that we approved called for an open swale along that line that would pick up...all this is uphill, anyone who's played golf or visited out there, this is all uphill. This is the area up near the clubhouse. It all drains down the hill and into this farm field. You can see the farm field has grassy waterways in it that carries that water off down to Pond Flat. We had an agreement with the adjacent farmers that all the water from this development would be picked up along this south line and carried over to the golf course lake, which it is. That was to be done in an open swale, which that used to happen. Then some of the property owners wished for that to be piped, and they did so. I don't have any problem with that having happened, except that we didn't have the opportunity to review the plan, and we didn't have any opportunity to observe and inspect the installation of the pipe. So, I'm simply, at this time, saying that my review does not include that pipe, and the plan does include an alternate swale north of that pipe that will, in this easement, pick up all that drainage and take it to the lake, but the pipe remains because there's some connections from the road system, and there's some connections possibly from individual lots either now or in the future that may be made. I'm simply saying I didn't review those, and I'm not recommending that as part of the plan, and I'm asking you to approve the plan with the full understanding by everyone, the developer and all the future landowners, etcetera, that our review did not include the pipe, that I specified there, and that your approval does not include the pipe, because we had no opportunity to—

Commissioner Melcher: And, Bill, that swale, they're going to put in north of the pipe, right?

Bill Jeffers: Yes, sir.

Commissioner Melcher: Is that going to go into the lake also?

Bill Jeffers: Yes, sir.

Commissioner Melcher: So, it will be kind of like a double system?

Bill Jeffers: Pretty much. The pipe does pick up some flow from the street. It does serve a purpose. I'm not in any way trying to indicate that the pipe is insufficient. I'm only saying that we didn't have the opportunity to go through the process.

Commissioner Melcher: But, you're saying that the swale you're approving?

Bill Jeffers: Yes, sir.

Commissioner Melcher: Okay, with that I'll make the motion—

Bill Jeffers: Oh, I'm sorry, you can go ahead and make your motion. I have one more comment.

Commissioner Melcher: Okay, I'll make the motion to approve the Villas at Cambridge.

Commissioner Tornatta: I'll second it.

Bill Jeffers: The developer and Danny Leek the engineer from Morley is here to answer any questions if you have any questions about my explanation.

Commissioner Tornatta: Any questions?

Commissioner Melcher: No.

Commissioner Tornatta: All in favor say aye.

Commissioner Melcher: Aye.

Commissioner Tornatta: Aye.

**(Motion approved 2-0)**

<b>Approval of Ditch Maintenance Claims</b>
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Bill Jeffers: Okay, we can either open the, I mean, we can either read the bids into the record, or we can approve the claims, either way you want to do it.

Commissioner Tornatta: Let's get a motion to approve claims.

Commissioner Melcher: So moved.

Commissioner Tornatta: Second. All in favor say aye.

Commissioner Melcher: Aye.

Commissioner Tornatta: Aye.

**(Motion approved 2-0)**

<b>Read Bids for Kolb Ditch/Audubon Lake Release</b>
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Commissioner Tornatta: Just read the bidders?

Bill Jeffers: Read the, we got two bids?

Kathryn Schymik: We have two bids, uh-huh.

Bill Jeffers: Okay, just read those into the minutes, and then we'll take them under advisement until next week, and come back with a recommendation.

Commissioner Tornatta: Sounds good.

Kathryn Schymik: The first bid was submitted by Mark Naas in the amount of \$33,900, and the other bid was submitted by Vieira Brothers, Inc. with a base bid of \$17,860 with an additional cost of \$35 per ton for rip rap.

Commissioner Melcher: I'll move to put this under advisement.

Commissioner Tornatta: Second. All in favor say aye.

Commissioner Melcher: Aye.

Commissioner Tornatta: Aye.

**(Motion approved 2-0)**

<b>Public Comment</b>
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Commissioner Tornatta: Alright.

Bill Jeffers: Okay, then we have, I believe, one person wishing to make a public comment regarding Bergdolt Road.

Commissioner Tornatta: If, and, Bill, if you don't mind me kind of jumping in here real quick. I know that we did have a plan that was going to wrap up, if I'm not mistaken September 4<sup>th</sup>, but we're not going to leave any stone unturned, no pun intended, at that area. So, Bergdolt Road has been a problem for a while. We know it's been back, as we can remember back into the 70's they've had a problem with water run off and drainage and what not. We're trying to correct this, but in doing that we see that there is a little spot that needs to be addressed. To my knowledge, I think that that's, that we're looking into how that's going to be addressed and working a process, but in the same light we've got a lot of water that's moving now, where it hasn't in the past. So, be that as it may, proceed.

Bill Jeffers: Right, that, I think that generally nails it pretty close. It's been this way for many, many years. The homes and the land on the north side of Bergdolt are significantly higher than the homes and the land on the south side. There's no well defined ditch or collection system on the north side, so the water simply runs across the road to the south side. Mr. and Mrs. Mefford—

Commissioner Tornatta: After these pictures are—

Bill Jeffers: —here, they're out here and they've submitted these pictures of some rainfall that occurred recently, and there's a letter associated with it that gives you the date and time that it occurred, the number of hours during which it occurred, etcetera, and I'll just leave the microphone and let what is going to be said be said.

Judy Mefford: I'm Judith Mefford. I live 2909 Bergdolt Road. I know that there's some...and they did some work, but we had (Inaudible). What you've got up there right now is fine.

Brenda Jeffers: Well, that's number two.

Judy Mefford: Okay, if I can figure out how to do this thing. A week ago last Saturday, it was the 5<sup>th</sup>?

Commissioner Melcher: It was Labor Day weekend.

Judy Mefford: Yeah, oh yes it was Labor Day weekend. Anyway, we had 2.4 inches of rain out there, and they had, this side of our yard, which is where we had had so much water before, oh, it was great. We had a little water come over, that came over the road, not much, most of Ridge, not Ridgewood, but Tanglewood, most of Tanglewood water went over into the big ditch that's over there, that side did great, except this time we had water that came, our line is about like right there, and water came over the road, pooled in his, in what was Mr. Wilson's house. Mr. Wilson passed away. So, and then run on over into our yard, down our thing, and (Inaudible). Yeah, this here, it came on down...now, this is our, this is the drive right in front of the carport, and, of course, we have that grate there, it came down and come all...this is like almost into our carport. This was only 2.4 inches of rain. We had what almost four inches the other time? We would have probably had a carport full of water if it had done this the other time. Then it ran, put this one up, it ran down our sidewalk and was running down in front of our bushes and stuff there. So, our water has just kind of moved is what's happened. This is, this here is down between the houses, this is looking from the back to the front. This is from the front to the back.

Commissioner Tornatta: That's probably where it should be, correct? I mean, that's supposed to be there, the channel.

Judy Mefford: It's yard.

Commissioner Tornatta: Between the houses, I'm sure there's supposed to be some—

Judy Mefford: Well, it's yard.

Commissioner Tornatta: —Bill would have to kind of—

Judy Mefford: We have put at the grate we put a, the grate at the front of the carport we had put it in, and there is that we do get some, but nothing like this. I mean, this probably was at least ankle deep, and it went on back to—

Brenda Jeffers: (Inaudible).

Judy Mefford: —yeah, it went on back through back there on this side of the building and pooled in here. You can see some of it up into our yard. Now this is the other side of our yard. No, that, okay, that's the people behind us.

Commissioner Tornatta: John?

Bill Jeffers: Do you want to do a time out for the news hour, then finish up?

Commissioner Tornatta: Well, I mean, I don't know if we necessarily need to do that. I just—

Judy Mefford: But it went back in the back—

Commissioner Tornatta: John, come up here. Just come up here.

Judy Mefford: It went back up in the back and spilled over into their yard, and we had water all the way across the back of our yard.

Commissioner Tornatta: Alright, Bill, why don't you take a seat up here and we'll just see what we've got. I apologize for not coming out here. I've been out there at the last rain event, was not able to come out at this one, because I had other duties to take care of, but were you out there? Did you see what happened? I mean—

Judy Mefford: I don't think anybody was out at this rain event.

Commissioner Melcher: I was in Tennessee.

Commissioner Tornatta: Okay.

Judy Mefford: During the 4<sup>th</sup> of July weekend?

Commissioner Melcher: Labor Day.

Judy Mefford: Labor Day weekend rather.

Commissioner Tornatta: Yeah, I was out there, I think it was 4<sup>th</sup> of July, wasn't it?

Judy Mefford: Yeah, it may have been 4<sup>th</sup> of July, but this was—

Commissioner Tornatta: I was out there then, but I—

Judy Mefford: This is Labor Day that I'm talking about, okay?

Commissioner Tornatta: Right.

John Stoll: I was out there, it was the Sunday morning of Labor Day weekend, but the one picture that showed the water sheeting across the road was much more extensive than what I saw. I'm not sure which picture number it was.

Brenda Jeffers: Is that it?

John Stoll: There was another shot that showed it, a shot of Bergdolt Road where you could see the different areas where it was crossing.

Commissioner Tornatta: Number six.

John Stoll: That's wider and more ponding in the street than what I saw when I was out there. So, I don't know if I was in there, out there between storms or what, but that is more than what I had seen. When I was heading out there Green River Road between Lloyd and Morgan was extremely flooded, and I was surprised to see how little water was out at Bergdolt. But that is more than what I saw.

Commissioner Tornatta: Now, let me ask a question of Bill, if, excuse me, if Bergdolt Road was impacted by another road down line would that not back up Bergdolt? Let



me rephrase that. Is there another road that would impact Bergdolt if the rain was heavier in a section of our county?

Bill Jeffers: I think what impacts Bergdolt is all uphill to the north of Bergdolt. I don't think there's any road down to the south that if it were flooded would back up this far, because this is significantly higher than the subdivision below it. So, I believe all of this water is coming from uphill, and the system is just not big enough to handle a two and a half inch rainfall without water sheeting over the top of the road.

Commissioner Tornatta: Now, there has been—

Bill Jeffers: Now, our, I guess what our philosophy or our guiding principles are is we don't want to see any dwelling, the living area of any dwelling flooded during the 100 year storm. Up to a 100 year storm. Anything below that, well, even up to the 100 year storm, should not flood a home. I don't believe your home has ever been flooded, your living area. Is that correct?

Judy Mefford: Well, ever?

Bill Jeffers: You've never had water in your living room?

Judy Mefford: No, but we have had water in our crawl space.

Bill Jeffers: Okay.

Judy Mefford: We have frequently had water in our crawl space.

Bill Jeffers: Then a crawl space...right, so a crawl space should be protected by foundation drains in such a way that if a crawl space becomes flooded, the sump pump, or the other facilities under the house would remove that water in a very quick and timely fashion. Homes that were built before 1979 are not, do not generally have flood protection the same as they do after 1979. So, this home may not be adequately protected against foundation flooding, but I believe it is protected against flooding of the living area. A carport, as I indicated in one of my e-mails to you today, a carport basically is just a section of the driveway that happens to have a canopy over top of it to keep rain and snow off your automobiles.

Judy Mefford: Well, our carport is raised four inches, we put four inches of concrete on that carport to raise it a while back.

Bill Jeffers: But, the design, what I'm saying, basically as a design, a carport of this age, even with four inches of additional concrete put into it would probably still be at an elevation that might become flooded during unusually heavy rainfall events. Of course, your car has tires which raises it up off the pavement, so, I don't think any automobile has ever been, the interior of the automobile has ever been flooded. I do know that this is an inconvenience for anyone such as the Mefford's that have to deal with it, but the fact of the matter remains that at the time these homes were built there was not adequate protected grating required by code, and there may have to be some retrofitting of, engineered, you know, retrofitting engineering to be done around the home. The water, as Mr. Tornatta indicated, water running down the property lines on each side of the home is exactly what we would expect to happen, even today—

Commissioner Tornatta: Right.

Bill Jeffers: –in new homes. We're trying to move that water that can't go through the pipes, and that would be, along the property lines that would be a totally appropriate way to move water across the surface. What I'm afraid of is that if we take all of this water and take it down to that existing storm water pipe–

Commissioner Tornatta: Right.

Bill Jeffers: –the concrete pipe, that's in extremely poor condition. It's collapsed in many places. The Mefford's know this, they've seen it bubbling up out of the ground in the neighbors yards, if we were to move all of this water down to that disintegrated pipe, it would just put additional pressure on that pipe and cause future damage. I believe John Stoll and Chris Walsh have looked at some modifications to that pipe system that could possibly be made inexpensively that might help, but it's my estimation that if we went in and repaired that pipe system it would be at least a quarter million dollars to replace it. It's in horrible condition. I mean, it's 40 or 50 years old?

Judy Mefford: I don't know.

Commissioner Tornatta: Right.

Bill Jeffers: It was built when those homes were built.

Commissioner Tornatta: Right, and I think Chris has, Chris and John have been talking about a plan for some additional silt lifting out of the ditch, and then also with the approval of Vectren, about a foot and a half deeper ditch on their property.

John Stoll: The ditch that runs north south across the Vectren property at the outlet end of the pipe that drains this whole area is about, has about, has accumulated about a foot and a half of silt. That gradually tapers off until it gets down to the existing grade down at the Sonntag Stevens legal drain. So, we would need to have Chris' crews remove a foot and a half tapering down to nothing over the course of about 150 feet. The problem with that ditch is, even when Chris' crews are finished, the elevation of the bottom of the pipe where it outlets at that ditch is the same as the elevation where the ditch hits Sonntag Stevens. So, it's dead flat for all practical purposes. So, it will take more water by getting the obstructions out of the way, but you're not going to be able to force additional flow because there's no grade on it.

Judy Mefford: The other thing I'll tell you is that Tanglewood, we were out during this storm taking these pictures, and Tanglewood which is–

Bill Jeffers: Picture number two.

Judy Mefford: Tanglewood on the northwest corner had lots of water there. When I left to go to church the next morning at 7:45 it was completely all the way across the road at Bergdolt, You know where Tangle....not Tanglewood, I'm sorry, at Leah Drive when it comes out to Bergdolt. It was completely across the road. I wouldn't have wanted to go through it with my car.

Commissioner Tornatta: Okay, Chris do you have something?

Chris Walsh: I had talked to John earlier this afternoon, and they're still, digging the easement out is going to help. It's putting some back pressure on that whole system. I think that's going to help a little bit. But, we still have to get out and cut the

shoulders all the way down the north side of Bergdolt, which is holding a lot of water. That should let that water go back into the north side and not let it cross over as much onto her.

Commissioner Tornatta: Okay.

Chris Walsh: But, I'm in the part of the season where it's crunch time on my paving—

Commissioner Tornatta: Right.

Chris Walsh: —and it's a pretty large crew to send out. So, I'm still a few weeks away from being able to—

Commissioner Tornatta: What I guess we're saying is we're not done with you.

Judy Mefford: Okay.

Commissioner Tornatta: And, we're going to try and make it as good of a situation as we can. I just don't know when exactly that time that they're going to be able to get out there and make some of those other repairs.

Judy Mefford: Well, I came back—

Commissioner Tornatta: But, we're not stopping at September 4<sup>th</sup>. We want to make it as right as we can until we're dealing with the system as a whole.

Judy Mefford: Okay. Well, I came back because it was such a difference in where the water was.

Commissioner Tornatta: Right, and I kind of told you—

Judy Mefford: So—

Commissioner Tornatta: —that we might have that. Anytime we displace some of that water, I think we cleared, definitely cleared some arteries for that water to go down. We're still displacing a lot of water. I'm afraid at some point somebody's going to see more water on their property. So, we're going to try and do what we can to get that, get rid of as much water as possible, or get it into areas where it can be controlled, and hopefully it's going to take care of your problem.

Judy Mefford: Alright, right behind 2901, are you going to try to do something? In your report, which I have here, yeah, you were recommending rebuilding the flat grade behind 2901.

Chris Walsh: Yeah, that's off right-of-way, but I do recommend that that flat grade have some work done to it. It's in pretty bad shape. That would help some of the water in the back of the property. It's supposed to drain the back of those properties.

Commissioner Tornatta: Off right-of-way?

Chris Walsh: But, that's off right-of-way for us.

Judy Mefford: If it's on her property, I think you're going to get permission to do it, because she has told me that you can do anything you want.

Commissioner Tornatta: No.

Bill Jeffers: With our money.

Commissioner Tornatta: Yeah.

Judy Mefford: Huh?

Bill Jeffers: With our money.

Commissioner Tornatta: Yeah.

Judy Mefford: Well, yeah, I mean.

Commissioner Tornatta: Yeah, and some of that's going to be a, if it's on private property, they're going to have to hire that done.

Chris Walsh: Like Bill had pointed out that pipe's in such bad shape, maybe it's a candidate to be sliplined. It's bellied out. It's been taken apart. It had water lines through it. We opened up a few obstructions in it that were slowing down the flow of the water, but overall the pipe's condition is not good.

Commissioner Tornatta: Right. Okay, we're a work in progress. We appreciate you coming out.

Judy Mefford: Okay.

Commissioner Tornatta: Okay? Thank you. Alright, any other public comment? If not, motion to adjourn.

Commissioner Melcher: So moved.

(The meeting was adjourned at 6:29 p.m.)

**Those in Attendance:**

Troy Tornatta	Stephen Melcher	Bill Jeffers
Kathryn Schymik	Madelyn Grayson	Brenda Jeffers
Judy Mefford	John Stoll	Chris Walsh
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
SEPTEMBER 22, 2009**

The Vanderburgh County Drainage Board met in session this 22<sup>nd</sup> day of September, 2009 at 5:30 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

President Winnecke: Are we ready?

Bill Jeffers: Yes, sir.

President Winnecke: At this time we'll call to order the September 22<sup>nd</sup> meeting of the Vanderburgh County Drainage Board. Attendance roll call, please.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Winnecke?

President Winnecke: Here.

**Approval of September 15, 2009 Drainage Board Meeting Minutes**

President Winnecke: Okay, at this time I would entertain a motion to approve minutes from our previous meeting.

Commissioner Melcher: So moved.

President Winnecke: And a second. Questions or discussion? Hearing none, all those in favor say aye.

Commissioner Melcher: Aye.

President Winnecke: Aye. Opposed? The minutes are approved.

**(Motion approved 2-0)**

**Award Contract for Kolb Ditch/Audubon Lake Release: Vieira Brothers**

President Winnecke: Bill, what do you have for us tonight?

Bill Jeffers: Well, tonight I have the, a request to let the contract for Kolb Ditch/Audubon Lake release structure. We had two bids that we opened last week. One was from Vieira Brothers Excavating, \$17,860, that was the base bid, with rip rap, plus any rip rap used, \$35 per ton. The other bid was from Mark Naas, \$33,900 with no contingencies. So, after examining the amount of rip rap that we would need for this job, at \$35 per ton, we estimate we will not need more than 100 tons. So, you can see that the Vieira Brothers Excavating would still be the lower of the two bids. We examined the bids for all other technicalities, everything appeared to be the same. The recommendation from the Surveyor is to let the contract to Vieira Brothers Excavating for \$17,860 plus \$35 per ton for up to 100 ton of rip rap.

President Winnecke: Discussion? At this point I would entertain a motion to accept the County Surveyor's recommendation.

Commissioner Melcher: So moved.

President Winnecke: Second. A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

Commissioner Melcher: Aye.

President Winnecke: Aye. Opposed?

**(Motion approved 2-0)**

President Winnecke: Okay, thank you, Bill.

Bill Jeffers: Thank you.

<b>Creekside Meadows: Section Two: Revised Final Drainage Plan</b>
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Bill Jeffers: The other item of business is Creekside Meadows, Section Two, revised final plan. It was approved on the Surveyor's recommendation last week, but it came to my attention that the Area Plan Commission notice said that it would appear before you this week. So, to avoid any possible conflict, I bring it back to you tonight, simply to allow anybody who may have received a notice, there were two neighbors, if either of the two neighbors are here to make comment on that plan, we would make that available to them tonight. I don't believe I see anyone in the audience who came to make that comment. So, again, the recommendation is to approve Creekside Meadows, Section Two, the revised final plan, which essentially remains the same, they just increased the number of lots and moved some drainage easements around to match the new lot configuration.

Commissioner Melcher: So, we're going to vote on this again tonight?

Bill Jeffers: I would ask you to, please.

Commissioner Melcher: That way we get your signature this time.

President Winnecke: There you go.

Commissioner Melcher: Let the record show that I will be on both of them, last week and this week.

Bill Jeffers: Okay.

Commissioner Melcher: I'll make the motion that we approve it again.

President Winnecke: And I'll second. Questions or discussion? Hearing none, all in favor say aye.

Commissioner Melcher: Aye.

President Winnecke: Aye. Opposed? Okay, it is approved.

(Motion approved 2-0)

Bill Jeffers: I have no further business for the Drainage Board this evening.

<b>Public Comment</b>
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President Winnecke: Any other public comment before us?

Commissioner Melcher: I'll move for adjournment.

President Winnecke: So moved. Thank you.

Bill Jeffers: Thank you.

(The meeting was adjourned at 5:34 p.m.)

**Those in Attendance:**

Lloyd Winnecke  
Ted C. Ziemer, Jr.  
Members of Media

Stephen Melcher  
Madelyn Grayson

Bill Jeffers  
Others Unidentified

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
OCTOBER 13, 2009**

The Vanderburgh County Drainage Board met in session this 13<sup>th</sup> day of October, 2009 at 6:57 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

President Winnecke: We'll quickly convene the October 13<sup>th</sup> meeting of the Vanderburgh County Drainage Board. We'll begin with attendance roll call, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Winnecke?

President Winnecke: Yes. Here, I'm sorry. A lot of yes and no's tonight. Sorry about that.

Commissioner Melcher: Is that a vote?

**New North High School: U.S. 41-Peck Road north of Inglefield Road  
Preliminary Drainage Plan**

President Winnecke: Mr. Jeffers?

Bill Jeffers: Good evening, Commissioners. I would like to move forward with the new drainage plans for the Evansville-Vanderburgh County School Corporation new middle school and high school. On your screen you have the location, it's north of Old State Road, east of Highway 41, west of Peck Road, south of Baseline, inside the purple configuration. Here are the plans, they were submitted by Jim Farney, a professional engineer from Bernardin Lochmueller and Associates. I got a long e-mail from John Stoll who had reviewed them with regard to roads, streets, etcetera, also some drainage comments. I reviewed the, his notes as well, and there are a few concerns, so I'm bringing them to you as a preliminary plan. I have talked to Mr. Farney about the concerns, some of them have to do with the pipe material, some type of new, plastic pipe that John and I are not familiar with, but I want to assure you that the reason for using that particular style of pipe is because you get low impact development points for green building. So, we're going to take a closer look at that, and we may be back to you to ask you to waive the requirements, the specification requirements of the drainage code, because they were written in 1994, before this type of material was available. We will definitely get statements from the engineer and the manufacturer as to the appropriateness of the material, and get something from the School Corporation taking responsibility for the maintenance. Of course, it's on their private property, so they will be doing that. With that, I'll say that the drainage plans substantially comport with the requirements for a preliminary drainage plan, and the County Surveyor recommends approval.

President Winnecke: Other questions or discussion?



Commissioner Melcher: I'll move to approve.

Commissioner Tornatta: Second.

President Winnecke: A motion and a second. Questions or discussion at this time? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Okay, next item, Bill.

<p><b>CVS Pharmacy: Grant Hill South: Boonville-New Harmony @ U.S. 41 Final Drainage Plan &amp; Drainage Easement Encroachment Agreement</b></p>
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Bill Jeffers: Next item is the Vectren power line, no, wait, CVS Pharmacy, excuse me, at Grant Hill South. It will come up on your screen in a moment. That's at Boonville-New Harmony Road. I believe the address is something like 511 East Boonville-New Harmony Road. It's right at U.S. 41, nonetheless. This drainage plan includes an easement encroachment agreement, which Madelyn Grayson has on her desk, along with the necessary paperwork. I received confirmation from the County Attorney that it was all in order, along with the certificate of insurance, etcetera. I have reviewed the plans for CVS Pharmacy, Lot One, Grant Hill South. It's the lot with Grant Hill South written in it on your screen, coincidentally.

President Winnecke: It's been a long day, but not that long, Bill.

Bill Jeffers: The plans basically are a modification of what you've already approved for final drainage plan. They just have made some minor modifications to suit CVS. It was going to be Walgreen's, now it's going to be CVS. So, there's nothing real significant about the changes, and the County Surveyor recommends approval of those plans.

Commissioner Tornatta: So moved.

Bill Jeffers: Oh, Tom Keith is the engineer on that, and he's here in the audience.

President Winnecke: We have a motion, do we have a second?

Commissioner Melcher: Second.

President Winnecke: Questions or discussion relative to the CVS Pharmacy at Grant Hill South? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Okay, thank you, Bill.

Madelyn Grayson: Did that approve the drainage easement encroachment agreement also?

Bill Jeffers: I guess a separate motion to accept the drainage easement encroachment agreement.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Thank you.

Bill Jeffers: That came with a check to cover the recording, and that will be recorded tomorrow.

**Vectren Power Line Poles: Nurrenbern Ditch:  
Enterprise Park Drive/Oak Grove Road  
Preliminary Approval of Concept to Locate Poles in Easement**

Bill Jeffers: The last item I have is Vectren power line poles along Nurrenbern Ditch just on the east side of Enterprise Park Drive immediately north of Oak Hill, of Oak Grove Road, which is just east of I-164. This is one of their substations. They have expanded it since this picture was taken, they've expanded out to the north, up to their property line and out to the east towards I-164. They're going to put a new power line running all the way down from, I think, Division, or Lloyd Expressway, up alongside Nurrenbern Ditch. This is a high transmission line. They're going to bring power out of this substation across our ditch. In order to accommodate the best location for those power poles, I have a list here from Gary Thene, who is the professional engineer for the electric, he's Electric Transmission Engineer for Vectren, and he's asking that those poles be located approximately 15 feet from the top of the bank, up to 30 feet from the top of the bank. All of those are within our 30 foot right-of-entry, which we normally like to keep open, but the way he's going to situate those poles close to the bank he's also going to place rip rap alongside the installations to protect the embankment. The Hirsch Brothers Farms are graciously going to plant a grass strip underneath the power line so that our maintenance vehicles can come in and maintain that ditch along the grass strip without any interference from the power line, which is very high up in the air, or crops. So, it all seems to work out. It has not been, this is not a final plan. The reason I bring it to you tonight is that Vectren does not want to invest any engineering time or money into designing this line unless they have a commitment from us that we will allow them to locate, let me get it here, one, two, three, four, five, six poles within 15 to 30 feet of the top of the bank. Some of them may be slightly, a little bit closer to the top

of the bank, in that location from Oak Grove Road north to Morgan Avenue. We have done this before with billboards and power poles, and we have been able to work around it. The County Surveyor recommends that they be allowed to do that, and that you make some sort of a motion to that effect so that they will move forward with the engineering. Otherwise they won't. I think it's a good idea. Let's see, Mr. Don Fuchs is here in the audience representing the Hirsch's, and is Mr. Thene here tonight? It doesn't appear that he is, but he has sent all of the information to me that I needed to make the recommendation positive.

Commissioner Melcher: Okay, I make the motion with your approval to approve this.

Commissioner Tornatta: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Okay, thank you.

Bill Jeffers: I have no claims to bring to you, I have no further business to discuss with you. So, I guess, I'm done.

<b>Approval of the September 22, 2009 Drainage Board Meeting Minutes</b>
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President Winnecke: I neglected to ask for a motion to approve the minutes from our previous meeting.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

<b>Public Comment</b>
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President Winnecke: Okay, any public comment to come before the Drainage Board? Hearing none, I would move for adjournment.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: We are adjourned.

(The meeting was adjourned at 7:07 p.m.)

**Those in Attendance:**

Lloyd Winnecke

Bill Jeffers

Others Unidentified

Troy Tornatta

Kathryn Schymik

Members of Media

Stephen Melcher

Madelyn Grayson

**VANDEBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
OCTOBER 20, 2009**

The Vanderburgh County Drainage Board met in session this 20<sup>th</sup> day of October, 2009 at 6:12 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

President Winnecke: At this time I'll call to order the October 20<sup>th</sup> meeting of the Vanderburgh County Drainage Board. Attendance roll call, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Winnecke?

President Winnecke: Here.

**Approval of the October 13, 2009 Drainage Board Meeting Minutes**

President Winnecke: At this time I would entertain a motion to approve the minutes—

Commissioner Melcher: So moved.

Commissioner Tornatta: Second.

President Winnecke: —from the previous meeting. We have a motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Thank you.

**Update/Reminder of Potential Joint Vanderburgh-Warrick County  
Drainage Board Meeting: Pigeon Creek Logjam**

President Winnecke: Bill?

Bill Jeffers: This evening I have no drainage plans to bring before you. I did receive a fax today from the Warrick County Surveyor, his specifications for removing logjams in Pigeon Creek and a reminder that he's moving forward with his side of the county line project and would ask you to keep him and the County Commissioners in Warrick County in mind for a joint Drainage Board meeting to discuss the still existing huge logjam right on the county line.

Commissioner Tornatta: Bill, if you would...oh, I'm sorry, if you would be available to, would your office coordinate that meeting? Or, do we need to do that from the Commissioners office?

Bill Jeffers: Whichever you prefer. I'll be out of town Friday, Saturday, Sunday, Monday and Tuesday. Other than that, I would be available to help you coordinate that meeting. Also, Vince Summers from Commonwealth Engineers dropped by just to say hello one day, earlier in the week, and told me that there was some grant money or stimulus money or something becoming available for drainage projects such as logjam removal and said that he would speak with you and the Warrick County Commissioners, if you wished, about how to receive, apply for and receive that money.

Commissioner Tornatta: Okay.

President Winnecke: Yeah, I think if you could coordinate with him—

Bill Jeffers: Okay.

President Winnecke: —to schedule a meeting once there is something to do.

Bill Jeffers: Well, actually, we have plenty to do, it's when we get our funding.

President Winnecke: Right.

Bill Jeffers: You know, Warrick County has funding for this, because they collect five cents per hundred assessed valuation for county-wide ditches. We do it ditch by ditch, and Pigeon Creek is not one of our regulated drains. So, we're not in a position, we don't have any money for that creek.

President Winnecke: Right.

Bill Jeffers: Okay, so that's the problem that we have. Also, in our county, up to Green River Road, it's pretty much covered by the Corps of Engineers. Anyhow, just wanted to bring that up.

<b>Ditch Maintenance Claims</b>
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Bill Jeffers: I have a large folder full of claims for work that's been completed on regulated drains in Vanderburgh County by our various contractors. It's all in order, the required paperwork is attached with my signature, and I recommend approval of all those claims.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: There's a motion and a second on the claims. Any questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

(Motion approved 3-0)

Commissioner Tornatta: I think she'll stamp those.

Bill Jeffers: Usually, yes.

<b>Public Comment</b>
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Bill Jeffers: Then, I have no other business today, but there may be a public comment that I was notified of this afternoon.

President Winnecke: Okay, sir? If you would, if you would state your name and address for the record.

Fred Emory: Sure. Good evening, my name is Fred Emory, this is my wife, Melissa. We live at 4707 Peregrine Drive, Evansville, out in Falcon Ridge Estates. I guess, what my goal, what I wanted to do is report a concern. This actually goes back to where, I guess, it was officially reported back in April of this year. I have spoken with Commissioner Tornatta about it numerous times and also with Mr. Jeffers. In Falcon Ridge Estates, I guess, the issue that we're concerned about is that after a rainfall we have standing water in our backyard. Before I ever brought this up officially to Bill or to Troy, I've been to the developer numerous times, brought it to his attention as a concern. He's come over, looked it over, yeah, I don't see a problem here. We've done whatever we do. You'll have to pardon me, I'm not a drainage professional by any means, I just know that I have standing water in my backyard. So, I brought it to his attention several times, my desire, even now, is to try to work this out respectfully and civilly, I just want to get the matter resolved. I'm not exactly sure what to do to do that. I've brought it to his attention. When I couldn't get a suitable answer to my questions and concerns I brought it to Bill. Bill has been extremely helpful. He's been out to the property, I believe a couple of different times. He's assessed some things, given me some feedback. We documented some things. If you all would like a copy of this, we kind of summarized the activity of where we've been, dating back to April so that you all could see kind of the sequential—

President Winnecke: Sure, yes, please.

Fred Emory: If you would like a copy of this.

President Winnecke: Yes.

Fred Emory: There's quite a bit of information here. I'll give these to you and you can give them to who needs them.

Commissioner Tornatta: Sounds good.

Fred Emory: Basically, we're, we just wanted to bring this up as an official concern, report it to the county. We're looking for some assistance to get the concern validated, addressed, and properly resolved, because this is a situation that, it's not just affecting my wife and I's home, but also multiple lots in this subdivision. We believe, at least based on what I've understood and talking with Mr. Jeffers that there has been a potential violation of adhering to the drainage code that the county was expecting the developer to put forth in this subdivision.

Commissioner Tornatta: I've got a question.

Fred Emory: Did you have anything to add to that, Melissa?

Melissa Emory: No, just, I mean, the subdivision is not closed out, and Chuck Murphy is the developer, and he has taken it upon himself to start grading the backyard of three homes on our property. Our neighbors were not even notified, nor were we, and we came home and found the big pile of mud in our backyard. After completing that work to his, I guess, desired completion, we said, hey, you still haven't addressed certain areas of the yard where there is concern. There's still standing water under the neighbors fence dumping onto our yard. He made the decision that it would make the most sense to raise our patio six to eight inches and then fill in dirt. We did not give him approval to do that. He has subsequently come to our property and poured a patio while we were at work one day, and if he fills dirt in around this eight inch raised patio he will be in violation of the building code by putting dirt higher than the six inches required from the foundation to the ground. We don't know what to do.

Commissioner Tornatta: It seems to me like, at this point, Bill, do they need to file a complaint to get a hearing from the Drainage Board?

Bill Jeffers: Excuse me.

Fred Emory: No problem.

Bill Jeffers: I acknowledge everything Fred and Melissa have said, other than the recent improvements or actions on the part of Chuck Murphy. I'm not aware of those, I haven't viewed those. Everything else they said I acknowledge that that has happened. It is Murphy Homes that's the developer, they're asking for assistance to resolve the issue. I think you should probably direct the County Surveyor to come back on November 3<sup>rd</sup> with a full report of what's existing out there right now, what's reflected in the existing conditions, set a hearing at that time and require Chuck Murphy to appear. I'll notify him by registered, certified mail rather. Ideally with the plan, including a grading plan, if he, if, what I had originally thought would be the best thing to do would be to grade out a swale from, through their, through the Emory's backyard and their two neighbors backyard, we've discussed this, and then out through Mr. Murphy's empty lot into the street. Because there is no way to accomplish the original grading plan that was part of the original drainage plan that you approved. After the homes were built there's just no way to get in there and accomplish that original grading plan. So, we have to have an alternative grading plan. That's what I hope he'll bring with him November 3<sup>rd</sup>. That's what I'll ask for in that letter. There exists approximately \$33,000 in the letter of credit remaining for drainage. So, that would be like the carrot, and then the stick would be we'll take the \$33,000 and do it ourselves, or you can have it released to you when it's completed. I don't think it will take anywhere near \$33,000 to resolve this issue. So, I think that would be the carrot.

Commissioner Tornatta: But, that would, when you say do it themselves, that would have to be hired out individually by the—

Bill Jeffers: Either by the contractor, by the developer or by a contractor that the developer hired to complete the work.

Commissioner Tornatta: Right. Okay.



Bill Jeffers: But, first we need to see a plan.

Commissioner Tornatta: Okay.

Bill Jeffers: So, that you can approve a modified plan to take the place of the one that he did not finish.

Commissioner Tornatta: Then, I make a motion for you to proceed and get that done.

Bill Jeffers: Okay.

Commissioner Melcher: I'll second.

President Winnecke: We have a motion and a second to direct the County Surveyor to notify Mr. Murphy that, of a public hearing on November 3<sup>rd</sup> before the Vanderburgh County Drainage Board to address issues relating to drainage in the Falcon Ridge Estates. Do you have any other comments or questions before we—

Melissa Emory: Just thank you.

President Winnecke: Okay.

Melissa Emory: This has been like nine months of annoyance and having people on our property that we have not given express permission to, and we've been frustrated. So, thank you.

Fred Emory: The only other thing that I would add—

President Winnecke: Would you step up to the microphone, please?

Fred Emory: Sure, I'm sorry. The only thing I would add, that just as a concern is, and it's documented in here, but, and, Bill, correct me if I'm wrong but there already had been a request of Mr. Murphy to submit the formal plan to address this, several weeks back, and that for whatever reason was never acknowledged. So, instead of submitting, you know, it was left with Mr. Murphy please have your engineer submit your plan to address this back to our office so that we can review it and get it approved and move forward. That was not done, nor acknowledged, at least to my knowledge. Then that's when he said, well, we're going to be over and we're going to pour the patio, and, you know, fill in low spots. I told him, you know, I'm concerned, this doesn't sound like, you know, again, I'm not a drainage expert by any means, but this doesn't sound like the way to proceed here. He said, well, this, his comment was simply, well, I think this will take care of the problem.

President Winnecke: Mr. Jeffers will be an outstanding advocate on behalf of the county. So, I'm sure this letter will put him on notice, and we'll get him here on the 3<sup>rd</sup> to address that.

Fred Emory: Very good. Thank you so much.

President Winnecke: All in favor of the motion say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Okay. Thank you.

Melissa Emory: Thank you.

Fred Emory: Have a nice evening.

Bill Jeffers: Thanks for coming by.

Fred Emory: Thank you. Appreciate it.

President Winnecke: Any other public comment? Any other comments from the Board?

Commissioner Tornatta: Motion to adjourn.

Commissioner Melcher: Second.

President Winnecke: We are adjourned.

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

**Those in Attendance:**

Lloyd Winnecke

Bill Jeffers

Fred Emory

Members of Media

Troy Tornatta

Ted C. Ziemer, Jr.

Melissa Emory

Stephen Melcher

Madelyn Grayson

Others Unidentified

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
NOVEMBER 3, 2009**

The Vanderburgh County Drainage Board met in session this 3<sup>rd</sup> day of November, 2009 at 7:01 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

President Winnecke: Okay, at this time we'll call to order the November 3<sup>rd</sup> Vanderburgh County Drainage Board meeting. Attendance roll call, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Winnecke?

President Winnecke: Here.

**Approval of the October 20, 2009 Drainage Board Meeting Minutes**

President Winnecke: Okay, yes, at this time I would entertain a motion to approve the minutes from—

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? All in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Thank you.

**EVSC: New North High School Campus: Final Plan**

Bill Jeffers: Good evening. The first drainage plan that I have to bring before you is the Evansville-Vanderburgh School Corporation, the new North High School campus. It's a final drainage plan. Basically it remains the same as the preliminary plan, which was a complete plan, but, excuse me, I had asked for a letter from EVSC explaining the need for them to use a particular pipe material that wasn't covered by our 1994 drainage code. Because the drainage code has not been updated since 1994, there are new materials that are not covered by the code, but have been proven to work sufficiently in the application that was in the plan. In addition to that,

EVSC is pursuing low impact development certification for the project, a green development in other words, and they get points for using these recycled plastic materials for some of the piping that's not in high load areas, it's not under pavement, it's not in the roadways, it's out in the lawns. So, you have on your desk a letter from Patrick Tuley, Chief Facilities Officer, and go all the way to the bottom line, the EVSC will hold the county, its agents and boards harmless for any loss or damage occurring related to the use and installation of the material not covered by the drainage ordinance. Otherwise, the plans are in full compliance with the drainage code, and all of this material is on their property, not in any public right-of-way. So, the recommendation is to put this in the permanent file. This is a copy, I'll get an original signed by Mr. Tuley to go into the Auditor's file, and the recommendation is to give approval to the final plan.

Commissioner Tornatta: On the recommendation of the Surveyor, I move approval.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Okay.

<b>Dawn Ridge: Modified Final Drainage Plan</b>
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Bill Jeffers: The second drainage plan is Dawn Ridge. It's a simple modification of the area inside the red circle, along Hogue Road just east of Perry Heights School at Boehne Camp Road. That area experienced a minor problem that sent some water the wrong direction into Corpus Christi campus and into an adjoining home, across their driveway. The developer has come up with a scheme and a piping system that will take that water down the hill into the wooded area and spread it out more evenly so that it flows through the natural surface watercourses behind the school ground and down through the creek area, where you see the word Dawn Ridge, that's a natural creek, it will carry that water down through that area in a more orderly fashion, without any unnecessary discombobulation to where it's going right now. So, the recommendation is to approve that simple modification, that includes what we call a level spreader, and approve the modified final drainage plan for Dawn Ridge.

Commissioner Tornatta: On the recommendation of the Surveyor, I approve.

Commissioner Melcher: Second.

President Winnecke: There's a motion and a second. Questions or discussion? Public comment? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Okay.

**Public Hearing: Melissa and Fred Emory  
Falcon Ridge Subdivision**

Bill Jeffers: Notices were sent out to interested parties regarding the Melissa and Fred Emory drainage issue that came before your Board at the last meeting. One of those notices went to Chuck Murphy, the developer of Falcon Ridge, and a green card came back that he received it. I see him here in the audience here tonight. I believe Melissa and Fred Emory are also here. Briefly, there was a problem with standing water in their, chronic standing water in their backyard this spring. I was notified in April of the problem. It occurred frequently over the summer because we had such a wet summer, basically standing water was not able to drain off through the assigned drainage system into the pond. The problem was caused because the grading plan that was followed, or the grading plan that was implemented did not follow the original drainage plan, which admittedly was a bit conceptual with regard to the backyards along the south of the subdivision, but the design engineer and the County Surveyor agreed that the plan did indicate a pattern of sheet flow from the backyards, between the homes and out to the front yards, which is standard procedure for the type of terrain that we're dealing with, and the county drainage code specifically provides grading instructions and drawings from Housing and Urban Development that have been incorporated into our code and clearly show how to grade a yard in each situation that might exist in the field, including this one. The developer did not follow that particular plan, and so when I viewed the situation I suggested an alternate plan whereby the water would be gathered up and some minor regrading would happen to convey this water due east along the, I would say three or four backyards, until it arrived at Green River Road and was put into an existing drainage system at Green River Road. Briefly, the builder, the developer, Chuck Murphy, did accomplish the basic grading for this scheme, and the last time I went out there a week or so ago, one day after a fairly substantial rainfall, I only noticed one or two minor puddles in the backyard. We have to take into consideration that after any kind of regrading where you're bringing in loose soil and applying it to already compacted soil and moving it all around and trying to regrade it, there will be some settling, and occasionally a little ponding area might pop up, a little pothole here and there. What I saw the day I was out there could be easily remedied with a shovel and a rake and a couple of wheelbarrows full of soil, some grass seed, maybe two or three hours work. That might be, that might happen again next spring after some settlement. There may be a puddle or two in the backyard, but, basically, the yard does now drain dry, or it appeared to have drained dry after the last substantial rainfall that I viewed. So, I suggest at this time, to bring it all to a conclusion, that, let me see what I do suggest, I sent it to you in an e-mail. I'm trying to skip through some of this. I'm saying that the yard now drains sufficiently, and that the developer, Chuck Murphy, who is here this evening to respond, owes us a modified drainage plan, with essentially a grading plan, plus some affidavits from the homeowners through who's yards this grading occurred, this regrading occurred, and those affidavits should state that the various owners know of and agree to maintain, the need to maintain the grading plan, unobstructed forever, or until another plan is brought forward and approved. Then I would put those affidavits into the permanent record with the new drainage plan, the modified drainage plan,

and I would ask that those affidavits be recorded in miscellaneous records so chains of title would pick those up in the future. Essentially, what Mr. Murphy has created, I would call a manmade natural surface watercourse. I don't think it needs an easement at this time. That's just too complicated, but it's a watercourse that cannot be obstructed by gardens, filling, whatever in the future, and that if it is obstructed we'll have to go through the obstruction process to have that obstruction removed. I think if everyone is sufficiently notified by signing an affidavit, that this will work. However, there may be some other issues, and I'll turn the podium over to Mr. Winnecke's direction, whether it be the homeowners first or the developer.

President Winnecke: Let's hear from the Emory's first, if it's okay, and then we'll get to Mr. Murphy.

Melissa Emory: Do you mind if I bring you pictures?

President Winnecke: No, absolutely.

Commissioner Melcher: Thank you.

President Winnecke: Thank you.

Melissa Emory: The pictures that I just handed you I took this past week. On the second page there's two pictures, one occurred during a pretty substantial rainfall. If you notice in the back there's a large puddle, and that's actually a ditch that belongs to the property behind us. So, you can see that it was overflowing and it was a very substantial rainfall. The problem that we have is that two days after the rainfall you'll notice there is still puddling back where this swale, or natural drainage path supposedly exists. That water sits there, it's still sitting there today. I don't believe that there's a sufficient manner for that to drain. It's just too flat. The scale of the yard is not sufficient to drain that to Green River Road. Additionally, on the front page you'll notice there is a picture in the top, right corner, that picture is this natural drainage path that supposedly goes to the Green River Road ditch. As you'll notice there is a significant amount of earth between the end of that water and the ditch that exists at Green River Road. Consequently that water is not going to leave the property. That property there, that lot actually belongs to Mr. Murphy at this time, but if you'll, you know, just think about where the water is going, if it stops at the end of the property and cannot escape to the ditch, it's going to remain on my property. The ground will settle, I understand that, as they put new dirt in, but it's already settled to the point that it's puddling in the back of our yard. I would also like to point out that Mr. Murphy has made these modifications to our property without a plan, without signed permission to be on our property making the modifications. He's not, obviously, provided a finalized drainage plan to the county, let alone to us, and his means of making changes that would make the rest of our yard dry was by raising our patio eight inches, without our permission, while we were at work and unable to say anything. He even came back another day and filled in dirt to the top of that patio and within one inch of the bottom of the siding, which violates building code. I made this concern to Mr. Jeffers and let him know that that was obviously not something that we were fond of, because the building code is there to protect our home, and we now feel that it's not protected. He felt, according to his e-mail that that was not within his jurisdiction, that the building code generally is addressed through the Building Commission within the first ten feet of the home. However, because I feel that this was modified in an attempt to take care of a drainage issue, and the assumption that the building code was in place when you're modifying within the first ten feet of the home, you can't assume that the building code (tape change) and not

have a plan? It's not being inspected, and it's being modified, so the assumption that the drainage doesn't need to take into consideration that building code seems to be a little bit flawed to me. So, those are our concerns right now. Yes, it is better, but it's not corrected, and now we have the issue that our home is out of building code because Mr. Murphy chose to make modifications without permission and without a finalized approved plan from the county.

President Winnecke: Mr. Emory, would you like to add anything?

Fred Emory: No, that pretty much sums it up.

President Winnecke: Okay. Does anyone have any questions of the Emory's? Mr. Murphy, would you like to come forward? State your name for the record, please.

Charles Murphy: Charles Murphy.

President Winnecke: I guess, first of all if you would—

Commissioner Tornatta: Did you want to—

Melissa Emory: (Inaudible. Not at mic.)

Commissioner Tornatta: Okay, she's got one if you want to—

President Winnecke: I think, first of all I think it would be instructive for this Board for you to respond to the Emory's presentation tonight, to begin with.

Charles Murphy: Okay, I became aware of having a problem with drainage on Mr. and Mrs. Emory's property after they purchased it from another person that had bought the house three years ago, I believe. I wasn't aware of any other drainage problems at that time until after the Emory's purchased it. I since have tried to address their issue. As Mr. Jeffers stated, and I have met with the neighbors and they're all in agreement to not only sign an affidavit, but also to grant an actual easement through the backs of their properties. The one area, let's see, where the water is standing at present, that is my lot, which is the first lot in the subdivision, I didn't dig on down to get it to drain because I was waiting for my engineer to come up with a final plan, and I wanted to make sure that the backs of the yards were draining before we proceeded with something that would have to be redone. So, if there are still some issues with the main drainage of which the Drainage Board is concerned with, you know, I'll get Bill, or my engineer back out and take care of those issues. Now, I understand they have some issues with some work that we did around the house to try to get the water away from their residence, and I've talked with Mr. Miller, the Building Commissioner, and he said he would be more than happy to come out and meet with the Emory's and myself and address those issues. So, that's where it stands at present. It is a work in progress.

President Winnecke: You know, go ahead.

Commissioner Tornatta: I don't like to stand in front of the works in progress, but I know there's some frustration on this side of the room, and, I mean, there's no doubt, I mean, I feel that you, it's your intent to address their problems. I think they just want to know when that's going to happen and in a timely manner. I can see both sides here, but what is good for the Emory's, timing wise, to get this done,

working with this developer to make sure they're getting done, if this is a work in progress?

Melissa Emory: We don't currently have any time line set. The concern we've had is Chuck has not followed through on his communications. He has not, clearly he's done work in our yard without us even knowing it was going to occur. So, it's not so much that we don't trust that it's going to happen, we don't know how it's going to happen, we don't know that it's going to happen in compliance with building code, which being a builder of the entire subdivision and also this Dawn Ridge Subdivision—

Commissioner Tornatta: Right.

Melissa Emory: —he should know the building code. We feel, and I don't know that this is accurate, but we feel that the thought is, well, let's just raise this patio, get the water out of the yard, they won't know any different, we'll move on. If it's dry, it fixes the squeaky wheel, and we can move on. The reality is though, you should be aware that there's a six inch requirement for the foundation of our home. One inch of rain, an inch of snow, it's going to soak up under the siding and I'm going to have a mold issue. I'm going to have rotting boards. I'm going to have a much larger problem than simply fixing the yard. So, our concern right now is the time line is less of an issue than getting it done right. You know, I don't care how long it takes if we do it right. We've been working on this since prior to April, trying to get a resolution, trying to work in a friendly manner just to make it work. We're not the only home on the street, including the three, there's other homes up the street that have a similar issue, they're just not addressing it, they're not willing to keep pushing the issue. We simply need it fixed. So, the time line's really not a concern as long as it's done right.

Commissioner Tornatta: Okay.

President Winnecke: Mr. Murphy, just out of curiosity, I mean, why would you go on their property and raise their patio without even notifying them?

Charles Murphy: I believe they were notified.

President Winnecke: By what manner?

Charles Murphy: Pardon?

President Winnecke: By what manner? How were they notified?

Charles Murphy: I called and talked to Mr. Emory to explain to him what I was going to do, that I needed to raise the patio to get enough dirt up against the house to get the proper drainage to the back of the main swale. I'm in, I don't have it with me, but I do have an e-mail where Mr. Emory contacted Mr. Jeffers and even stated that I had called him and was going to raise the patio and add additional dirt to address the issues that they had. That's exactly what I did.

President Winnecke: Then what about the issue of being out of building code?

Charles Murphy: There are some areas where the dirt's a little high. I'm willing to address that, and as I stated just a little bit ago, Mr. Miller said that he would be happy to go out there, look at it, evaluate it, and indeed see if it is out of... I had



explained to him how we raised the patio and he said it's like about 600 other houses in the county that they've approved the last few years.

President Winnecke: What are the possible remediations on this issue?

Charles Murphy: The possible remediation?

President Winnecke: On the patio.

Charles Murphy: Well, on the patio, like I said, Mr. Miller comes out and states that it is in compliance, then a lot of it depends on what Mr. Miller has to say, since it's a building issue, or appears to be more of a building issue now rather than a drainage issue.

President Winnecke: Mr. Jeffers, may I ask you a question? Just to clarify what I thought you said earlier that, in your opinion, Mr. Murphy owes this Board a modified grading plan with affidavits from the neighbors? Is that accurate?

Bill Jeffers: Yes, that's accurate. I would say that I was reading through my e-mail that I sent you, basically, the summary of the events, I was reading through it rather quickly because of the lateness of the hour, and one of the paragraphs that I skipped over does say that the developer has finished the regrading through all the properties except through his own lot, and that's the picture that Mrs. Emory shows you on the front page with water standing between the pine trees. He has not completed the grading all the way out to Green River Road, that is true. The fact that that's not smoothly finished. The way I understand it is, from his engineer, is Mr. Murphy only wishes to pay once for one job, you know, the engineer comes out, that's \$150 an hour, for all the time that he spends in the field and redesigning and we only want to do it once. So, yes, Mr. Murphy owes the county Drainage Board and the County Surveyor a modified final drainage plan, which essentially would consist of a grading plan showing either what he intends to do, and then I will tell you whether it comports with the drainage code, or what he has already done, and in that case it would be an as built and I would tell you whether it comports with the drainage code.

President Winnecke: Okay.

Bill Jeffers: With regard to the—

President Winnecke: Before you move on, what would be a timely manner in which for us to receive that report?

Bill Jeffers: November 24<sup>th</sup>, is that a date coming up for you.

President Winnecke: We meet the 17<sup>th</sup>.

Bill Jeffers: The 17<sup>th</sup> would probably be a little soon.

Commissioner Tornatta: Probably December, our first meeting in December, 30 days.

President Winnecke: We do what?

Madelyn Grayson: We do meet on the 24<sup>th</sup>.

President Winnecke: We do meet on the 24<sup>th</sup>.

Bill Jeffers: If you wish 30 days, what's the first meeting in December?

President Winnecke: December 8<sup>th</sup>.

Bill Jeffers: That would be reasonable. We're already past the point where what has been seeded and mulched is going to sprout and grow this year. So, what we call that is dormant seeding. I would ask that he, you know, look at the NRCS recommendations for dormant seeding and accomplish that, because we're past the point of growing grass this winter. So, anything he puts down, just like on Mrs. Phillips, whatever he puts down now will turn green next spring.

Commissioner Tornatta: I'm fine with sticking to the recommendation of the Surveyor at this point, and continuing on with the services that Mr. Murphy is providing, coming back December 8<sup>th</sup> for a plan, grading plan, and, hopefully tying this all up in a neat little bow.

Bill Jeffers: Would you like to add to your motion that you direct the Surveyor to consult with the Building Commissioner and incorporate that into the report?

Commissioner Tornatta: And I will amend my motion to accept that.

Commissioner Melcher: Second.

Bill Jeffers: Okay, so I can bring that to you.

President Winnecke: Right.

Commissioner Tornatta: That's the recommendation?

Bill Jeffers: Right, and along with the affidavits.

Commissioner Tornatta: That's in the recommendation.

Bill Jeffers: And, the fact that he says that an easement would be agreeable to the persons signing the affidavit is just a plus, that would be great.

Commissioner Tornatta: And, I would submit your recommendation to the record.

Bill Jeffers: Okay, thank you.

Commissioner Tornatta: I make that in the form of a motion.

President Winnecke: Mr, okay, a motion and a second. Questions or discussion?

Commissioner Melcher: Yeah, I just wanted to make sure I got this straight, because that's why I was raising my hand. We're going to get with the Building Commissioner and them to see if it's violated or not—

Charles Murphy: Yes.

Commissioner Melcher: —you're going to fix it if it is violated?

Charles Murphy: Make any corrections.

Commissioner Melcher: That's going to be part of this drainage plan?

Commissioner Tornatta: No, no.

Commissioner Melcher: No?

Commissioner Tornatta: That's a building plan.

Commissioner Melcher: Yeah, but will that change the drainage though?

Commissioner Tornatta: That, he'll have to have a drainage—

Commissioner Melcher: Is that making sense?

Charles Murphy: The area around the house?

Bill Jeffers: I will examine the drainage code as thoroughly as I possibly can and see that if there is anything in the drainage code regarding vertical separation between the earth and the lowest siding, crawl space vents, etcetera, I think this is a slab though, isn't it? A slab house? It's crawl space? I'll look at that. Generally speaking, as I said in the e-mail, all of that I've relied for 15-20 years on the Building Commissioner to monitor the first ten feet away from the building.

Commissioner Melcher: And I agree with that.

Bill Jeffers: However, I will examine your responsibility pertaining to the drainage code and include that in my report.

Commissioner Melcher: Yeah, I just didn't want us to agree on something and then there's still another issue.

Bill Jeffers: Could be another issue, but it would go before the Commissioners.

Commissioner Melcher: Right, it wouldn't be, right, I agree.

Ted C. Ziemer, Jr.: I guess, so that we legally conclude this matter, I think maybe what Commissioner Melcher is saying if we have to lower the patio in order to have adequate separation in the opinion of the Building Commissioner, is that lowering of the patio going to change the required drainage plan?

Bill Jeffers: It could.

Ted C. Ziemer, Jr.: If so, that ought to all be accomplished by—

Commissioner Tornatta: Well, he'll have to have a drainage plan that works with compliance of the Building Commissioner. So, I mean, it wouldn't be a good drainage plan if it didn't comport with the Building Commissioner. So, I mean—

Bill Jeffers: In this instance.

Commissioner Tornatta: Yeah.

Commissioner Melcher: You said it better than I did.

Commissioner Tornatta: So, we need a second.

Commissioner Melcher: I seconded it.

President Winnecke: We have a motion, oh, you did. Okay, we have a motion and a second. Other discussion? Mr. and Mrs. Emory, would you have any other comment?

Melissa Emory: I just wanted to agree, Chuck did notify us that he was going to modify the patio, but he did not have our approval to do it because we told him that was not a good plan based on the building code. So, I mean, I'm agreeing we did have that conversation, but—

Commissioner Tornatta: Okay.

President Winnecke: Thanks for the clarification.

Commissioner Tornatta: Thank you.

President Winnecke: Everyone clear?

Commissioner Tornatta: Yeah.

President Winnecke: Mr. Murphy, are you clear?

Charles Murphy: At the moment, yes.

President Winnecke: Okay, we have a motion and a second on the floor. Roll call vote, please. Or, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed.

**(Motion approved 3-0)**

President Winnecke: Okay, thank you. Thank you for staying with us tonight.

<b>Contract with Vieira Brothers: Kolb Ditch/Audubon Lake Estates Project</b>
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Commissioner Tornatta: Anything to approve?

Madelyn Grayson: Yeah, yeah.

Bill Jeffers: Oh!

Commissioner Tornatta: Come on now. Now, you're going to come to the office and try and catch us.

Bill Jeffers: Well, your attorney, Mr. Ziemer—

Commissioner Tornatta: Two minutes, Bill.

Bill Jeffers: –informed me that everything was in order with regard to the Vieira certificate of insurance attached to the typical, normal contract, and the recommendation is to sign the contract. They will begin work tomorrow.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: A motion and second. Questions or discussion? All in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

<b>Public Comment</b>
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Commissioner Tornatta: Public comment?

President Winnecke: Any public comment before the Drainage Board? Hearing none.

Commissioner Melcher: Move to adjourn.

Commissioner Tornatta: Second.

President Winnecke: We are adjourned.

(The meeting was adjourned at 7:30 p.m.)

**Those in Attendance:**

Lloyd Winnecke  
Bill Fluty  
Bill Jeffers  
Charles Murphy

Troy Tornatta  
Ted C. Ziemer, Jr.  
Melissa Emory  
Others Unidentified

Stephen Melcher  
Madelyn Grayson  
Fred Emory  
Members of Media

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
NOVEMBER 17, 2009**

The Vanderburgh County Drainage Board met in session this 17<sup>th</sup> day of November, 2009 at 6:10 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

<b>Call to Order</b>
----------------------

President Winnecke: Okay, at this time we'll call to order the meeting of the Vanderburgh County Drainage Board.

Commissioner Tornatta: Motion to approve—

President Winnecke: Attendance roll call, please.

Commissioner Tornatta: Oh, sorry. I got ahead, sorry.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Winnecke?

President Winnecke: Here.

<b>Approval of the November 3, 2009 Drainage Board Meeting Minutes</b>
--

President Winnecke: I would entertain a motion to approve the minutes from the previous meeting.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Thank you.

Commissioner Tornatta: Come on up, Old Man River.

**Discussion of Pigeon Creek Logjams**

President Winnecke: Good evening, Mr. Jeffers.

Bill Jeffers: Good evening. This evening we have with us from Warrick County, Commissioner Tim Mosbey and a contractor who does a lot of work for Warrick County, Mr. Henry Bigge. To refresh your memory on the issue, this is the county line running north and south right here. Everything on the right hand, east side of that line is Warrick County, everything on the left hand side, the west side of the line, is Vanderburgh, up to this point, and then the county line turns west and runs this way. So, in other words, here you have Pigeon Creek snaking its way back and forth across the county line. It looks like a dollar sign right there, that big "S" right here, with the county line splitting it, just like a dollar sign. What we really need to do, which would cost way more money than we have today, is start right here at the county line and run due west and cut a channel right through there and eliminate these "S" curves that just snake there way all back and forth. That would be the best solution, but until we can get permits from DNR and Corps of Engineers, etcetera and the money to do that, hopefully, through maybe some stimulus funding, what we have right now is a problem, at this point, right on the county line, a very large logjam of accumulated debris from the ice storms we've had and the flooding, the incessant rain storms over the year have brought all this debris out of the woods, down to this point and one large sycamore tree fell across at that point and that was the snag that caught this huge logjam. So, we have a substantial logjam, right on the county line. We've talked about that before, it's backing water up all the way up Pigeon Creek, according to Mr. Bigge and other phone calls I've gotten from residents of Warrick County. The creek is now bank full at all times all the way back to Stevenson Station Road, and it's causing flooding of agricultural fields and residential yards along in the area. Mr. Bigge was doing a job all the way up in Chandler, and the ditches that drain into Pigeon Creek have backed up to the point that he would periodically have to shut down for a week or two to let the water go down, all the way back up in Chandler to do the ditch work. What I understand now, and I'll let him explain it, he has given Warrick County a bid to remove a logjam up near Stevenson Station Road, and he's given a bid to remove the logjam that's right on the county line, but the logjam on the county line has to be removed to let the water out of the creek sufficiently that he can do both jobs. He has to start down here. So, I'll let him, Mr. Bigge, and Mr. Mosbey, Commissioner Mosbey, finish their description.

Tim Mosbey: The only thing that I want to add, he keeps saying that it's on the county line. According to the maps, Mr. Bigge will verify, it's like a couple hundred feet in Vanderburgh County this logjam. That's the reason that we're here tonight, because we spent oodles and gobs of money already cleaning the creek out, Mr. Bigge did most of the work. This logjam is the main problem and it is in Vanderburgh, because he, I think I called you whether to accept the bid, our joint Vanderburgh-Warrick Drainage Board. At our regular Warrick County Drainage Board meeting we accepted his bid, opened it, and it was the same, \$6,200, I think? \$6,200 for your logjam, plus for the one we're addressing. So, that's all I have to add. I'm just here to beg and plead and hope you agree.

Commissioner Tornatta: That would be Commissioner Mosbey.

Tim Mosbey: Yes, I'm sorry, Tim Mosbey.

Commissioner Tornatta: With an "e".



Tim Mosbey: With an "e".

Henry Bigge: Yeah, I'm Henry Bigge.

Commissioner Tornatta: With an "e", right?

Henry Bigge: The logjam, see the narrow spot of the field?

Commissioner Tornatta: Henry Bigge.

Henry Bigge: Well, that's about where it's at right in that narrow spot.

Commissioner Tornatta: Okay.

Henry Bigge: It was level full. Now, recent rains have....go just a little bit to the west. Right in that area is where that logjam is. It's totally in Vanderburgh County.

Commissioner Tornatta: Hey, Bill?

Henry Bigge: The other one is upstream. Now, this one we just looked at it the other day. We was ready to move in, with the dry spell, now we've got all this rain and it don't take an inch of rain and everything's, like Tim said, up there at Stevenson Station Road the creek's out of the banks again. When you get on the down side of yours, the water is down into the creek. Yours is backing up probably four or five foot of water, maybe more than that from the top down to the water that's going out. The other one upstream, it's gotten bigger, so it's catching everything before it gets down to yours. Yours actually a little bit of it left. They, Warrick County went ahead and bid both of them out, and four contractors went down there, one contractor said that he ain't going to mess with it at all, then another one didn't show up for the bid, and then Mr. Elliott was the only other contractor to bid on it. He bid \$60,000 for the two logjams, I bid \$12,400. So, there's quite a bit of difference. I've done 15 miles of Pigeon, from , I guess it was the county line all the way up to 68? What is that highway up there? 68, fifteen miles of it. I've done that once before back in 1995, we went through there, it was the first time we went through there and cleared a path all the way down through there. So, it wasn't real bad going back through it this time. Yours has never been cleared. I think you've got six miles that goes all the way through. They was talking about going all the way to Lynch Road, I don't think that's ever been cleared before. I looked at some of it. Now, we went downstream the other day after we looked at this, and there's debris all the way down through there, at different stages. There's trees all the way across the creek, and trees laying down in the creek, and all of that needs to come out. It's just, you take one out and then next time you get a rain, why you're going to get another one.

President Winnecke: So, the issue really becomes, for us, how do we pay for that? I mean, we have Infrastructure money.

Commissioner Tornatta: Well, that's what I was going to ask.

President Winnecke: The Commissioners do. We could pay for that easily.

Commissioner Tornatta: Hey, Bill? Did you have an idea of where these funds would come from?

Bill Jeffers: Excuse me, sir. Okay, the situation we're in is the state allows two ways to pay for regulated drains, you can do them drain by drain, each drain has its own account. That's the way we do it. Pigeon Creek is not one of our drains in Vanderburgh County. Or you could have five cents on a hundred valuation of property across the entire county, that goes into a general drainage fund, and then the county is allowed to work on any drain that has been worked on in the past. Basically, you could declare any drain that had been worked on since 1818, I guess, or 1816. I think it's 1818 for our county. You could work on any of those drains and declare them a regulated drain, as long as they met the criteria. So, Warrick County has the money, because Pigeon Creek is a regulated drain in their county. Vanderburgh County, we don't. So, I had suggested a few months ago that we find \$5,000 and put it up as our half of the project, and Warrick County be asked to put up \$5,000, because I thought we were addressing this one....well, here we are again, this one logjam right on the county line. So, I thought we could share that, because, you know, I know we haven't cleared our creek because it's not a regulated drain, but if you look at our side of the creek, above this drain the embankment is a cleared field. If you look at Warrick County's side I think that's where a lot of the debris came from. So, I thought maybe we would look at it as a shared project. I don't want to get into a big argument with my friends from Warrick County, but I would still like to share that project. If their half turns out to be \$6,200 and our half turns out to be \$6,200, I think that's fair. Next week, I went ahead and put this on the agenda this week because they're pretty much wanting to present it as an emergency. I agree with them, but I wanted to put it on the agenda this week to give you the background, so that it would be fresh in your memory next week, seven days from today, I have a consulting engineer coming in to speak with you who thinks they have a source of funding through the new stimulus money, up to a million dollars, and, for logjam clearing and that type of work. If that could play out, we're in fat city, because then we could continue on down the creek all the way to Lynch Road, which is the city limits.

President Winnecke: Since, if I understand you correctly, since Pigeon Creek in Vanderburgh County is not a regulated drain—

Bill Jeffers: Correct.

President Winnecke: —would the Commissioners have the ability to spend funds at its disposal?

Bill Jeffers: I believe we could check that with the Corps of Engineers and the Department of Natural Resources and, because they, and with the State Board of Accounts. I believe the answer would be yes. I mean, its an infrastructure improvement. It is a navigable waterway in your jurisdiction.

President Winnecke: That's how I think we ought to proceed in terms of trying to fund the \$6,200. We know we have plenty of money in that line item.

Commissioner Tornatta: Yeah. I mean, I would say that we would use the Infrastructure account, with the caveat that if there were other funds coming out that we would replenish those, replenish that account.

President Winnecke: I guess, the other question I would have, just sort of, I'm sorry that Ted left, but from a legal standpoint, do we have to bid the Vanderburgh County project?

Bill Jeffers: I guess, what I had thought, and Ted could read the minutes of this meeting—

Commissioner Tornatta: This is a service. This is a service, we do not have to bid it. It's under, yeah, I mean—

Bill Jeffers: You have a joint Drainage Board, you have a joint Drainage Board with Warrick County, and I would think, and they've always been the lead agency on Pigeon Creek, the things we've done before on this years ago, they were always the lead agency they took the bids and administered the bids.

Commissioner Tornatta: As long as we have three bids, we can take their bids and move on with that project. It's under \$75,000.

President Winnecke: Except they haven't submitted them to us yet. I mean, to this body.

Bill Jeffers: Well, you could have, couldn't you have a joint meeting?

Commissioner Tornatta: Well, actually we could take—

President Winnecke: Yeah.

Commissioner Tornatta: —your bids that you have. We have to go out and get three quotes.

President Winnecke: Right.

Commissioner Tornatta: So, we'll have three quotes.

Bill Jeffers: Okay.

Commissioner Tornatta: Three qualifying quotes.

Tim Mosbey: You won't find three people that are willing to do it.

Commissioner Tornatta: Right, well, we're going to use the quotes that are there. I'm just....legally that's what we follow.

Bill Jeffers: Whatever the legal department determines is the correct way to do it, but I would also recommend at this time that you declare it an emergency, because that's what it really is. Then, once you declare that an emergency exists in Pigeon Creek at the county line due to this logjam, I believe you also have some more bidding leeway, as long as it doesn't exceed, I think it's \$75,000 or \$100,000.

Commissioner Tornatta: I mean, I'm comfortable with the, working off of the Surveyor's language of emergency that we need to go ahead and put the money out, take the money out of Infrastructure to fix this problem at a cost of not to exceed \$6,200 and get the problem fixed. I would make that in the form of a motion.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. The motion is to declare the logjam in Pigeon Creek along the, inside the Vanderburgh County line an emergency, and

therefore spend not to exceed \$6,200 in expenses from our Infrastructure account to repair it. A motion and a second. Questions or further discussion?

Bill Jeffers: The only other thing I would say is that I consider it an emergency because it is flooding real estate, farm ground that needs to be worked in preparation for next spring, and it poses a hazard to roadways in both counties, public roadways and dwellings.

President Winnecke: All in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Okay.

Bill Jeffers: Well, thank you for your attention to that.

Commissioner Tornatta: We would need an invoice when the job is done, and then we would be able to cut a check.

Tim Mosbey: Does this mean that he can go ahead and do the job?

Commissioner Tornatta: Yeah, we've approved it. I'm saying that he can go with it, and then once he's done submit an invoice not to exceed \$6,200.

Tim Mosbey: Submit it to whom?

Commissioner Tornatta: The County Commissioners office here, or Bill.

Tim Mosbey: I would appreciate, as a Warrick County Commissioner, if next week you check into that up to a million dollars to clean the six miles.

Commissioner Tornatta: Yeah, we'll let you pay us back on that deal.

Henry Bigge: I would be glad to do it for that.

President Winnecke: I bet we would get a lot of qualifying bidders there.

Commissioner Tornatta: Thank you all.

Henry Bigge: Are you aware of what—

Commissioner Tornatta: You've got to come up here. Kind of the rule.

President Winnecke: We're on television here.

Henry Bigge: Are you aware of what the cost was for the 15 miles that I cleaned out?

Commissioner Tornatta: I heard it, but it's almost—

Henry Bigge: It was \$136,000, so that comes to about \$9,000 a mile.

Commissioner Tornatta: Yeah.

Henry Bigge: But, see, I cleared that once before, so I know the cost is going up and there's a lot more stuff in the creek, but that's a general idea anyway.

Commissioner Tornatta: Well, we appreciate that. I talked to Tim last year when we were going through the process and nothing but good things to say about you. So, thank you for keeping everything as low as possible.

Henry Bigge: Okay.

Commissioner Tornatta: Okay?

Henry Bigge: Alrighty.

Commissioner Tornatta: Alright, job well done.

Henry Bigge: It was a lot better than the other guy that bid \$30,000 on each one of them. So, that's—

Commissioner Tornatta: Yeah, we do appreciate that.

Henry Bigge: Thank you.

Commissioner Tornatta: Thank you.

Bill Jeffers: Henry Bigge's done work for us before. He cleared Eagle Slough at one time. We had never cleared it and he cleared it with the same type of equipment, grinder drums and stuff, and he did a wonderful job. So, I mean, I'm familiar with his work from the past.

<b>Approval of Ditch Maintenance Claims</b>
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Bill Jeffers: The only other thing I have this evening is a folder full of blue claims for work that's been completed on ditches. It includes a partial payment on Kolb Ditch at Audubon Lake. I had some additional, well, we went ahead and put some rip rap around that pipe because Vectren had gone ahead and moved the utility boxes, so there are some amounts in here that reflect some additional clearing and some additional rip rap, but they're well within the budget and the County Surveyor recommends approval of all the claims.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: A motion and a second to approve the claims as presented. Any questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

Bill Jeffers: Very good.

**Other Business**

President Winnecke: Other business to come before us, Bill?

Bill Jeffers: No, sir.

**Public Comment**

President Winnecke: Any public comment to come before the Drainage Board?

Bill Jeffers: Well, yeah, I do. I was very proud of you guys the way that the security thing went down. I thought that was very well thought out. I know it wasn't an easy decision, and I know there was a lot of things said, both in the meetings and outside the meetings in the newspaper and so forth that made that a hard decision for everyone involved, and I thought you all stood up to it and handled it in a very appropriate and timely fashion.

President Winnecke: Thank you.

Commissioner Tornatta: Thank you.

President Winnecke: Any other public comment? Hearing none, I would move for adjournment.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: We are adjourned.

(The meeting was adjourned at 6:30 p.m.)

**Those in Attendance:**

Lloyd Winnecke

Bill Jeffers

Henry Bigge

Troy Tornatta

Madelyn Grayson

Others Unidentified

Stephen Melcher

Tim Mosbey

Members of Media

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
NOVEMBER 24, 2009**

The Vanderburgh County Drainage Board met in session this 24<sup>th</sup> day of November, 2009 at 5:50 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

President Winnecke: Okay, at this time we will call to order the Vanderburgh County Drainage Board. We'll begin with attendance roll call, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Here.

Madelyn Grayson: President Winnecke?

President Winnecke: Here.

**Approval of the November 17, 2009 Drainage Board Meeting Minutes**

Bill Jeffers: Good afternoon. Bill Jeffers, Vanderburgh County Surveyor. I did not bring an agenda because I only have the one discussion item, but if minutes are ready for approval you may do that, I suppose.

Commissioner Tornatta: So moved.

President Winnecke: A motion and a second. Questions or discussion regarding minutes? All in favor say aye. Aye.

Commissioner Tornatta: Aye.

President Winnecke: Opposed?

**(Motion approved 2-0)**

President Winnecke: Okay, thank you.

**Discussion of Potential Disaster Recovery Funds: Logjam Removal**

Bill Jeffers: I don't have any drainage plans or claims or anything like that, regular business, but I had indicated to you last week, when you were taking care of an emergency logjam situation on Pigeon Creek that we would be back tonight with a discussion of funding. You've already handled the funding for that one severe, large logjam that represents an emergency. However, from the Warrick County line down to Lynch Road is all county jurisdiction, several miles and there are several other smaller logjams and accumulations of debris, and since Pigeon Creek is not a regulated drain in Vanderburgh County, as it is in Warrick County. We have no drainage funds set aside or assessed for Pigeon Creek, per se. From Lynch Road then down to the mouth of Pigeon Creek, that's in the city, same situation, they don't have any specific funding mechanism or account set aside for removal of logjams or improvements of the waterway. So, what I've done is I've invited Commonwealth Engineering, it's an engineering consulting company that enjoys a statewide great



reputation. They've worked in Warrick County, worked for Warrick County, they've worked for Newburgh, they've worked for the City of Evansville, I believe under a previous administration. So, they've never worked for the Vanderburgh County Drainage Board that I know of. So, it would give you an independent view. I don't have any working relationship with them. I don't have any political relationship with them. So, it would be like a fresh perspective. A completely unbiased perspective for you to view these projects from. Tonight David Hines, who is, has lived here in Vanderburgh County for 20 years, and has been the office manager for Commonwealth at their local office here in Evansville for ten years is in the audience, and with him, most of all I wanted to come tonight is Theresa Chris Hartwig, Hartwig, excuse me, who for seven years worked for the Indiana 15<sup>th</sup> Regional Planning District. Ms. Hartwig is very hip on funding opportunities for this type of thing. There appears to be an opportunity for some stimulus money, and there will be training sessions coming up in the next couple of months to obtain those. I would like, before I introduce here I would like to point out that this isn't just, I'm not just thinking of Pigeon Creek. The County Commissioners, I believe, in 2002 through 2004 had a study done on Carpentier Creek, that's another creek that runs through the county and through the city jurisdiction, and another creek that has severe, several severe restrictions, including logjams, debris accumulations, and, again, there's no funding available within the county for that creek either. Although you have a study sitting there that recommends many hundreds of thousands of dollars of work that truly needs to be done. Also, Eagle Slough, there is a six and a half mile regulated drain, which we do have funds that are assessed on an annual basis, it drains the whole southeast side of Evansville, plus the agricultural land lying over there in Knight Township south of the levee, but we never have adequate funds. We would never have adequate funds without raising the assessment to an astronomical amount per acre for the agricultural land to take care of beaver dams and logjams there. So, this just, you know, I would like for Ms. Hartwig to come up and give you an overview of what might be available to us.

President Winnecke: Great.

Bill Jeffers: Thank you.

President Winnecke: Thanks.

Theresa Hartwig: Thanks, Bill. I don't think I've ever been introduced as hip. The funds that Bill was talking about is there is funding available for debris removal through the Indiana Office of Community and Rural Affairs. I have passed out a public notice of those funds. You'll see from the first page it's funds that have come down through the U.S. Department of Housing and Urban Development or HUD funds. If you'll turn to page eight you'll see the counties that are eligible for this funding. The funding was made available for all counties who were affected by the Presidentially declared disasters that happened in 2008. You'll see that Vanderburgh County is one of those counties that is eligible for the funding. The things that we do know about these funds, if you'll turn to page 13, that talks specifically about the waterway debris removal. These grants will be made as first come, first serve. The applications will be due on February 1<sup>st</sup>, and there is \$15 million available statewide for these improvements. In talking with the Indiana Office of Community and Rural Affairs today it is going to be very competitive. So, it is important to know that it is first come, first serve. There are a number of things that we don't know yet about the funds, there is a training being held on January 13<sup>th</sup> in Indianapolis, we'll be attending that and we'll bring that information to you. If you look on page 14, it says that grants will be made at the discretion of OCRA, so we don't know if it's going to

be a 100 percent grant at this time. In looking at the past rounds of this disaster recovery money, when they said at the discretion, it's been anywhere from a 100 percent grant down to a 60 percent grant. So, I would expect to be somewhere in that range. Like I said earlier, it is HUD funds, so it's community development block grant funds. If you look through the entire packet, it has all of the different areas that they are planning on funding, of course, just going through the debris removal because I know that's what you are interested in. But, because these are HUD dollars, most HUD dollars, the beneficiaries of the project have to have 51 percent low to moderate income, and all of the other categories they are requiring that the beneficiaries be that. In this category and in this category alone, they are saying that they will use the LMI requirement whenever possible. So, it leaves it vague at this point. In talking with OCRA, they haven't made up their mind on how they're going to use that, maybe possibly in the scoring. I looked at your census data, and according to the census Vanderburgh County is about 26 percent low to moderate income. It may be that they just use that in scoring your application. Like I said, there will be a training on January 13<sup>th</sup>. I would be more than happy to bring back that information to you. Do you guys have any questions about the grant funding itself?

Commissioner Tornatta: No, it's clear as mud is the way I look at it. I know that we've had those, I think when it all started, maybe last year—

Theresa Hartwig: Uh-huh, 2008.

Commissioner Tornatta: —when they were coming up trying to figure, it was all kind of up in the air. Have you found that they have actually kind of solidified some of their thoughts? I mean, you kind of sound like it's still a moving scale.

Theresa Hartwig: Yes, what happened was the federal government first appropriated approximately \$90 million, and we've already dispensed most of those funds. Those funds were used for water and waste water projects, downtown redevelopment projects, and they were all based on that low to moderate income percentage. You couldn't apply unless you were a low income community. But, since then they have added another \$253 million, and added new categories like dam and levee improvements, and debris removal. So, they haven't given some of the specific details on this second round of funding.

President Winnecke: I guess I'm a little confused about the first come, first serve, and the 1/13 training. I mean, would it behoove us to present an application before that 1/13 training?

Theresa Hartwig: Okay, the reason I said first come, first serve, if you look at the other categories, a lot of the other categories have a specific date. So, for instance, if you were doing a waste water project, your application would be due say June 13<sup>th</sup> and then everybody submitted at that time and they took the highest scoring applications. With this debris removal, they're going to say, or they've said February 1<sup>st</sup> we will start accepting applications—

President Winnecke: Okay.

Theresa Hartwig: —and then they will fund them until the money runs out.

President Winnecke: Okay.

Theresa Hartwig: Does that answer your question?

President Winnecke: It does.

Theresa Hartwig: Okay.

President Winnecke: Thank you.

Theresa Hartwig: Any other questions?

Commissioner Tornatta: Thank you.

Theresa Hartwig: Alright.

President Winnecke: Looks good.

Theresa Hartwig: Did you have anything else?

Bill Jeffers: Commissioner Tornatta used the term clear as mud, and that's exactly what it was to me the first go round. I was very excited about it last year. I thought, man, here's a real opportunity, and it turned out to be just absolutely as clear as mud. However, when I listened to Ms. Hartwig talk about it, it becomes, she has a very concise way of giving you the information and I feel much more encouraged.

Commissioner Tornatta: I felt encouraged from the get go because I thought that we in Vanderburgh County had a lot of projects that were that shelf ready—

Bill Jeffers: Right.

Commissioner Tornatta: —or shovel ready, and they're back to shelf ready, because it seemed like there was always some criteria that would knock you out of the process. I think we've got, Debbie Bennett-Stearsman has been working with the, our economic based group down here and trying to give us as much, many pointers as she can as well. It just seemed like we're either, we're not a day late, because we have all of the projects ready, it just seems like we have some criteria that will throw us out. So, hopefully, we'll be able to utilize this. We will be ready if we need to be, obviously.

Bill Jeffers: I just wanted to do this tonight so that if you feel, as a Board, that there's an opportunity there, that we can jump on that opportunity, possibly explore that with Commonwealth, because what happened to me last time is I was all ready to go, and then I was told well you have to prove that you're 51 percent low and moderate income. I said, well, let's go, you know, go over here to Area Plan Commission and pull the census data out. Oh no, that's not the way it's done. So, you know, I mean, I was right up against the deadline there and they said oh it takes 30 to 60 days, and nobody in the State of Indiana is going to make that 30 to 60 days process of mailing out these questionnaires and this that and the other. So, I wanted to be a little bit more ahead of it this time.

Commissioner Tornatta: That's why you're a great Surveyor, and bringing not only the thought to the table, but the money as well. So, I appreciate that.

Bill Jeffers: Okay. Well, thank you for listening and I just hope that maybe individually you can pursue a conversation with Ms. Hartwig and see where it might lead.

President Winnecke: Great.

Bill Jeffers: Thank you.

President Winnecke: Bill, any other business to bring before the Drainage Board?

Bill Jeffers: No, sir.

President Winnecke: Okay.

Commissioner Tornatta: Motion to adjourn.

President Winnecke: So moved.

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

**Those in Attendance:**

Lloyd Winnecke

David Miller

Others Unidentified

Troy Tornatta

Madelyn Grayson

Members of Media

Bill Jeffers

Theresa Hartwig

**VANDEBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
DRAINAGE BOARD  
DECEMBER 8, 2009**

The Vanderburgh County Drainage Board met in session this 8<sup>th</sup> day of December, 2009 at 5:54 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

President Winnecke: Okay, let's call to order the December 8<sup>th</sup> meeting of the Vanderburgh County Drainage Board. Attendance roll call, please.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Winnecke?

President Winnecke: Here.

**Approval of the November 24, 2009 Drainage Board Meeting Minutes**

President Winnecke: Okay, at this time I would entertain a motion to approve the minutes from our previous meeting.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: There is a motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed.

**(Motion approved 3-0)**

President Winnecke: Okay. Mr. Jeffers?

**Continued Hearing: Melissa & Fred Emory: Falcon Ridge**

Bill Jeffers: Good evening, Commissioner Winnecke and other Commissioners and staff. Basically, the only thing that I have on the agenda tonight is the continued hearing of Melissa and Fred Emory's drainage, excuse me, drainage issue in their backyard. At our last meeting on this hearing, in November, you asked me to come back with a final report, including a brief report from the Building Commissioner regarding the foundation, relationship of the soil elevation to the foundation. I've put all of that in an e-mail to you yesterday I believe it was.

Commissioner Melcher: Yes.

Bill Jeffers: The Building Commissioner, Ben Miller, is here this evening in case there is any additional questions on it. He has confirmed that there needs to be some minor modifications made at certain places around the foundation, and he has notified the builder, Mr. Charles Murphy, of those required modifications. I believe they are working towards that. However, that's not really a drainage issue, that's a termite control issue. If it should involve the regrading of the protective grade or the slope away from the foundation, the fall of six inches in the first ten feet, that's also a Building Commissioner issue and that will be monitored by the Building Commissioner. So, dropping back just to the drainage issue in the backyard, the bottom line for me, as I said in the e-mail, is that the yard has been sufficiently regraded to accomplish a nearly complete positive drainage from the yard, through a swale and to the east through two more residential yards to an undeveloped lot owned by Chuck Murphy where the swale terminates at this time and needs to be finished graded out to the Green River Road drainage facilities. At this time there is some water pooling in that swale on Mr. Murphy's property, because it doesn't have the finished grading all the way out to Green River Road. That needs to be finished. It's my understanding it will be as weather permits. Number two, recording a drainage easement through the backyards of those properties, or a document that can be used in the chain of title that notifies subsequent property owners of all those properties of the requirement to maintain that common swale, which now is a mutual drain, maintain it unobstructed forever so that the water can pass from these yards out to Green River Road. Number three, providing the County Surveyor and the County Engineer with an as-built topographic drawing of the backyards involved in this issue. It's my understanding, after I conveyed these three issues to Mr. Murphy's engineer, Keith Poff, that he was awaiting direction to finish that work and turn it in to us. Of course, Mr. Murphy has to order that work, because it is Mr. Murphy that pays for it. I believe Mr. Murphy is here as well. So, basically, what I'm saying is that I believe there's been sufficient yard grading accomplished, to accomplish or facilitate the positive drainage of water away from the home, out to the swale in the backyard, and then from there down to Green River Road as soon as the swale is finished just through Mr. Murphy's undeveloped lot, which is adjacent to Green River Road. Pictures you might see tonight will show you that there is still some rather slow movement of the water through the swale, but we must understand, I believe, that the grades are very flat and the soil has been moved around, you know, exposing the harder sub-grade, what you might call horizon B, which is not real mellow soil, it's more hard pan. So, water doesn't absorb down into that exposed soil quite as readily as it will after that yard has been seeded, which I believe it has, after the grass begins to grow and it sends roots down into the hard pan and the roots break all that up, and then the little creatures do their magic, you know, they bore little holes down through there, the worms and whatever insects live in the sod. All that over a period of two, three, four years will mellow that soil out, and as the years progress it will get a much better absorption capability, and I believe you won't see these puddles sitting on that hard pan soil like they always do right after the development of a home and right after the yard's been landscaped. This has been my experience at my own house, newly built house in 2002. It took me at least three years to get my yard anywhere near satisfactory. I still have puddles in the backyard after the kinds of weather we've had this year. About all I have to say, the other principal people that may want to say something are here tonight, and I'll turn the podium (tape flip). Bottom line, I'll summarize is, I'm waiting for the swale to be finished through Chuck Murphy's undeveloped lot, although that is not holding water on the lot in question. The recording of drainage easement or documents into the chain of title that will notify subsequent property owners that they

must maintain this mutual drain, unobstructed, and an as-built topographic drawing of the project turned into the County Surveyor and the County Engineer to be kept in our records.

President Winnecke: Mr. and Mrs. Emory, would you like to add anything?

Melissa Emory: We're just discussing right now, if Bill's statement is correct, there is still water in this new swale at the back of our property. It takes three, four, five days for the standing water to be gone, but I'm no expert in drainage, so maybe three years from now when our yard is re-seeded for the fifth time it might absorb. I have no idea. So, if this is standard, I have no argument against that. I guess, my question is, in three years if it's not where it's supposed to be, what recourse do I have at that point to say well my yard never really was fixed appropriately? So, I'm kind of at a stalemate. I don't know what to say to that. The rest of the yard is draining much, much better. We talked with Mr. Miller and he came out to the home and has assured us that Mr. Murphy is going to work on the code violation, and will need to remove the dirt another four inches away from our home, the depth of four inches from the foundation. So, I don't know how that will affect the drainage to the rest of the yard because he put it in to alleviate the drainage issues. So, I'm kind of, until somebody does something else to the yard I really don't know what else to say. I'm just kind of stuck.

President Winnecke: Okay. Mr. Murphy?

Charles Murphy: Charles Murphy. Good to see you this evening. I just received the, late this morning, the documents from my engineer for the easements to take to the individual owners and have them look at them and get them signed. I've been in contact with Mr. Jeffers and also Mr. Miller in regards to the situation that exists at present. I would like to meet with the Emory's some time later and discuss the on-going issues that we have at present that needs to be addressed. I think it's something that we can definitely get taken care of for you.

President Winnecke: So, what is your proposed time line in terms of making, repairing, making the code violation, not a code violation anymore?

Charles Murphy: To really take care of the situation as it needs to be, we're in a bad time of year to try to start moving a lot of dirt and getting grass planted. Although, I think I can probably get the dirt removed and possibly put maybe sod back in. I'll have to check on that with my landscaper. But I'm going to try to do what I can to take care of their situation, plus the one lot that I still have that needs to be addressed that's part of the easement.

President Winnecke: So, okay, so, you still have to finish the grading and provide the topographical map to the....when do you anticipate having this all complete?

Charles Murphy: Depending on how quick I can get the first lot taken care of that's in the easement, I would think within the month. The engineer should be able to do it, prepare the as-built drawing that Bill (Inaudible).

President Winnecke: Okay, any other questions of anyone? At this point, I guess, we're looking for, Bill, are you recommending that we continue the hearing until further progress is made and get an update sometime after the first of the year?

Bill Jeffers: Considering the weather, that might be a good idea, I think. I don't think at this time of year you really have any construction days between now and , you know, to speak of between now and March. You can do work—

President Winnecke: Right.

Bill Jeffers: —but not really anticipate any true construction days, definitely no seeding. You know, I wouldn't recommend going in there on top of what's already been seeded and doing any work at this time, especially if there's any grass showing germination at this time. I wouldn't go in there and cause a worse situation. Any piece of equipment you take in there right now is going to cause horrible ruts and holes and stuff. In other words, I'm saying right now it's draining.

Commissioner Tornatta: Right.

Bill Jeffers: Where it appears not to be draining, are either minor depressions that have subsided a little bit since the grading took place. That's natural, or water that's just sitting in that swale because it's so flat and the earth is, the soil is so poor, and this is not because of anything anyone has done, it's simply the nature of that soil at that location, and it's very common throughout that entire creek valley that this would happen. Especially when you're dealing on such a flat flood plain as this. It's just something that has to be dealt with. If it were me, I would not want to do it until that soil is either frozen solid, in the middle of the winter, or sufficiently dried out that immediately upon finishing you could go back in there and double seed it, straw mulch it, and fertilize it and get something going in the spring.

Commissioner Tornatta: Okay.

Bill Jeffers: I wouldn't even re-visit it until, you know—

President Winnecke: March?

Bill Jeffers: —yeah, at least March.

Commissioner Tornatta: Okay.

Bill Jeffers: For a report.

Commissioner Tornatta: I will make a motion to continue the hearing, but using the recommendations of the County Surveyor and the developers insight to have this project done and handled for March 31<sup>st</sup>.

Commissioner Melcher: I'll second it.

President Winnecke: A motion and a second. Are there questions or discussion?

Bill Jeffers: Just that that was my idea. I believe Mr. Murphy was being far more optimistic than I am. You know, whatever, you know, I'm saying I think that's a good idea to wait that long.

President Winnecke: Right.

Bill Jeffers: For a final report.



President Winnecke: Right. Okay, roll call, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Okay, this issue is continued before this body until the end of March, and hope that you can make progress as quickly as possible for the Emory's sake.

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

President Winnecke: At this time I would entertain a motion to approve claims for ditch maintenance.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Okay. Any other business, Bill?

Bill Jeffers: No, sir, unless there's public comment.

### **Public Comment**

President Winnecke: Any public comment to come before the Drainage Board? Yes, sir?

Wayne Fehd: I'm Wayne Fehd. I live at 13040 Green River Road. There's a ditch along the north side of Kansas Road, going east of Green River Road, and I've got a field tile out letting into that ditch. I think the ditch is called the Henry Ditch. There's about a foot of dirt over the top of the tile. It's got the end of it plugged up there. I dug the end of it open, located it and drove a piece of plastic pipe in and marked it field tile. What we need to do is get that ditch dipped out going east toward I-164 there along the north side of Kansas Road. The crops are out of the field right now, so it would be nice to dip that ditch out and put the dirt out in the farmers fields along there. That would be good for the county, they wouldn't have to haul it off, and you could use the Kansas Road pavement now to work on it too while it's a little too wet for something else.

Commissioner Tornatta: I would say that if you'll get with Bill and give him that information he can convey that to Chris Walsh and put in a work order.

Wayne Fehd: Okay.

Commissioner Tornatta: Then he can get to that as soon as he has a crew available.

Wayne Fehd: Yeah, okay.

Commissioner Tornatta: If that's okay with you, Bill?

Bill Jeffers: That's fine.

Commissioner Tornatta: Okay, thank you, Wayne.

Bill Jeffers: I need to talk to Chris about a Christmas party anyway.

Commissioner Tornatta: Okay.

President Winnecke: Thank you, Mr. Fehd. Any other public comment before the Drainage Board?

Commissioner Tornatta: Motion to adjourn.

Commissioner Melcher: Second.

President Winnecke: We are adjourned.

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

**Those in Attendance:**

Lloyd Winnecke

Bill Jeffers

Melissa Emory

Others Unidentified

Troy Tornatta

Ted C. Ziemer, Jr.

Charles Murphy

Members of Media

Stephen Melcher

Madelyn Grayson

Wayne Fehd

**Vanderburgh COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY  
DRAINAGE BOARD  
DECEMBER 15, 2009**

The Vanderburgh County Drainage Board met in session this 15<sup>th</sup> day of December, 2009 at 5:52 p.m. in room 301 of the Civic Center Complex with President Lloyd Winnecke presiding.

**Call to Order**

President Winnecke: Okay, let's call to order the December 15, 2009 Vanderburgh County Drainage Board. Attendance roll call.

Madelyn Grayson: Commissioner Tornatta?

Commissioner Tornatta: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Winnecke?

President Winnecke: Here.

**Approval of the December 8, 2009 Drainage Board Meeting Minutes**

President Winnecke: At this time I would consider a motion to approve the minutes from our previous meeting.

Commissioner Melcher: So moved.

Commissioner Tornatta: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Okay, the minutes are approved.

**Revised Drainage Plan: Lots 7 & 8: Arrowood Subdivision &  
Drainage Easement Encroachment Agreement**

President Winnecke: Good evening, Mr. Jeffers.

Bill Jeffers: Good evening. Our first item is the revised drainage plan for lot seven and lot eight, Arrowood Subdivision. You may have seen an e-mail, a series of e-mails shot back and forth between my office, Ted's office and the design engineer and John Stoll. This afternoon the design engineer, Justin Shofstall, who's here in the audience if you, along with the developer, Randall Johnston, has brought me a

set of plans that do address all of the items that were of concern. In addition, I believe there is an encroachment agreement that was prepared in accordance with direction from your County Engineer, excuse me, County Attorney, and I believe Madelyn Grayson has that in front of her ready to be signed by everyone who needs to sign it. If the County Attorney agrees with the wording of that encroachment agreement, the County Surveyor has reviewed the plan and recommends approval.

Ted C. Ziemer, Jr.: I agree.

Commissioner Tornatta: On the recommendation of the Surveyor, I will approve.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Are there questions or is there discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Okay, the plan is approved. Thank you.

Bill Jeffers: And, I thank the people who came here to attend tonight for coming, because they need to sign that document and everything. It wasn't a last minute rush item, it had been discussed over a period of time. It just happened to all come together here at about 2:00.

President Winnecke: Great. Thank you.

<p><b>Report on Wayne Fehd's Request to Restore Ditch Grade: Kansas Road @ Henry Ditch</b></p>
--

Bill Jeffers: Okay, my next item on the agenda is the request last week from Wayne Fehd to restore a ditch grade on Kansas Road at Henry Ditch. On your screen you will see, in a red circle, is the area where the field tile comes out of this acreage that's outlined in green. The field tile then discharges into Henry Ditch, where it comes out....you can see it crossing the field here, and then it turns south along the property line and discharges into Kansas Road side ditch. But, then Henry Ditch, which is a regulated drain that we are in control of, then flows eastward along the north edge of Kansas Road until it gets to Bluegrass Creek. So, it falls under the jurisdiction of the Drainage Board rather than the Highway Department, and in particular some of the work that has to be done lies outside the right-of-way for Kansas Road. I met out there with the County Highway Superintendent yesterday, and we agreed that the work needs to be done by a contractor for the Drainage Board rather than by the County Highway Department simply because much of the work to clear the tile needs to be done off right-of-way. In addition, I am proposing to clear out Henry Ditch for a couple of, maybe 200 feet west, or, excuse me, east of this point to remove some sediment. That's what's caused the blockage is a build-up of sediment, some of which may have come from a development of this subdivision over here over the past three or four years, a minor build-up. Some of which may have come from the farm field itself, which I believe needs to be tended

in a more conservation sensitive manner, with more intensive conservation tillage, particularly within this yellow rectangle that has been put on the map, or the overhead projector here. I would like to see a grass waterway down through here to keep sediment in the future from coming out of this farm field and collecting at that point and then causing us to have to repeat this repair. So, I'm going to contact the owner of the property who appears to be David and Sally Jorgensen, and ask Mr. Fehd to work with me to encourage them to enter into a conservation program for a grassy waterway along their property line here. I will seek, with your permission, I will seek three quotes from our regular vendors, and because we're not meeting December 29<sup>th</sup>, and we won't see you again until, I believe, January 5<sup>th</sup> or so, I would like to move ahead with this. I don't believe it will be more than \$1,500 to \$2,000. I don't consider it a dire (tape flip), because the farm isn't currently in tillage, or in cultivation, but I would like to get it done in a timely fashion so that when it does come time to turn that ground, the repairs have been made and the farmer can proceed with his crop. So, if I could have your permission to seek those bids and let them to the lowest bidder, with a limit of, let's say, \$2,000, I believe I can get that done.

President Winnecke: Okay.

Commissioner Tornatta: Motion to approve.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Okay, you may proceed.

Bill Jeffers: Okay, thank you.

<b>Alleged Obstruction in Rexing Creek (Rusher Creek) @ Rail Line</b>
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Bill Jeffers: Our next item is an alleged obstruction of Rexing Creek, which is also known as Rusher Creek, at a number of rail line crossings in Scott Township. This was brought to our attention by some farmers in the area who maintain our drains in Pond Flat. The President of Big Creek Drainage Association, Eldon Maasberg, is in the audience in case there are any questions. Essentially, what has happened is the rail line, this is the one that passes under your newly opened overpass at Baseline Road, the same rail line, it goes over a series of our regulated drains, Pond Flat Main, Pond Flat Lateral E, and Rusher Creek, or Rexing Creek, and at each of those locations they have applied new ballast rock. During the application it spilled through the ties, or overside of the embankment and has lodged in the waterway opening for three separate bridges, all of which carry our regulated drains under the rail line. These, each one of these openings is undersized currently and experiences backed up water. So, even though it may appear that the amount of rock that has spilled, in some cases may appear slight, any obstruction whatsoever in one of those

waterway openings can become critical in the spring. So, what I would like to do is, with your permission, notify the railway company that they have created an obstruction, in my opinion, that it should be removed in ten days. If it's not we will hire a contractor to remove it and send them the bill. That's essentially the best I can do.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or further discussion? Hearing none, all in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Okay, you may proceed.

Bill Jeffers: Okay, thank you.

<b>Information from Citizen Regarding Flooding of Car Wash at Pearl Drive</b>
---

Bill Jeffers: Tonight, or this afternoon we have with us Mr. Heath Rupp, the owner of Royal Car Wash, which is located on Pearl Drive in the Eagle Plaza Shopping Center, between Red Bank Road and Boehne Camp Road. He has had some flooding problems through his car wash caused by excessive run off from large parking lot areas uphill from him. He retained Morley and Associates, who's represented here tonight by James. Q. Morley, Sr., who put together a report detailing the cause and possible remedy for the flooding that Mr. Rupp is experiencing at his car wash. I'll turn the microphone over to them for their presentation. The lot, you can't see the car wash because these pictures were taken before the car wash was built. This lot has a bank in it now, but, essentially, this is Home Depot's parking lot, and this service road carries a lot of water down, the water goes out into Pearl Drive and then this is the bottom of the hill, you start going back uphill in front of Hacienda. So, the water, any water that spills out and is not captured by inlet then turns through the bank property and through the car wash property, which is cross hatched, and runs through, actually runs through the car wash bays and out into this lake. So, here's your pointer and you all can go to it.

Heath Rupp: Hi, guys. Thank you for your time.

President Winnecke: Could you state your name for the record, please?

Heath Rupp: It's Heath Rupp. I'm the owner of the car wash on Pearl Drive. This problem basically surfaced soon after we began construction, and we took some steps to address it initially. What has happened is there are, and Jim can probably speak better to this than I can, there are five inlets on the back side of this, well, their parking lot is designed to shed the water from the front of their building, down to the back of this curb and collect it and go out their drain. The problem is the grade of their parking lot, I believe, is missing the inlets. So, the water is all piling up down

here and it skips those inlets all together. By the time it hits the street, it is, when it collects on this drive it fills this drive curb to curb. I think Jim's got a pretty good report that speaks to the problem. I would say, the fact that probably nobody's made you gentlemen aware of this problem yet is because that when it does happen the traffic just naturally diverts and they start cutting through the bank parking lot, across B-dubs through Show-Me's and then back out. They just go around it. It gets several feet deep out in the street when it does happen, as it does overwhelm the public storm drains out in the street. Now, there's a storm drain located out here in front of the bank, in the street, and on the other side over by Golden Corral. We have attempted to take some remedy to this. As the water actually comes across and hits the bank, we put some speed bumps/water dams in to try to keep the water on their side, but several times when it gets deeper and it just overwhelms the whole property. If this were any business other than a car wash that wasn't designed to hold water, it would wash it away. I mean, it would be in the dining room, in the kitchen and everything else. So, you know, then what happens is it's washing out this grate in the back. We attempted to repair it a couple of times by Hinderliter Construction. I think one time we spent almost \$5,000 fixing it, and then the other time I think we spent about \$3,000 on rip rap. I think Bill said that might have not been the best thing because that kind of tries to slow the water, but, at any rate, our property is designed to handle our water. It's not designed to handle all the run off from the street and stuff and it's causing us pretty good problems. We've got a bid, I've only put it out for one bid with Naas and Sons to fix the problem that we have now, this time it's \$12,000. So, it's a reoccurring problem. We've only been there for five years and we keep having to go back and fix the same thing over and over again. I'm going to turn the mic over to Jim and he can probably speak to the details.

James Q. Morley, Sr.: My names is James Q. Morley of Morley and Associates. I've excerpted in the report part of the drainage plans that were presented to you for approval, to this Board for approval back by Home Depot originally. Home Depot has a system of storm sewers, okay, that picks up water from down here along the drive, brings it back and down the hill and into the detention basin over here. We re-checked all of their calculations, their pipe sizes are more than enough. Their pipes are more than enough, however, the problem they have is that there are, there is one inlet on Pearl Drive over here, there's an inlet in here, another one up here, and there's one down in here in the corner of their parking lot. When water is flowing two inches deep, the capacity of those inlets to take on water is only a little over two cubic feet per second. The water coming off of the parking lot in a ten year storm is twenty two cubic feet per second. The pipe capacity that they put in is over thirty cubic feet per second. They can't fill their pipe. Their problem is they didn't set up for the situation that they needed to on the sheet flow. It's sheeting off of the parking lot, the inlets are over against the curb and because it's a sheet flow arrangement all the way across here, there's no crown in the road so it doesn't pile up very deep above the inlets. So, they can't, they spent a whole lot of money on a system and the one little part of having enough inlets they didn't check it, and when they submitted the drainage plan to Bill for review back in those days they didn't include any data on the inlets. So, everything he checked was exactly correct. They just left something out, and that's what's causing the flooding on Pearl Drive. What they need to do, and I've marked on, I've taken Home Depot's map and I've got a little pink marker on the, it's like that first fold out page in there, and what I have suggested that they do is come off of this inlet in the corner right here and come across this drive with a trench drain across that drive. The next one with a trench drain, the entrance off of Pearl Drive take a trench drain across there, out of those existing inlet boxes so they don't have to run any new pipe, just the trench drains. Then, there's one over here and then one up here, and if you'll catch those five

crossings I think that will essentially come very close to solving the problem. They just missed it and never thought about the inlets at the time they put this plan together. You can see from the photos that he took, you've got some really serious flooding out on Pearl Drive. It's washing the bank out behind Fifth Third's branch bank here. They've tried to put a little bit of erosion control on it, it's taking the bank out behind it, but it's really washing worse behind Heath's car wash here, coming down that bank. It's just really washed it out very badly. The problem is he can't solve the problem there, I mean, the county has a problem with Pearl Drive with all of that water in there and the traffic on it. So, if, and, obviously, as the landowner down here he doesn't really have any control over Home Depot. So, somehow we need to get back to the problem. The problem's at Home Depot, not a terribly expensive fix, you know, somewhere in the range of \$30,000, and really that's not very much in relation to how big the problem is and how reasonably simple the solution is.

President Winnecke: Okay.

Commissioner Tornatta: Bill, is this a situation where we would need to send, or instruct you to send a letter to Home Depot? Or, do we pay a visit? What are your thoughts?

Bill Jeffers: Well, I believe it behooves the Drainage Board to notify Home Depot of a problem that was brought to our attention, particularly since it affects our roadway, Pearl Drive, but even more so because you have a car wash that's zoned commercial and if the car wash were to sell and someone else wanted to locate a business there that met the requirements for C-4, as Heath pointed out they couldn't put an office building there.

Commissioner Tornatta: Uh-huh.

Bill Jeffers: Because the only reason he can operate a car wash there is because it's a car wash. So, water running through there a foot, foot and a half deep passes on through, but it wouldn't pass through with an office building there.

Commissioner Tornatta: How would you like to, would you like us to draft a letter, you draft a letter? Then, send that to that particular location, or do we need to send it to corporate?

Heath Rupp: We've got--

President Winnecke: Step up to the mic, would you please?

Heath Rupp: I've already retained Mark Fine to, you know, try to submit what Jim had done to Home Depot. Their additional response was a favorable one, we want to be good neighbors, get a price to how much it is to fix it as it was. You know, the pipe is big enough, they just need to basically expand their drain a little bit. They came back and gave them a price, and then they came back and said, oh, no, it's not our, you know, we don't, all of a sudden we don't want to be a good neighbor. You know, so, as he pointed out it's an expensive fix but for the size and the scope of the problem, it's really not that expensive. So, as of this afternoon we were going to re-submit a little more detailed thing showing exactly where it was going to be. So, if you guys would show some of your support and maybe draft a letter and stuff that maybe Mark could forward, we could all put a little more pressure on them here



locally and they could send it off to wherever Home Depot's, Mark's contact at Home Depot was and we could, that would probably go a long way.

Commissioner Tornatta: So, they own the property?

Heath Rupp: They own the property.

Commissioner Tornatta: They do? Okay.

Heath Rupp: I'm pretty sure. Is that right?

Commissioner Tornatta: Well, a lot of times they'll lease the property.

James Q. Morley, Sr.: I think that Home Depot owns this.

Commissioner Tornatta: Okay. Okay. I would make a motion to have the Surveyor help us construct a letter to send to Home Depot.

Commissioner Melcher: Second.

President Winnecke: A motion and a second for the county to draft a letter to send to Home Depot in support of Mr. Morley and Mr. Rupp's direction.

Commissioner Tornatta: This probably goes further than that. I mean, it sounds like, is it Fifth Third?

James Q. Morley, Sr.: Yeah, Fifth Third.

Commissioner Tornatta: Fifth Third has a pretty big problem.

President Winnecke: I'll look into that.

Commissioner Tornatta: Yeah.

Heath Rupp: Thank you.

President Winnecke: I was unaware of it till tonight.

Bill Jeffers: Mike Wathen and I have been there on a few occasions—

President Winnecke: I'm sure someone is, but I'm not.

Bill Jeffers: —and we confirm, we both confirmed the extent of the damage, and it's very extensive and expensive what has already been expended by Mr. Rupp. Each time he does it it's just going to get washed out if nothing's done on Home Depot's property.

President Winnecke: Okay, we have a motion and a second. Further discussion or questions? All in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Okay.

Ted C. Ziemer, Jr.: On that letter, show a copy going to the County Attorney.

Bill Jeffers: And you're not associated with Fine in any way?

Ted C. Ziemer, Jr.: I'm not. I am absolutely not.

Bill Jeffers: Okay, that's a good thing because I didn't want to cause a conflict. I didn't know. Okay, will do.

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

Bill Jeffers: Paying claims for ditch maintenance. It's that time of year. I have a huge folder full of ditch maintenance claims from all types of contractors, mowing, spraying, what have you, and you may want to take those and have them, and authorize Madelyn Grayson to stamp those. They are all in order.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: A motion and a second. Questions or discussion? All in favor say aye.

All Commissioners: Aye.

President Winnecke: Opposed?

**(Motion approved 3-0)**

President Winnecke: Okay.

#### **Public Comment**

Bill Jeffers: I had down here that I was going to make some comments tonight, and I don't think it will run you over on another half hour of paid time. So, if you have some paperwork to do, I just wanted to say regarding the petition from the League of Women Voters, and before I say anything, I am not in any way against improving government efficiency or government effectiveness. Not in any way, so long as it doesn't result in the reduction of quality of public service to the taxpayers. I'm not against any form of government reform, whether it's consolidation or any other type of government reform, so long as the resulting structure doesn't end up lessening public accountability of the elected office holders. However, I have watched this process since the late 90's when the State Chamber of Commerce sent out its model of government reform, and pretty much that model has been refined, or followed pretty closely by the Shepard-Kernan proposals. What concerns me, first of all, is the characterization of county government as horse and buggy. I take offense at that, because, yes, our founding fathers rode around in horses and buggies, that's true, they did. But, they, but our form of government is based upon the Northwest Ordinance, which is based directly upon the U.S. Constitution, which sets up a

system of government of elected office holders, each of whom have sworn to uphold the Constitution. What's being called for by many of these, well, by most of these plans to reform government, is setting up a system of government where you have one elected office holder at the top and under him, or under him or her, in a linear arrangement you have just a stack of appointed bureaucrats. None elected, I mean, that's pretty much the way the Shepard-Kernan model is, and the Chamber of Commerce State model. They call us horse and buggy, I call that pretty much horse and chariot, you know, where you have Caesar and his Centurions running the government, with no accountability. So, I just want to say that, because, for example, and the reason I'm saying it here at this meeting is that they want to replace the County Surveyor, under the Chamber of Commerce model, they want to replace the County Surveyor and his entire staff with a Drainage Manager out at the County Garage. One single Drainage Manager at the County Garage. That just wipes out an entire set of statutes that you operate under as the County Drainage Board. Wipes out an entire set of responsibilities that the County Surveyor demonstrated in a very short meeting tonight, just a sampling of what we do, which cannot be done by the County Garage, because most of what we are addressing in this meeting is outside of county right-of-way. It's out on private property, it's covered by State statutes. So, when considering the make up of the committee, I would really, seriously would like for you to consider elected office holders, maybe not on the committee, but being represented in thought by what we do, which is we're elected, we respond directly to the people. We don't answer to a boss, the people are our boss. You have the County Auditor who answers to the people, and sitting in an office next to him is the County Treasurer who answers to the people. You don't have an appointed Controller like you would under consolidation who answers to one person and is kind of shielded from the public, and to my knowledge has never taken that oath of office where he or she raises his or her hand and says I swear to uphold the Constitution. I swear to uphold the laws of the State of Indiana. So, just, I want that to be taken into consideration, if possible. There were some other comments made earlier this evening in your other meeting, but I really don't want to get into a combative or adversarial position. I will say that a gentleman who was sitting here in the audience, Dr. Fisher, took a great deal of his time to closely examine each of the offices in this building, and the plan that they ended up putting together was not so bad. I mean, it kind of fell by the wayside. So, when Roberta Heiman says that there are other plans that were, at least partially, or almost completely formulated, that's true. There were some that came pretty close to ending up with a representative form of government. I just leave you with two more examples, an elected primary law enforcement officer as opposed to an appointed chief. Something that came before you tonight, really the jewel, the crowning jewel of Vanderburgh County, Burdette Park, I can't imagine what might happen to Burdette Park if it was just thrown into a system of Parks and Recreation that promised us back in the early 80's that they would be....there is a county-wide parks district, taxing district, and they promised us we would have county-wide satellite parks. That was 25 or 30 years ago. I didn't even start working, I was still working for the city when that happened, 1981 I believe it was. I haven't seen satellite park number one, except for Price Park which was paid for by the casino to replace the park that they occupied down here on the river. So, I just want to throw that out there for your consideration. I am a firm believer and supporter of county government. I hope that the system, I know we're going to go for some reform, and I hope that the system that we end up with is a representative system where people that come up here to this podium at Drainage Board's and County Commissioners meetings and walk into Bill Fluty's office or Rick Davis' office or any other of the elected offices down here get the kind of response that they deserve, the kind of response that they've been

paying for with their tax dollars. I appreciate the opportunity for me to soap box on that. Thank you.

President Winnecke: Thanks, Bill. I do have one sort of question/comment in regards to our January 5<sup>th</sup> meeting and this topic and the Drainage Board. It would probably be wise to not schedule a Drainage Board meeting for that night because it could be a pretty lengthy meeting, assuming we have a large crowd to come out and speak to it.

Bill Jeffers: I will be here and I'll probably make some of the same comments.

President Winnecke: That's fine.

Bill Jeffers: I might refine my comments.

President Winnecke: That's fine.

Bill Jeffers: But I'll be here.

President Winnecke: I'm thinking in terms of the Drainage Board.

Bill Jeffers: No, I agree. I think you should, well, can you, you can re-organize Drainage Board in your County Commissioners meeting of the first? So, you don't have to have Drainage Board to re-organize, right? So, you can satisfy the statutory requirement—

President Winnecke: Right.

Bill Jeffers: —to re-organize the Drainage Board in your Commissioners meeting.

President Winnecke: Right. Thanks.

Bill Jeffers: Okay.

President Winnecke: Thanks, Bill.

Bill Jeffers: Yes, sir.

President Winnecke: Any other public comment to come before the Drainage Board? I would entertain a motion to adjourn.

Commissioner Tornatta: So moved.

Commissioner Melcher: Second.

President Winnecke: We are adjourned.

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

**Those in Attendance:**

Lloyd Winnecke

Bill Fluty

Madelyn Grayson

Others Unidentified

Troy Tornatta

Ted C. Ziemer, Jr.

James Q. Morley, Sr.

Members of Media

Stephen Melcher

Bill Jeffers

Heath Rupp

**VANDERBURGH COUNTY  
DRAINAGE BOARD**

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**Lloyd Winnecke, President**

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**Troy Tornatta, Vice President**

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**Stephen Melcher, Member**

(Recorded and transcribed by Madelyn Grayson.)