

**VANDERBURGH COUNTY
DRAINAGE BOARD
EMERGENCY MEETING
MAY 12, 2020**

The Vanderburgh County Drainage Board met in emergency session this 12th day of May, 2020 at 10:39 a.m. in Room B,C of the Old National Events Plaza with President Cheryl Musgrave presiding.

Reconvening of Meeting

President Musgrave: I will call to order the Drainage Board meeting of May 12, 2020.

**Granting of Additional Emergency Powers to County Surveyor
Regarding Regulated/Legal Drains**

President Musgrave: And, I ask Surveyor Jeffers...no—

Jeff Mueller: Wrong Surveyor.

President Musgrave: --Mueller. (Inaudible. Conference call participants leaving the meeting audio overriding onsite participants comments.) on the agenda.

Jeff Mueller: (Inaudible. Conference call participants leaving the meeting audio overriding onsite participants comments.). You had granted certain powers to me previously. When we go through the Surveyor's (Inaudible. Conference call participants leaving the meeting audio overriding onsite participants comments.) two things, one, Aldi is wanting to obtain a parking lot on the east side, which is right next to Crawford Brandeis. We also have Vectren who needs to do some work, and I'm sure some other things. So, in that regards, as you are aware, there is an application to do certain things within legal drains. That application includes connecting or discharging into a legal drain, to permanently encroach, or to connect to do certain maintenance along there. There's also the issue to permanently (Inaudible) their relaxation. I'm not asking for that, because I do think that needs to go through a public meeting. So, with that, what I'm getting ready to ask is the following, and I'm going to read this into the record. Is that okay?

President Musgrave: How long is it?

Jeff Mueller: Okay, half a page.

President Musgrave: Okay.

Jeff Mueller: At the Vanderburgh County Drainage Board meeting on March 24, 2020, the Vanderburgh County Drainage Board ("Board") granted to the Vanderburgh County Surveyor ("Surveyor") certain emergency powers. As the effect of the COVID-19 Pandemic are continuing for a period longer than originally foreseen, the Board is hereby granting additional emergency powers to the Surveyor in regards to regulated drains. Those specific additional powers relate to the approval of certain requests regarding activities within the right-of-entry of a regulated drain and the regulated drain itself. Specifically, through an application process previously approved by the Board, a party may request by application the following:

- **To connect or disconnect to a Legal Drain**: to connect by open channel, tile or storm sewer to an open or enclosed regulated drain.
- **Permanently Encroach (including underground crossing)**: to permanently encroach upon the right-of-way of a regulated drain for the purpose of construction of a parking lot, sign, access drive, road or other structure, or to cross the right-of-way of a regulated drain with a utility (either underground or above ground).
- **Connect/Discharge to Legal Drain**: provide notice of work that is in conjunction with maintenance/construction work of an existing road and/or

bridge or other work that is to be temporarily performed within a right-of-way of a regulated drain.

Jeff Mueller: The Surveyor shall be granted additional powers to approve such applications provided that applications of similar standards have been previously approved by the Board. The powers are hereby granted on an emergency basis till such time that they are revoked or expire. Copies of the applications with the signed approval of the Surveyor shall be forwarded to the Recording Secretary of the Board for inclusion in future Board meeting minutes, so as to establish permanent record. Furthermore, it is understood that within the Board's rights, parties may request Permanent Relaxation of a Regulated Drain Right-of-Entry. For the purpose of the declaration of emergency powers, the power to permanently relax the Right-of-Entry shall remain with the Board, and shall not be included as part of the emergency powers granted to the Surveyor. Attorney, County Attorney, Mr. Emig approved this, made a few changes, I sent it all out to you, so.

President Musgrave: Do you need a motion to approve that?

Jeff Mueller: I just need a motion to approve it.

President Musgrave: Is there a motion?

Commissioner Hatfield: So moved.

President Musgrave: Second?

Commissioner Shoulders: Second.

President Musgrave: We have a motion and a second. All those in favor, please say aye.

Commissioner Shoulders: Aye.

Commissioner Hatfield: Aye.

President Musgrave: Or, Madelyn, do we need a roll call?

Madelyn Grayson: Yes.

President Musgrave: Please call the roll.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Hatfield?

Commissioner Hatfield: Yes.

Madelyn Grayson: President Musgrave?

President Musgrave: Yes.

(Motion approved 3-0)

Jeff Mueller: I do appreciate that, because I know Aldi is wanting to get started.

President Musgrave: Okay.

Jeff Mueller: So, I'll be signing off on their application today.

President Musgrave: And, thank you for handling the business throughout this emergency declaration. Is there anything else that you need?

Jeff Mueller: No, that's it. Things are going a little bit slow, but—

Recessing of Meeting

President Musgrave: Okay, and, I believe in this Board we have a motion to adjourn, but I'm not entirely positive.

Commissioner Hatfield: I'll just make a motion to recess.

President Musgrave: Okay.

Commissioner Shoulders: I will second the motion.

President Musgrave: We have a motion and a second. Madelyn?

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes, and I want to thank Jeff again for his work through all of this.

Commissioner Hatfield: Yeah, good job, Jeff.

Madelyn Grayson: Commissioner Hatfield?

Commissioner Hatfield: Yes.

Madelyn Grayson: President Musgrave?

President Musgrave: Yes.

(Motion approved 3-0)

(The meeting was recessed at 10:43 a.m.)

Those in Attendance:

Cheryl Musgrave

Jeff Mueller

Others Unidentified

Ben Shoulders

Craig Emig

Members of Media

Jeff Hatfield

Madelyn Grayson

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Cheryl Musgrave, President

Ben Shoulders, Vice President

Jeff Hatfield, Member

(Recorded and transcribed by Madelyn Grayson.)