

**VANDERBURGH COUNTY
DRAINAGE BOARD
OCTOBER 27, 2020**

The Vanderburgh County Drainage Board met in session this 27th day of October, 2020 at 3:30 p.m. in Exhibit Hall A of the Old National Events Plaza with President Cheryl Musgrave presiding.

Call to Order

President Musgrave: I want to call to order the October 27, 2020 meeting of the Vanderburgh County Drainage Board.

Pledge of Allegiance

President Musgrave: If you will all please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of the October 13, 2020 Drainage Board Meeting Minutes

President Musgrave: Is there a motion to approve the minutes of the previous meeting?

Commissioner Hatfield: So moved.

Commissioner Shoulders: Second.

President Musgrave: We have a motion and a second. Madelyn, 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)

Heckel Commercial 2 Minor Drainage Plan

President Musgrave: We move now to the Heckel Commercial 2 minor drainage plan.

Jeff Mueller: What you have here is the Heckel Road Commercial Sub, the major sub, it's at the corner of Heckel and Green River. It's just south of the soccer fields. There is a car wash there right now, but the rest of it's empty. They were doing some lot line adjustments, so they're creating a minor sub there. The sub that's currently there, the overall major sub, it has a retention pond, it has the piping, it has the swales, it's all been put in, the bond has all been released on it. So, all that this is, is kind of a dot "i" cross "t" letter, making sure that the minor, which is inside the major, they already, we're saying their drainage plan is already approved, but it's a piece of paper saying that so that the minor is officially approved, I guess, for lack....does that make sense what I'm saying?

President Musgrave: Yeah. Could you do me a favor though and pull the microphone closer to your mouth.

Jeff Mueller: Does that help a little?

President Musgrave: That's a little bit helpful, but it's still—

Jeff Mueller: A little better.

President Musgrave: That's a lot better. Thank you.

Jeff Mueller: Alright. Okay, so.

President Musgrave: Did you need to have this incorporated into the minutes as if read?

Jeff Mueller: That's the, is that the, that's the next one.

President Musgrave: That's the next one? Thank you. Alright, do you need a motion then on this minor?

Jeff Mueller: Yes, please.

President Musgrave: Is there a motion to approve the Heckel Commercial 2 Minor drainage plan?

Commissioner Shoulders: So moved.

Commissioner Hatfield: Second.

President Musgrave: We have a motion and a second. Madelyn, please call the roll.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Hatfield?

Commissioner Hatfield: Yes.

Madelyn Grayson: President Musgrave?

President Musgrave: I'm also a yes.

(Motion approved 3-0)

11901 Petersburg Road: Final Drainage Plan

President Musgrave: We move now to 11901 Petersburg Road final drainage plan.

Jeff Mueller: Okay, on this, this is what, this is the property that you just rezoned in the Commissioners meeting. It was mainly reviewed, and then I checked it, by Jacob Timmons in my office, who is going to be taking on a bigger role as I move ahead, and I'm assuming Linda becomes County Surveyor, since she's unopposed. So, with that in mind, I'm going to let Jacob actually present this to you, get his feet wet a little bit, and I'll be back here in case there's any further questions. But, we're going to kind of try to break in some people for you. Okay?

President Musgrave: Okay.

Commissioner Hatfield: Sure.

President Musgrave: Welcome, Jacob Timmons.

Jacob Timmons: Good afternoon, Commissioners. As Jeff said, I am Jacob Timmons with the Vanderburgh County Surveyor's Office. So, we have a final drainage plan for 11901 Petersburg Road. And, this is for the construction of a new gas station and market at the northeast corner of the intersection of Boonville-New Harmony and Petersburg Roads. The station will replace an existing facility at the location, and be located behind the facility on a much larger footprint. The developer intends to keep the existing facility open through the construction of the new building, and the final plan is to construct a detention facility where the pumps and parking lot are located at on the existing location. This will feature a base construction that will also have two temporary detention ponds constructed until such time as the new building and lot are constructed and the old building demolished and gas tanks removed. A summary of the plan is included in your packet, and rather than read this information, it is requested that this information be included into the minutes as if read.

The following was submitted by the County Surveyor's Office.

“New Convenience Store-Final Drainage Plan: The final drainage plan was submitted on August 27th, 2020 with revisions submitted on October 13th, 2020, October 16th, 2020, and October 23rd, 2020. The plan that is requested to be approved consists of the submitted document and revisions on the respective submitted dates along with the following drawings. Drawings submitted October 23rd, 2020: C102-A, C102-B, C503-A and C503-B.”

Jacob Timmons: A copy of the review has also been submitted in your packet, and it's requested that the review document also be made part of the approved final drainage plan record. The final drainage plan was reviewed by the County Surveyor's Office and found to be in compliance with those provisions of the Vanderburgh County drainage code relevant to this project and summarized in the review document, and is therefore being submitted to the Drainage Board for approval under Section 13.04.090. I would also like to point out that in the phased drainage plan description, which you have in your packet and the third from the bottom paragraph, there's a statement that we require, which I would like to read into the record. “All temporary drainage features shall remain in place until such time that all permanent drainage facilities have been installed, inspected and as-built or certifications have been submitted.” This statement ensures that at all times detention, either through temporary or permanent basins, will be in place. Two variances, which are in the description that I just referred to are being requested for this project as well. Those variances are, first, for the temporary basins that the Board not require a concrete ribbon liner. As the basins are temporary, approximately six to nine months, I have no issue with the Board granting this variance. Second, the engineer on the project, Morley, has utilized a culvert hydraulic spreadsheet that was developed by the Urban Drainage and Flood Control District of Denver, Colorado for some of their culvert calculations. And, after a rough review, it is found that the calculations appear to be correct, and we have no issues with those at this time. In addition to the two variances, we are also requesting that one condition be attached to the approval, that being, as with all single lot drainage plans, that as a matter of record that prior to the County Surveyor signing off on any certificate of occupancy that the owner or developer provide the required as-built or record drawings or certification document, as required by the code. So, I would ask that you guys approve that.

President Musgrave: So, you're asking for a motion that recognizes the two variances and one condition, and that this document be included in the record as if read?

Jacob Timmons: That is correct, yes.

President Musgrave: Commissioners, is there a motion?

Commissioner Hatfield: I'll make a motion.

Commissioner Shoulders: I will second that.

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

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)

Jacob Timmons: Okay, thank you.

Commissioner Hatfield: Thank you.

President Musgrave: Thank you.

Notice of Intent for Construction of Lakes

President Musgrave: We move to notice of intent for construction of lakes.

Jeff Mueller: I feel like the umpire has to get up here and clean the base off before the batter comes up.

Commissioner Hatfield: Yeah.

Jeff Mueller: Alright, next is the notice of intent for construction of lakes. We had a discussion on this at the last meeting. I've given you a new form, which essentially does a couple things; one is, as you can see, that the address for where the form goes, and second is that on the back part where we were talking about different agencies might be required, that we have footnoted and put those agencies in there, so that people would know what agencies they might be dealing with. So, with that, I know we can chew on this form some more, or if you're all good about it, then, I guess, the next question would be, how would we formally institute this. If it would be a change in the drainage code that would require this, or in some other ordinance, or how would we move about enacting this? If you're good with it.

President Musgrave: Let's take this in two steps. Commissioner Hatfield, I know that you worked on this concept. Would you like to approve the form first, and then discuss whether or not it's going to be mandatory? Or would you like to discuss it all in one go?

Commissioner Hatfield: You know, the purpose of this is to assist people from making mistakes that could impact people downstream or upstream from a lake they may want to build. I don't know how often lakes are built in our county. I mean, it's almost impossible to know. You know, I don't want people to be bogged down in, you know, the bureaucracy of this. But, you know, we've had issues this year, Jeff, and people have been impacted in a negative way on their property, by people not stopping and thinking about what they're doing, and how it may affect other landowners up or downstream from the lake that they're building. You know, I think that, I think it should be required without penalty. I don't know if that is, you know, going to encourage people to do the right thing, but I'm open to discussion for that. I definitely believe that people, the word about this should get to every excavating company in the area.

President Musgrave: So, are you going to suggest that this be mailed to every excavating company?

Commissioner Hatfield: I definitely think it should be. I think they're the ones that are going to be building these lakes.

Jeff Mueller: I mean, we could, first of all notify SIBA, and then second of all, we can, we know pretty much, we've got a pretty good handle of the number of excavating companies. It's not going to be like a couple hundred, I mean, it's going to be a reasonable amount.

Commissioner Hatfield: Right.

Jeff Mueller: And, I agree, it's not our goal to say, whoops, you didn't fill the form out, write a check for a hundred dollars.

Commissioner Hatfield: No.

Jeff Mueller: The idea is to help people.

Commissioner Hatfield: Yeah.

Jeff Mueller: And to help the county, but to help people, I mean, ten years from now it may become more mandatory and you may do that kind of stuff. But, right now, the idea is to, you know, we get calls, we want people to be able to refer them, this is the referral mechanism. Fill this form out, it will help you. And, you know, we are trying to help people, we are trying to keep them out of trouble, and I'm on public record, but we also want to keep certain agencies out of this county by seeing that, you know, the more violations

that these different agencies see, the more times they come in and kick around, you know, kick the can around. So, if we can keep our nose clean, it's going to help everybody, no matter what goes on.

Commissioner Hatfield: Yeah.

Jeff Mueller: So, I would like to see this form go out, and I don't have a problem, our office will create a mailing list and send it out. I'm volunteering to do that. We'll put it on our website then, you know, too, and, you know, I think this will go a long way to helping some folks. If we can keep one person out of trouble, it will be worth it.

Commissioner Hatfield: So, let's kind of talk through the process. Alright, you send these to excavating companies, we make it well known that this form needs to be filled out if you want to build a lake. They start filling it out, and so, what would happen, in your view, if some of the answers triggered more questions that you might have. What would then happen?

Jeff Mueller: We would say, did you realize that on page two you marked a couple questions that may require a permit, and it's our recommendation that you either approach the agency, or that you hire a professional to get you through this. Or you relook at your lake proposal. Instead of building the dam 20 feet high, you build it 15 feet high. Instead of doing this, you do that so that some of the yes' become no's and you get yourself out of that regulatory issue. But, it would all be recommendations, that's all we would do.

Commissioner Hatfield: Yeah, and, so what you're doing, you're an information center?

Commissioner Hatfield: So, you're telling this homeowner, or this excavating company that, hey, you've checked off a few things that have created some red flags. You can do what you want, you can go build your lake, but I'm telling you, if you do it the way you're saying you're going to do it without reaching out to the other governing agencies up north, and you do it and it causes trouble and a property owner complains, then you're most likely going to get fined by the State?

Jeff Mueller: Yes.

Commissioner Hatfield: Yeah.

Jeff Mueller: Yeah, but that's all we're doing. We're not going to contact the agencies for them.

Commissioner Hatfield: Yeah.

Jeff Mueller: I don't intend to contact the agencies. Of course, I won't be here anyway, but I don't, I think it's the idea of, again, trying to be a resource for people.

Commissioner Hatfield: Right, this reminds me of, in construction, you have OSHA, or IOSHA, Indiana Occupational Safety & Health Administration, but they also have a toll free number you can call, a construction company, and have them do a friendly site visit, to mark up your site, to tell you where you're deficient and, with no fines, and then it's up to you to rectify it. Odds are you're going to get an inspection after you do that, but it is a way for contractors to just see how in compliance they are, and this kind of reminds me of that.

Jeff Mueller: That's good. I worked under MSHA and we didn't have that.

Commissioner Hatfield: Well, they have a toll-free number.

Jeff Mueller: No, I mean, but MSHA's a lot different agency.

Commissioner Hatfield: Right.

Jeff Mueller: So, that's great that you were, that you have that ability to do that.

Commissioner Hatfield: Yeah, and this is kind of that way, you know, it, drainage is one of two things we get complaints about, right? Drainage and bad roads.

President Musgrave: Yeah.

Commissioner Hatfield: And, this could help.

President Musgrave: I would like to see us soft launch it. I would like to see us not require it by ordinance or anything else for a period of time.

Commissioner Hatfield: Right.

President Musgrave: As we see what happens when this goes out there.

Commissioner Hatfield: Yeah.

President Musgrave: So, perhaps you could try that as your motion.

Commissioner Hatfield: Yeah, okay, I'll make a motion that we just try this for a six month to a year, let's say a year.

President Musgrave: Okay.

Commissioner Hatfield: Not necessarily with the intention of, you know, adding fines in a year, but let's just see how this goes.

President Musgrave: Alright.

Commissioner Hatfield: And, how often it becomes helpful to people, and I'm sure your office will give us feedback next spring or next fall.

Jeff Mueller: Well, I think what could happen is, you know, in six months or a year, Linda can come in here with a, you know, we had ten of these filled out, and you know seven of them were good and three of them people looked into the issues a little bit farther, you know.

Commissioner Hatfield: Yeah.

Jeff Mueller: And, I think that's what we're after.

Commissioner Hatfield: Right.

Jeff Mueller: If I understood you, Commissioner Musgrave, you said we weren't going to require it, we would just send out like a letter saying here is a form that we are requesting that you fill out before you construct any lakes. It's here and it's available electronically on our website and we ask that you fill it out, there's no requirement, and there's no fee to fill it out, and it's just for informational purposes at this time.

President Musgrave: Alright, and make it so that they can send it to you by email anytime.

Jeff Mueller: We've got the email addresses on there.

President Musgrave: Perfect. So, we have a motion. Is there a second.

Commissioner Shoulders: Yeah, I will second that. I like that approach a lot, Commissioner Hatfield. I'll second the motion.

President Musgrave: We have a motion and a second. Madelyn, would you please call the roll?

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Hatfield?

Commissioner Hatfield: Yes.

Madelyn Grayson: President Musgrave?

President Musgrave: I'm a yes as well.

(Motion approved 3-0)

President Musgrave: And, I look forward to the feedback.

Jeff Mueller: Okay, good.

Koressel Road Drainage Issue/Parcelization Drainage Plans

President Musgrave: We move to the Koressel Road drainage issue, the parcelization drainage plans.

Jeff Mueller: We, as you know, we had response back from one of them. We've sent the letter to the second person that was involved in a different site, the Willett's. We have not seen a green card back. We did send it both certified mail and regular mail. So, I don't know if they actually got it or not, because we don't have proof of it. A lot of people don't like to go to the Post Office and pick up their green card mail, as I understand. But, so, John and I will get together on this second site and give you a suggestion of maybe what we should do next on that particular site. Okay? But, on the first one, we actually did get a submittal on the Curt Begle or Beagle site, and we're looking through that one right now, but he's made some proposals to make some changes in his piping and stuff. Great cooperation from him so far.

President Musgrave: Okay, good.

Jeff Mueller: Okay.

Review of Approved Ditch Maintenance Claims

President Musgrave: We're going to take these next items out of order, because Commissioner Hatfield has a conflict on Hunter Chase. So, are there claims to be reviewed?

Jeff Mueller: Yeah, you have a summary sheet for, under the emergency powers, I have approved eight claims for a total of \$23,339.25. All claims were for work previously approved by this Board. Of those eight claims, there was one claim which made up the majority of that, \$21,918.95. That was for the work we did on Pond Flat. That work's been completed. As we've been doing for the last, I don't know, seven or eight years, we've been going, starting at the very northwest part of the county, at Pond Flat, which is way up by, where the gas station is, what is that Moto Mart at 65?

Commissioner Hatfield: Uh-huh.

Jeff Mueller: Pond Flat essentially leaves the county in that general area. We've started up there. We've been working our way down, gradually pulling the slopes back, widening the channel and stabilizing it. So, this was another piece of that work. It did require a DNR permit that we submitted and got approved this year. The work's been done. Probably kind of emptied the till on that particular drain until two years from now. It takes, we like the money to build up that we can do a big chunk. So anyway, got a nice chunk done this year.

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

Commissioner Hatfield: I'll make a motion.

Commissioner Shoulders: I'll second that motion.

President Musgrave: We have a motion and a second. Madelyn, please call the roll.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Hatfield?

Commissioner Hatfield: I'm a yes.

Madelyn Grayson: President Musgrave?

President Musgrave: And, I'm also a yes.

(Motion approved 3-0)

Other Business

President Musgrave: Is there any other business to come before the Board?

Public Comment

President Musgrave: Is there any public comment to come before the Board?

Hunter Chase

Commissioner Hatfield: I'm leaving the meeting now.

President Musgrave: Alright.

Commissioner Hatfield: Everyone have a good day.

President Musgrave: Alright, we move now to Hunter Chase.

Jeff Mueller: Okay, John Stoll and I met with the developer, Ron Dauby, Mr. Dauby's attorney, Ashley Hollen and Glen Meritt on Friday, October 23rd. I believe, Shannon is here actually, for Ashley, and, of course. Glen and Mr. Dauby are both here. So, they're all three here. We walked the site and we specifically reviewed the punch list that was dated October 2, 2020 that we previously provided to you. That's all we did. Some progress had been made, and it was my recommendation that a letter be submitted to the Board with a plan of action. That plan of action letter was received by me today. It was forwarded to you in an email, and also you have a hard copy. So, with that, there's been some progress out there, and a lot of the items that are on that letter, just require some small items. As you can see in the letter, each item was listed. Ms. Hollen did an excellent job of taking notes, and the notes that she took definitely reflect what I believe happened out there. And, John, you agree? Yeah, John agrees, he's shaking his head for the record that her notes were good. So, we're kind of, they're here if they want to address it, and I'm not sure how you want to proceed forward from this point. I'm sure other people are here to talk.

President Musgrave: Alright.

Jeff Mueller: So, unless you have questions of me, I'm going to walk away from the mic.

President Musgrave: I just want to make sure that it's well understood by everyone in this room, that the items on the letter submitted by Kahn Dees Donovan and Kahn contains all the matters that are something that the Drainage Board actually can work on. No other matter can come before this Board, with regard to Hunter Chase. This is the total, the totality of those items. Correct?

Jeff Mueller: As far as I'm concerned, yes. Now, also, I have not shared that letter with anyone else, you know, because I never do, because I always present it to you all first. I do have some copies, if anyone else would like to see it, but I have not shared that letter yet.

President Musgrave: And, this letter is laid out listing ten items on the issue, the action needed and the time line. And, the time lines for these are roughly 15 days for all of them, and they are, at this point, reseeding, various areas that need to be reseeded and a couple of spots that the swale or the outlets need to be repaired, and then some signatures that need to be obtained. These are all clean up type things, punch list type things. Would you have any other characterization of them?

Jeff Mueller: Punch list, yeah, whatever, yeah.

President Musgrave: Okay.

Jeff Mueller: Some of the items are, I mean, very small matters of either having a small track hoe to maybe even some manual labor is all it's going to take, and then, of course, the seeding is a matter of doing some aerating, seeding, maybe a little netting, depending on the slopes. I mean, I'm going to leave the seeding up to those persons that do it.

President Musgrave: Alright. Is there anyone from the developer, Hunter Chase, who would like to address the Drainage Board?

Jeff Mueller: You've got to let our umpire come up first.

Ron Dauby: Ron Dauby, Dauby Construction. I'm the developer of Hunter Chase Estates.

President Musgrave: Do you have anything to add?

Ron Dauby: No, we went over this good with Mr. Mueller and saw what we need to do, which is a small amount of stuff, but it does take some time, and especially with the weather. But, we're planning on reseeding the swales and, but we did it before, but then we had a three-inch rain that kind of washed a lot of that away.

President Musgrave: Right.

Ron Dauby: So, it needs to be done again, and that's what we're planning on doing there, to get all of those little spots cleared up.

President Musgrave: Alright. Okay, thank you very much.

Ron Dauby: Uh-huh.

President Musgrave: Is there anyone else who has anything to say on the Hunter Chase matter?

Megan Brien: Good afternoon. Megan Brien for the Hunter Chase Board of Directors, the Homeowners Association Board of Directors. I have not had the benefit of being able to review the letter, as Mr. Mueller stated before, I just had it handed to me. In general, we would just state that we agree, there's more work that needs to be done, reseeding is top priority. There does need to be some manual labor that needs to be completed, and as far as obtaining some signatures, I do have the majority of those signatures. There are two individual landowners that were unable to sign because they're in different healthcare facilities, and so we're not able to get access to them right now, and I can discuss that with Mr. Mueller. But, we would like to take the next 15 days to review this punch list, and hopefully it can be completed by that time. And, we would agree it is a punch list at this point.

President Musgrave: Alright, thank you very much.

Commissioner Shoulders: Commissioner Musgrave, do we have, when is our next meeting? Is that....when is our next meeting? Is it the first—

Madelyn Grayson: It's November 10th.

Commissioner Shoulders: The 10th? Okay. So, that's a few days after this 15 day.

President Musgrave: I see someone else standing to address the Board on Hunter Chase. It's hard to tell who people are with masks on these days.

Shannon Frank: Shannon Frank, Kahn Dees Donovan and Kahn. I do want to ask the Board, since these are punch list type items, and I know that in my conversations with Reed Schmitt, as Ms. Brien indicated, they were working on the signatures, if the fines can terminate, given the punch list type items that are left.

President Musgrave: Okay. Alright, thank you. I don't want a response to that.

Mark Miller: Thank you. I'm Mark Miller. I'm an attorney here in town. I represent Craig Kendall. I'm mostly here to introduce myself, and to let you know, as you already know, that Mr. Kendall has concerns that may or may not relate to the jurisdiction of this Drainage Board, or even the County Commissioners. I attempted to obtain a copy of the drainage plan and some information from the Surveyor's Office this morning, but was unable to do so. I know there's a lot going on, and I just, as I said, wanted to introduce myself and let the Board know that Mr. Kendall does feel he is impacted by the Board's actions and will want to be heard on this, at the appropriate time.

President Musgrave: Okay, thank you.

Mark Miller: Any questions?

Commissioner Shoulders: Mark, what kind of, just super quick, thanks for being here. What were the items you were requesting?

Mark Miller: A copy of whatever drainage plan (Inaudible. Not at microphone.) I wanted to know what had happened during the walk through. So, as I'm hearing it, there's a letter that pretty well summarizes what was happening in the walk through and that would be helpful to know that.

Commissioner Shoulders: Okay, he's—

President Musgrave: He's handing one to you right there.

Commissioner Shoulders: --right behind you.

Mark Miller: Oh, thank you.

President Musgrave: Okay.

Mark Miller: That knocks one down.

President Musgrave: Okay, alright.

Mark Miller: Thank you.

Commissioner Shoulders: Thank you, Mark.

Mark Miller: Thank you.

President Musgrave: Commissioner Shoulders, the request, the only request we have to work on, actionable today, and we don't have to take action today, is the request to end the fines. Are you of a frame of mind to make a motion on that topic?

Commissioner Shoulders: So, I'm going to lean back over to County, or ask County Surveyor Mueller, when you did the walk through, which was, I believe, the 23rd, is that what I saw here in this report? Other than punch lists and time lines, did you feel like progress has been made? And, I know that we've been working with this for quite some time, to say the least. It seems like this is kind of a broken record. So, do you feel, I wasn't there, so I'm asking you, you were the person that did the walk through, how did you feel about that?

Jeff Mueller: Well, I mean, there had been a lot done since the punch list was created for October 2nd, and there had been some things done since October 2nd. Not a lot, but I also will say that when we walked around with Mr. Dauby, I think we had an opportunity to, for him to better understand what some of the problems were, and he was like, yeah, okay, I can see that and so on and so forth. So, I'm going to say that I'm hoping that because we were there all together, that it was understood exactly what the punch list items were. Because, you know, sometimes a picture and something on the paper, that still doesn't explain it. So, I think, I don't want to speak for Mr. Dauby, I think, he's shaking his head, that he understands now exactly what we're looking for, you know, and like I said, I think we had a very good walk through. So, it's now up to him to finish, and I do know we do have Mother Nature to contend with.

Commissioner Shoulders: Yeah.

Jeff Mueller: My one suggestion would be, he said approximately 15 days, but with weather taken into account, heck, it could rain for the next two weeks, you know.

Commissioner Shoulders: Yeah.

Jeff Mueller: And, it could be sunny, so my only suggestion would be that we have something from them each day saying, you know, just working today, or raining today, as simple as that, you know. Mr. Dauby can send it to our office, Mr. Meritt or Mrs. Frank, but, you know, just something so that we know every day some activity, even if it's looking at the rain, is being done. But, I am cautiously optimistic that we come in here that November 10th and we say, we've pretty much got it. The only thing that's not going to be

got is, Mr. Dauby can make seeding and everything's done, but we know things may or may not be green.

Commissioner Shoulders: Yeah.

Jeff Mueller: We're, even in the best of weather things don't get green in two weeks.

Commissioner Shoulders: Yeah, so, thank you.

Jeff Mueller: But, I would like you to also, I don't know if Mr. Stoll has, you know, I'm speaking here, but Mr. Stoll was there too. I don't know if he's got any additional comments. He's shaking his head, so, I don't want to be putting words in anybody's mouth.

Commissioner Shoulders: Okay, so, thank you for that. President Musgrave, have we been issuing the fine for now since the 2nd, is that what I recall? When did that start, the 2nd of October?

President Musgrave: About that time.

Commissioner Shoulders: The 1st?

President Musgrave: You know, we could always consider lifting the fines in two weeks when the work is done.

Commissioner Shoulders: Yeah, I think, so, the way I look at this is, two-fold—

President Musgrave: Retroactively, is what I'm referring to.

Commissioner Shoulders: Sure. The approximate time line in this letter here is 15 days. Our next meeting is in 18 days. So, even if it rains three days, and maybe it will rain more, they still have some cushion there to hopefully get all of this stuff done here by our next meeting on November 10th. I would say, at that point, hopefully it's all corrected, barring more than three days weather, and at that point I would be very comfortable lifting the fines. But, for now—

President Musgrave: In a retroactive fashion is what you're saying?

Commissioner Shoulders: Yeah, in a retroactive fashion, correct.

President Musgrave: Alright.

Commissioner Shoulders: I would also not make a motion, but, ask Craig if he could circle back with Mr. Miller on that one off subject.

President Musgrave: But, you would like daily updates?

Commissioner Shoulders: I would like updates, please.

President Musgrave: Alright, so we want those daily updates to be emailed to the Surveyor, letting him know what has been accomplished that day, or whether there was a rain delay. Does the attorney—

Jeff Mueller: Or too wet.

President Musgrave: Do the attorney and the developer, just a motion to me that you heard and that you understand that?

Jeff Mueller: That you would (Inaudible) email saying hey, we're working today or we're working on something, or it's too wet, or it's raining, just a one-line email to that effect.

President Musgrave: Okay, and I'm getting a yes from the attorney, Shannon Frank, that that daily communication, during the weekdays will take place. Okay, so we look forward to seeing everyone back, or not.

Commissioner Shoulders: On November 10th.

President Musgrave: It would be great to not see you, because it's all done.

Commissioner Shoulders: We would love to have all of these done, all of them, by the 10th. That would be a great thing to happen.

President Musgrave: Alright. Is that all, Mr. Mueller?

Jeff Mueller: That's all I have.

President Musgrave: Okay, alright.

Jeff Mueller: I think that kills the agenda off.

President Musgrave: It does finish the agenda.

Adjournment

President Musgrave: Is there a motion to adjourn?

Commissioner Shoulders: So moved.

President Musgrave: And, I will second. We are adjourned.

(The meeting was adjourned at 4:04 p.m.)

Those in Attendance:

Cheryl Musgrave
Jeff Mueller
Jacob Timmons
Shannon Frank
Members of Media

Ben Shoulders
Craig Emig
Ron Dauby
Mark Miller

Jeff Hatfield
Madelyn Grayson
Megan Brien
Others Unidentified

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Cheryl Musgrave, President

Ben Shoulders, Vice President

Jeff Hatfield, Member

(Recorded and transcribed by Madelyn Grayson.)